

Department of Legislative Services
Maryland General Assembly
2007 Session

FISCAL AND POLICY NOTE
Revised

House Bill 457

(Delegate Rosenberg, *et al.*)

Health and Government Operations

Education, Health, and Environmental Affairs

Health Occupations - Funeral Director Licenses

This bill links funeral director licensure requirements with mortician licensure requirements and allows for an apprentice funeral director license. A funeral director and an apprentice funeral director are not required to meet requirements related to embalming that morticians must meet. The bill repeals the existing statutory funeral director license provisions. It also expands the scope of practice of funeral direction and mortuary science.

Fiscal Summary

State Effect: Potential minimal increase in special fund revenues from a potential increase in mortician apprentice licenses and from any funeral director apprentice licenses granted. In future years, additional funeral director licenses could be issued. Special fund expenditures are expected to be minimal and absorbable within existing resources.

Local Effect: None.

Small Business Effect: Potential meaningful.

Analysis

Bill Summary: The scope of practice of funeral direction is expanded to include for compensation, the preparation of a dead human body for disposition. The scope of practice of mortuary science is expanded to include the practice of funeral direction.

Funeral Director License

The board may waive examination and apprenticeship requirements and issue a funeral director license to an applicant who is licensed to practice funeral direction in any other state.

The bill expresses legislative intent that the board renew funeral director licenses issued before September 30, 2007 and regulate the funeral directors licensed before that date in the same manner as funeral directors licensed after the bill's effective date. Further, except for the practical experience of embalming, to become a licensed funeral director, an individual must complete all of the education, examination, and experience requirements required to become licensed as a mortician.

Executor License

The bill requires a personal representative of a deceased funeral director's estate to be licensed by the board before continuing operation of the mortuary science business. The board may issue an executor license to such an applicant if the applicant meets existing statutory executor licensure requirements and only if the business is operated under the direct supervision of a licensed mortician or funeral director and the embalming services are provided by a licensed mortician.

Apprentice Licenses

An apprentice's practical experience must include assistance in the preparation of at least 20 dead human bodies for final disposition. For an apprentice funeral director, an apprentice's practical experience may not include embalming. An apprentice can complete his/her required working hours under a licensed funeral director's direct supervision.

An applicant for a mortician apprentice license must have a sponsor with a current mortician license. An applicant for a funeral director license must have a sponsor with a current mortician or funeral director license.

Partnerships and Professional Associations

The bill authorizes two or more funeral directors to practice mortuary science as a partnership. It also authorizes one or more licensed funeral directors to practice mortuary science as a professional association.

Rehabilitation Committee

The bill allows a funeral director in need of treatment and rehabilitation for alcoholism, drug abuse, chemical dependency, or other physical, emotional, or mental condition to receive an evaluation and assistance from the mortician and funeral director rehabilitation committee.

The committee is renamed (currently the mortician rehabilitation committee). The committee is a board committee or a committee of any association representing morticians and funeral directors that includes, but is not limited to, morticians and funeral directors.

Board and Fund Names Changed

The bill renames the State Board of Morticians as the State Board of Morticians and Funeral Directors and likewise renames the State Board of Morticians Fund as the State Board of Morticians and Funeral Directors Fund. The bill does not rename the Maryland Morticians Act.

Current Law: The practice of mortuary science is regulated by the State Board of Morticians. The board issues several types of licenses.

Mortician License

Qualification for a mortician license requires completion of one to two years of licensed apprenticeship, attainment of certain educational requirements, passage of a national board examination administered by the Conference of Funeral Service Examining Boards of the United States, and passage of a written examination of Maryland law and regulations governing the practice of mortuary science and a practical examination demonstrating competency in embalming and sanitary science. An applicant must also be of good moral character and submit a required application and fee.

Funeral Director License

A funeral director license authorizes the licensee to operate a funeral establishment and arrange for or make final disposition of a dead human body while the license is effective. The board must renew a funeral director license biannually, but only to an applicant who has been licensed as a funeral director since 1973.

Mortician Apprentice License

A mortician's apprentice must be licensed by the board before beginning an apprenticeship. Prior to becoming licensed as an apprentice, an individual must have completed 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. The applicant must appear before the board with the applicant's sponsor, who must hold a current valid mortician's license in Maryland and must be employed by the same funeral home that employs the apprentice.

An apprentice must participate in at least 20 funerals; assist in the embalming of at least 20 dead human bodies; and complete 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.

Partnerships and Professional Associations

Two or more licensed morticians may practice mortuary science as a partnership. One or more licensed morticians may practice mortuary science as a professional association.

Mortician Rehabilitation Committee

A mortician and any other individual regulated by the board in need of treatment and rehabilitation for alcoholism, drug abuse, chemical dependency, or other physical, emotional, or mental condition to receive an evaluation and assistance from the mortician rehabilitation committee. The committee is a board committee or a committee of any other association representing morticians that the board recognizes and that includes, but is not limited to, morticians.

Additional Information

Prior Introductions: Similar bills, SB 821 of 2004 and SB 429 of 2003, received an unfavorable report from the Senate Education, Health, and Environmental Affairs Committee.

Cross File: SB 756 (Senator Gladden) – Education, Health, and Environmental Affairs.

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

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