

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	07/23/2014	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 9/5/2014

2. COMAR Codification

Title Subtitle Chapter Regulation

10 29 03 04

3. Name of Promulgating Authority

Department of Health and Mental Hygiene

4. Name of Regulations Coordinator

Michele Phinney

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410-767-5623

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5. Name of Person to Call About this Document

Kristen Neville

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6. Check applicable items:

- New Regulations
 - Amendments to Existing Regulations
 - Date when existing text was downloaded from COMAR online: July 7, 2014.
 - Repeal of Existing Regulations
 - Recodification
 - Incorporation by Reference of Documents Requiring DSD Approval
 - Reproposal of Substantively Different Text:
 - : Md. R
 - (vol.) (issue) (page nos) (date)
- Under Maryland Register docket no.: --P.

7. Is there emergency text which is identical to this proposal:

- Yes No

8. Incorporation by Reference

Check if applicable: Incorporation by Reference (IBR) approval form(s) attached and 18 copies of documents proposed for incorporation submitted to DSD. (Submit 18 paper copies of IBR document to DSD and one copy to AELR.)

9. Public Body - Open Meeting

- OPTIONAL - If promulgating authority is a public body, check to include a sentence in the Notice of Proposed Action that proposed action was considered at an open meeting held pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.
- OPTIONAL - If promulgating authority is a public body, check to include a paragraph that final action will be considered at an open meeting.

10. Children's Environmental Health and Protection

Check if the system should send a copy of the proposal to the Children's Environmental Health and Protection Advisory Council.

11. Certificate of Authorized Officer

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by Richard Bloom, Assistant Attorney General, (telephone #410-767-6935) on July 10, 2014. A written copy of the approval is on file at this agency.

Name of Authorized Officer

Joshua M. Sharfstein, M.D.

Title

Secretary

Telephone No.

410-767-6500

Date

July 23, 2014

Title 10
DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 29 BOARD OF MORTICIANS AND FUNERAL DIRECTORS

10.29.03 Inspection of Funeral Establishments and Funeral Service Businesses

Authority: Health Occupations Article, §§7-101, 7-205, and 7-310, Annotated Code of Maryland

Notice of Proposed Action

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The Secretary of Health and Mental Hygiene proposes to amend Regulation .04 under COMAR 10.29.03 Inspection of Funeral Establishments and Funeral Service Businesses.

This action was considered This action was considered at a public meeting on June 11, 2014, notice of which was given on the Board's website <http://dhmh.maryland.gov/bom/SitePages/mtgdates.aspx>, pursuant to State Government Article, §10-506(c)(1), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to :

- (1) Provide that a specific exhaust system is the minimum standard for holding rooms in funeral establishments where embalming does not take place; and
- (2) Clarify that floor drainage is not required in the holding room of a funeral establishment where embalming does not take place.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact.

This proposal does not require licensed funeral establishments where embalming does not take place to install a floor drain in their holding rooms. Also, it changes the standard for ventilation in a holding room from the OSHA standard, provided no embalming takes place.

II. Types of Economic Impact.

Revenue (R+/R-)

Expenditure (E+/E-) Magnitude

A. On issuing agency:

NONE

- B. On other State agencies: NONE
 C. On local governments: NONE

	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	(+)	Indeterminable
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

D. The proposed provisions should reduce costs for certain funeral establishments; however, the exact amount cannot be quantified.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499; TTY:800-735-2258, or email to dhmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through October 6, 2014. A public hearing has not been scheduled.

Economic Impact Statement Part C

- A. Fiscal Year in which regulations will become effective: FY 2015
- B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?
- C. If 'yes', state whether general, special (exact name), or federal funds will be used:
- D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

E. If these regulations have no economic impact under Part A, indicate reason briefly:

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

This proposal does not require licensed funeral establishments where embalming does not take place to install a floor drain in their holding rooms. Also, it changes the standard for ventilation in a holding room from the OSHA standard, provided no embalming takes place. Both provisions should reduce costs for certain funeral establishments.

G. Small Business Worksheet:

Attached Document:

Title 10
DEPARTMENT OF HEALTH AND MENTAL
HYGIENE
Subtitle 29 BOARD OF MORTICIANS AND FUNERAL DIRECTORS
10.29.03 Inspection of Funeral Establishments and Funeral Service Businesses

Authority: Health Occupations Article, §§7-101, 7-205, and 7-310, Annotated Code of Maryland

10.29.03 (downloaded July 7, 2014)

.04 Inspection by the Board of Morticians.

A.—D. (text unchanged)

E. Standards for Inspection of Licensed Funeral Establishments.

(1) (text unchanged)

(2) Holding Room. If arterial or cavity injection will not take place at the funeral establishment, the funeral establishment shall maintain on the premises a holding room which shall be adequately equipped for the holding of dead human bodies which shall be kept in a clean and sanitary manner and used exclusively for the holding and storage of dead human bodies. The minimal requirements for the holding room shall be as follows:

(a)—(c) (text unchanged)

(d) [The ventilation shall be in accordance with current Occupational Safety and Health Administration (OSHA) regulations] *An exhaust system whereby gases would be drawn to outside air shall be the minimum standard for holding rooms in funeral establishments where embalming does not take place;*

(e)—(f) (text unchanged)

(3) (text unchanged)

(4) Water Supply.

(a)—(b) (text unchanged)

(c) [Each establishment with a holding room or preparation room shall have floor drainage] *Floor drainage is not required in the holding room of a funeral establishment where embalming does not take place.*

(5)—(8) (text unchanged)

F. (text unchanged)

JOSHUA M. SHARFSTEIN, M.D.

Secretary of Health and Mental Hygiene