

## Article - Health Occupations

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§7-604.

Subject to the hearing provisions of § 7-319 of this title, the Board may deny a permit or registration to any applicant, reprimand any permit holder or registered transporter, place any permit holder or registered transporter on probation, or suspend or revoke any permit or registration if the applicant, permit holder, or registered transporter:

- (1) Fraudulently or deceptively obtains or attempts to obtain a permit or registration for the applicant, permit holder, registered transporter, or another;
- (2) Fraudulently or deceptively uses a permit or registration;
- (3) Commits fraud or misrepresentation while the applicant, permit holder, or registered transporter removes and transports human remains;
- (4) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside;
- (5) Aids or abets an unauthorized person to remove and transport human remains;
- (6) Advertises falsely or in a misleading manner;
- (7) Solicits to remove and transport human remains, either personally or by an agent, from a dying individual or the relatives of a dead or dying individual, other than through general advertising;
- (8) Employs, pays, or offers to pay a “capper”, “steerer”, “solicitor”, or any other person to obtain business, either in general or for a permit holder or registered transporter;
- (9) Directly or indirectly pays or offers to pay to obtain business to remove and transport human remains;
- (10) Solicits or accepts any payment or rebate for recommending any crematory, mausoleum, or cemetery or causing human remains to be disposed of there;
- (11) Refuses to surrender custody of human remains on the demand of a person who is entitled to their custody;
- (12) Sells or offers to sell any share, certificate, or interest in a mortuary transport service with a promise or offer to perform services to the buyer at a cost less than that offered to the general public;

(13) Violates any State, municipal, or county law, rule, or regulation on the handling, custody, care, or transportation of human remains or the disposal of instruments, materials, and wastes relevant to preparation of human remains for final disposition;

(14) Removes and transports human remains under a name other than the name that appears on the permit or registration of the permit holder or registered transporter;

(15) Signs an application for a permit or registration if the signer knew or should have known that grounds existed for which the permit or registration later was denied, suspended, or revoked;

(16) Violates any provision of this subtitle or of any other law relating to removing and transporting human remains;

(17) Is disciplined by a licensing or disciplinary authority of any other state or country or convicted or disciplined by a court of any state or country for an act that would be grounds for disciplinary action under the Board's disciplinary statutes;

(18) Willfully makes or files a false report or record for a mortuary transport service;

(19) Willfully fails to file or record any report as required under law, willfully impedes or obstructs the filing or recording of the report, or induces another to fail to file or record the report;

(20) Submits a false statement to collect a fee;

(21) Provides professional services while:

(i) Under the influence of alcohol; or

(ii) Using any narcotic or controlled dangerous substance, as defined in § 5–101 of the Criminal Law Article, or other drug that is in excess of therapeutic amounts or without valid medical indication;

(22) Violates any rule or regulation adopted by the Board;

(23) Is professionally, physically, or mentally incompetent;

(24) Commits an act of unprofessional conduct while removing and transporting human remains;

(25) Refuses, withholds from, denies, or discriminates against an individual with regard to the provision of professional services for which the permit holder or registered transporter is qualified to render because the individual is HIV positive;

(26) Except in an emergency life-threatening situation where it is not feasible or practicable, fails to comply with the Centers for Disease Control and Prevention's guidelines on universal precautions;

(27) Removes human remains from a death scene, mortuary, funeral establishment, or crematory without authorization of the individual or entity in custody of the human remains;

(28) Removes and transports human remains, either free of charge or for compensation, to an entity where the human remains are not authorized to be held; or

(29) Removes and transports human remains without respect for the decedent or the health and safety of the public.

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