

Department of Legislative Services  
Maryland General Assembly  
2015 Session

FISCAL AND POLICY NOTE

House Bill 193 (Delegates Krebs and Ready)  
Health and Government Operations

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State Board of Morticians and Funeral Directors - Staff - Designation and Duties  
of Executive Director

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This bill authorizes the Secretary of Health and Mental Hygiene, rather than the board in general, to employ inspectors and other staff. The Secretary may designate one of the staff as an executive director. The executive director must manage the board's staff and perform administrative functions to carry out board duties. The bill prohibits the executive director from directly conducting investigations or inspections on the board's behalf.

The bill takes effect June 1, 2015.

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Fiscal Summary

**State Effect:** Special fund expenditures for the State Board of Morticians and Funeral Directors increase by a minimal amount because the executive director may not conduct investigations or inspections on the board's behalf. Revenues are not affected.

**Local Effect:** None.

**Small Business Effect:** None.

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Analysis

**Current Law:** The Secretary of Health and Mental Hygiene must confirm the appointment of each administrator or executive director of each health occupations board.

The board may appoint a board secretary, who may be a member of the board. The board may employ inspectors and other staff in accordance with the board's budget.

The board has broad administrative authority to adopt necessary bylaws, rules, and regulations, investigate any alleged statutory violations, enforce relevant statutory provisions, and inspect licensed funeral establishments. The board has authority to conduct an unannounced inspection of a funeral establishment to determine compliance with the U.S. Centers for Disease Control and Prevention's guidelines on universal precautions on receipt of a written and signed complaint. The board may also conduct an audit of a licensee that receives pre-need funds, places pre-need funds in a trust, or enters into a pre-need contract.

For most health occupations boards, the board appoints an executive director or administrator. For the State Board of Physicians, the Secretary of Health and Mental Hygiene may employ a staff for the board and designate one of the staff as an executive director. The bill proposes the same language for the State Board of Morticians and Funeral Directors.

**State Fiscal Impact:** Special fund expenditures increase by a minimal amount to cover any inspection or investigation costs incurred by the board that are currently handled by the executive director. According to the board, the executive director does not perform these functions on a regular basis.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** SB 446 (Senator Ready) - Education, Health, and Environmental Affairs.

**Information Source(s):** Department of Health and Mental Hygiene, Department of Legislative Services

**Fiscal Note History:** First Reader - March 3, 2015  
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