

BY: Economic and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL NO. 366

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “ - Apprentice License” and substitute “Licenses”; strike beginning with “requiring” in line 3 down through the semicolon in line 7 and substitute “repealing a provision that specifies certain educational requirements for an applicant for an apprentice license; requiring that, prior to an individual appearing before the State Board of Morticians for approval of an apprentice license, certain education requirements be completed; altering a provision that restricts the number of years that an applicant for a mortician license may serve as a licensed apprentice; providing a certain ground for the denial, suspension, or revocation of a license or the reprimand of a licensee; authorizing the Board, the Attorney General, or a State’s Attorney to bring a certain action to enjoin certain activities; requiring that a certain action be brought in a certain county; requiring sellers of pre-need contracts to annually have the seller’s accounts certified by certain public accountants; requiring that sellers of pre-need contracts submit to the Board a certain certificate by a certain date; requiring that, after cremation, a licensee ensure that a plastic identification tag be placed in a certain container;”; and strike beginning with the second “an” in line 10 down through “science” in line 11 and substitute “licensed morticians” .

AMENDMENT NO. 2

On page 1, strike in their entirety lines 12 through 16, inclusive; in line 19, strike “7-303(b)” and substitute “7-303(b)(2)”; in the same line, strike “7-306(c) and (d)(3)” and substitute “7-306”; in the same line, strike “and”; in the same line, after “7-314(e)” insert “, 7-316(a)(29) and (30), and 7-411(b)”; and after line 21, insert:

“BY adding to

Article - Health Occupations

Section 7-316(a)(31), 7-316.1, and 7-405(g)

Annotated Code of Maryland

(1994 Replacement Volume and 1996 Supplement)”.

(Over)

AMENDMENT NO. 3

On page 2, strike line 5 in its entirety; in line 8, strike “A 1-YEAR LICENSED APPRENTICESHIP” and substitute “not less than 1 year and not more than [4] 2 years of licensed apprenticeship, unless the Board allowed extensions for additional 1-year terms”; strike in their entirety lines 9 through 21; after line 24, insert:

“(b) An applicant for an apprentice license shall pay to the Board a fee set by the Board.”;

in line 25, strike “(c)”; and in line 31, after the period insert:

“(d) (1) The applicant shall demonstrate to the Board the intention of fulfilling the educational requirements for mortician licensure.”.

On pages 2 through 3, strike in their entirety the lines beginning with line 32 on page 2 down through line 7 on page 3 and substitute:

“(C) (1) PRIOR TO AN INDIVIDUAL APPEARING BEFORE THE BOARD FOR APPROVAL OF AN APPRENTICE LICENSE, THE INDIVIDUAL MUST COMPLETE TWO-THIRDS OF THE ACADEMIC CREDITS FOR A MORTUARY SCIENCE PROGRAM AT A SCHOOL ACCREDITED BY THE AMERICAN BOARD OF FUNERAL SERVICE OR APPROVED BY THE BOARD, WITH A 2.0 GRADE POINT AVERAGE OR HIGHER THAT IS VERIFIED WITH A CERTIFIED COPY OF THE COLLEGE TRANSCRIPT.

(2) The applicant shall appear before the Board with the applicant's sponsor. The sponsor shall hold a current valid mortician license in Maryland and shall be employed by the same funeral home that employs the apprentice.

(3) The practical experience of an apprentice shall include:

(i) Participation in at least [25] 20 funerals;

(ii) Assistance in the embalming of at least [25] 20 dead human bodies; and

(iii) Completion of [2,000] 1,000 working hours in a licensed funeral establishment under the direct supervision of a licensed mortician. Supervision may include

instruction by other licensed morticians employed or supervised by the sponsor.

(4) On termination of the sponsor-apprentice relationship, both the sponsor and the apprentice shall independently notify the Board in writing of:

(i) The date of termination;

(ii) The name, date of death, and date of service for each decedent for whom a funeral service was conducted under paragraph (3)(i) of this subsection in which the apprentice participated; and

(iii) The name, date of death, and date of embalming of each decedent for whom the apprentice assisted in accordance with paragraph (3)(ii) of this subsection.

(5) Prior approval must be granted by the Board before a change of sponsorship occurs.

[(e)] (D) While the license is effective, an apprentice license authorizes the licensee to assist a licensed mortician in the practice of mortuary science only as part of a training program to become a licensed mortician.”.

On page 3, in lines 15 and 16, strike “ONE TIME” and substitute “TWO TIMES”; and after line 16 insert:

“7-316.

(a) Subject to the hearing provisions of § 7-319 of this subtitle and except as to a funeral establishment license, the Board may deny a license to any applicant, reprimand any licensee, place any licensee on probation, or suspend or revoke any license if the applicant or licensee:

(29) Fails to allow an inspection under § 7-205(8) of this title; [or]

(30) Fails to comply with inspection requirements in the time specified by the Board

(Over)

l. l; OR

(31) FAILS TO PROVIDE THE BOARD THE CERTIFICATION REQUIRED UNDER § 7-405(G)(1) AND (2) OF THIS TITLE.

7-316.1.

(A) AN ACTION MAY BE MAINTAINED IN THE NAME OF THE STATE OR THE BOARD TO ENJOIN:

(1) THE UNAUTHORIZED PRACTICE OF MORTUARY SCIENCE; OR

(2) CONDUCT THAT CONSTITUTES A GROUND FOR DISCIPLINARY ACTION UNDER § 7-315 OF THIS SUBTITLE.

(B) AN ACTION UNDER THIS SECTION MAY BE BROUGHT BY:

(1) THE BOARD;

(2) THE ATTORNEY GENERAL; OR

(3) A STATE'S ATTORNEY.

(C) AN ACTION UNDER THIS SECTION SHALL BE BROUGHT IN THE COUNTY WHERE THE DEFENDANT:

(1) RESIDES; OR

(2) ENGAGES IN THE PRACTICE OF MORTUARY SCIENCE.

(D) PROOF OF ACTUAL DAMAGE OR PROOF THAT A PERSON WILL SUSTAIN DAMAGE IF AN INJUNCTION IS NOT GRANTED IS NOT REQUIRED FOR AN ACTION UNDER THIS SECTION.

(E) CRIMINAL PROSECUTION FOR THE UNAUTHORIZED PRACTICE OF

MORTUARY SCIENCE UNDER § 7-501 OF THIS TITLE OR DISCIPLINARY ACTION UNDER § 7-316 OF THIS SUBTITLE DOES NOT PROHIBIT AN ACTION TO ENJOIN UNDER THIS SECTION.

7-405.

(G) (1) SELLERS OF PRE-NEED CONTRACTS SHALL HAVE AN INDEPENDENT CERTIFIED PUBLIC ACCOUNTANT OR CERTIFIED PUBLIC ACCOUNTANT FIRM ANNUALLY CERTIFY THE SELLER'S ACCOUNTS.

(2) SELLERS OF PRE-NEED CONTRACTS SHALL SUBMIT TO THE BOARD BY JULY 1 OF EACH YEAR A CERTIFICATE FROM AN INDEPENDENT CERTIFIED PUBLIC ACCOUNTANT FIRM STATING THE COMPLIANCE OF THE SELLER WITH THE REQUIREMENTS FOR PRE-NEED ACCOUNTS UNDER THIS SECTION.

7-411.

(b) After cremation, a licensee shall ensure that a metal OR PLASTIC identification tag is placed in the cremains container.”.