

SENATE BILL 251

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SB 182/99 - EEA

2000 Regular Session
0lr1679
CF 0lr1773

By: **Senator Hollinger**

Introduced and read first time: January 28, 2000

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Morticians - State Board of Morticians - Membership**

3 FOR the purpose of prohibiting the State Board of Morticians from consisting of two
4 or more members who are employed by or affiliated with the same corporation,
5 professional association, or other entity, that owns, directly or through a
6 subsidiary, one or more funeral homes; and generally relating to the
7 membership of the State Board of Morticians.

8 BY repealing and reenacting, with amendments,
9 Article - Health Occupations
10 Section 7-202
11 Annotated Code of Maryland
12 (1994 Replacement Volume and 1999 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article - Health Occupations**

16 7-202.

17 (a) (1) The Board consists of 12 members.

18 (2) Of the 12 Board members:

19 (i) 8 shall be licensed morticians or licensed funeral directors; and

20 (ii) 4 shall be consumer members.

21 (3) All Board members shall be residents of the State.

22 (4) The Governor shall appoint each member with the advice of the
23 Secretary, and with the advice and consent of the Senate.

24 (5) THE BOARD MAY NOT CONSIST OF TWO OR MORE MEMBERS WHO
25 ARE EMPLOYED BY OR AFFILIATED WITH, DIRECTLY OR INDIRECTLY, THE SAME

1 CORPORATION, PROFESSIONAL ASSOCIATION, OR OTHER ENTITY, THAT OWNS,
2 DIRECTLY OR THROUGH A SUBSIDIARY CORPORATION, PROFESSIONAL ASSOCIATION,
3 OR OTHER ENTITY, ONE OR MORE FUNERAL HOMES.

4 (b) (1) Each mortician member shall:

5 (i) Be a licensed mortician whose license is in good standing with
6 the Board; and

7 (ii) Have practiced mortuary science actively for at least 5 years
8 immediately before appointment.

9 (2) In this subsection, "good standing" means that the Board has not
10 reprimanded the licensee, suspended, or revoked the mortician's license or placed the
11 licensee on probation within 5 years' time prior to or after confirmation to the Board.

12 (3) To qualify for appointment to the Board, the licensee must meet all
13 other qualifications required for renewal of a mortician license under this title.

14 (c) (1) Each funeral director member shall:

15 (i) Be a licensed funeral director whose license is in good standing
16 with the Board; and

17 (ii) Have practiced funeral direction actively for at least 5 years
18 immediately before appointment.

19 (2) In this subsection, "good standing" means that the Board has not
20 reprimanded the licensee, suspended, or revoked the funeral director's license or
21 placed the licensee on probation within 5 years' time prior to or after confirmation to
22 the Board.

23 (3) To qualify for appointment to the Board, the licensee must meet all
24 other qualifications required for renewal of a funeral director license under this title.

25 (d) Each consumer member of the Board:

26 (1) Shall be a member of the general public;

27 (2) May not be or ever have been a mortician, funeral director, or
28 apprentice;

29 (3) May not have a household member who is a mortician, funeral
30 director, or apprentice;

31 (4) May not participate or ever have participated in a commercial or
32 professional field related to the practice of mortuary science;

33 (5) May not have a household member who participates in a commercial
34 or professional field related to the practice of mortuary science; and

1 (6) May not have had within 2 years before appointment a substantial
2 financial interest in a person regulated by the Board.

3 (e) While a member of the Board, a consumer member may not have a
4 substantial financial interest in a person regulated by the Board.

5 (f) Before taking office, each member of the Board shall take the oath
6 required by Article I, § 9 of the State Constitution.

7 (g) (1) The term of an appointed member is 4 years, except that the initial
8 term of 1 of the consumer members is 3 years.

9 (2) The terms of appointed members are staggered as required by the
10 terms provided for members of the Board on July 1, 1981.

11 (3) At the end of a term, an appointed member continues to serve until a
12 successor is appointed and qualifies.

13 (4) A member who is appointed after a term has begun serves only for
14 the rest of the term and until a successor is appointed and qualifies.

15 (5) To the extent practicable, the Governor shall fill any vacancy on the
16 Board occurring during the term of an appointed member within 60 days of the date
17 of the vacancy.

18 (6) A member may not serve more than 2 consecutive full terms.

19 (h) (1) The Governor may remove an appointed member:

20 (I) [for] FOR incompetence or misconduct; OR

21 (II) WHO, BECAUSE OF EVENTS THAT OCCUR AFTER THE MEMBER'S
22 APPOINTMENT OR REAPPOINTMENT TO THE BOARD, CAUSES THE BOARD TO BE IN
23 VIOLATION OF THE PROHIBITION SET FORTH IN SUBSECTION (A)(5) OF THIS SECTION.

24 (2) Upon the recommendation of the Secretary, the Governor may
25 remove an appointed member whom the Secretary finds to have been absent from 2
26 successive Board meetings without adequate reason.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2000.