

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulation
Department of Health and Mental Hygiene
(DLS Control No. 16-098)**

Overview and Legal and Fiscal Impact

The regulation reduces from \$30 to \$25 the fee that a first-degree relative may be charged to receive a copy of an official medical examiner's autopsy report and reduces from \$120 to \$100 the fee that all others may be charged to receive a copy of the autopsy report.

The regulation presents no legal issues of concern.

General fund revenues decrease by an estimated \$13,960 annually beginning in fiscal 2017, due to a reduction in fees. General fund expenditures are not affected. Local government finances are not affected.

Regulation of COMAR Affected

Department of Health and Mental Hygiene:

Postmortem Examiners Commission: Medical Examiner Cases: COMAR 10.35.01.14

Legal Analysis

Background

On September 15, 2015, Governor Larry Hogan announced a plan to reduce or eliminate a number of fees across State government. Governor Hogan announced a second round of fee reductions or eliminations on May 12, 2016. This regulation is part of the second round of reductions or eliminations. Additional information regarding Governor Hogan's fee reduction initiative may be found [here](#).

Summary of Regulation

The regulation reduces from \$30 to \$25 the fee that a first-degree relative may be charged to receive a copy of an official medical examiner's autopsy report and reduces from \$120 to \$100 the fee that all others may be charged to receive a copy of the autopsy report.

Legal Issues

The regulation presents no legal issues of concern.

Statutory Authority and Legislative Intent

The Department of Health and Mental Hygiene §§ 5-307 and 5-311 of the Health – General Article as statutory authority for the regulation. Section 5-307 authorizes the State Postmortem Examiners Commission to adopt regulations to carry out specified provision of law relating to the determination of death. Section 5-311 requires the Office of the Chief Medical Examiner to keep complete records on each medical examiner’s case. In addition, the section requires the Office of the Chief Medical Examiner to charge a reasonable fee for reports as specified in a schedule of fees in the regulations of the Office of the Chief Medical Examiner.

This authority is correct and complete. The regulation complies with the legislative intent of the law.

Fiscal Analysis

General fund revenues decrease by an estimated \$13,960 annually beginning in fiscal 2017, due to a reduction in fees. General fund expenditures are not affected. Local government finances are not affected.

Agency Estimate of Projected Fiscal Impact

The department advises that general fund revenues decrease by an estimated \$13,960 annually beginning in fiscal 2017, due to a reduction in the fees for autopsy reports. This estimate is based on the number of requests for copies of autopsy reports received during the prior year: 944 from first-degree relatives, the fee for which is reduced by \$5, and 462 from others, the fee for which is reduced by \$20. Thus, the estimate assumes (1) a reduction in general funds of \$4,720 from first-degree relatives and \$9,240 from all others; (2) that the number of requests received reflects the average; and (3) that the number of requests remains steady in future years. The Department of Legislative Services concurs.

The department advises that, if request levels remain steady, it can continue to operate the program without additional general funding. However, to the extent that the reduced fees spur additional requests for autopsy reports, the department may require additional funding to process those requests.

Impact on Budget

General fund revenues decrease by approximately \$13,960 annually beginning in fiscal 2017. General fund expenditures are not affected. Thus, there is no material impact to the State operating or capital budget.

Agency Estimate of Projected Small Business Impact

The department advises that the regulation has minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs as the reduced fees primarily benefit families and insurance companies.

Contact Information

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