

HB0070/234335/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 70  
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike “authorizing” and substitute “requiring”; in line 6, after “circumstances;” insert “providing that certain applicants or licensees are deemed to have consented to submit to a certain examination and to have waived a certain claim of privilege under certain circumstances;”; in line 10, after “circumstances;” insert “providing that failure or refusal of a certain applicant or licensee to submit to a certain examination is prima facie evidence of the inability to practice mortuary science or funeral direction competently, unless the Board makes a certain finding;”; in line 15, after “examinations” insert “under certain circumstances; requiring the Board to pay the reasonable costs of certain examinations for certain licensees”; and in line 19, strike “and 7-319(h)”.

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 18 on page 2 down through line 6 on page 3 and substitute:

**“(A) IF, WHEN INVESTIGATING AN ALLEGATION BROUGHT AGAINST AN APPLICANT OR A LICENSEE UNDER THIS TITLE, THE BOARD FINDS REASONABLE EVIDENCE INDICATING THAT THE APPLICANT OR LICENSEE CANNOT PRACTICE MORTUARY SCIENCE OR FUNERAL DIRECTION COMPETENTLY, THE BOARD SHALL REQUIRE THE APPLICANT OR LICENSEE TO SUBMIT TO A MENTAL OR PHYSICAL EXAMINATION BY A HEALTH CARE PRACTITIONER DESIGNATED BY THE BOARD.**

**“(B) IN RETURN FOR THE PRIVILEGE TO PRACTICE MORTUARY SCIENCE OR FUNERAL DIRECTION IN THE STATE, AN APPLICANT OR A LICENSEE IS DEEMED TO HAVE:**

(Over)

(1) CONSENTED TO SUBMIT TO AN EXAMINATION UNDER THIS SECTION, IF REQUESTED BY THE BOARD IN WRITING; AND

(2) WAIVED ANY CLAIM OF PRIVILEGE AS TO THE EXAMINATION REPORT.”.

On page 3, in line 7, strike “(B)” and substitute “(C)”; in line 8, strike “EVALUATION” and substitute “EXAMINATION”; after line 10, insert:

“(D) THE UNREASONABLE FAILURE OR REFUSAL OF AN APPLICANT OR A LICENSEE TO SUBMIT TO AN EXAMINATION REQUIRED UNDER THIS SECTION IS PRIMA FACIE EVIDENCE OF THE APPLICANT’S OR LICENSEE’S INABILITY TO PRACTICE MORTUARY SCIENCE OR FUNERAL DIRECTION COMPETENTLY, UNLESS THE BOARD FINDS THAT THE FAILURE OR REFUSAL WAS BEYOND THE CONTROL OF THE APPLICANT OR LICENSEE.”;

in line 17, strike “(C)” and substitute “(E)”; in the same line, strike “(1)”; in the same line, strike “SUBPARAGRAPH (II)” and substitute “PARAGRAPH (2)”; in lines 21 and 25, strike “(II)” and “(2)”, respectively, and substitute “(2)” and “(F)”, respectively; and strike in their entirety lines 27 through 31, inclusive.