

HB0487/716883/3

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 487
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after “Board;” insert “altering the composition of the Board; requiring the Director of the Health, Education, and Advocacy Unit in the Office of the Attorney General to appoint certain Board members; requiring the Director, to the extent practicable, to fill certain vacancies occurring on the Board within a certain period of time; authorizing the Director to remove certain members from the Board under certain circumstances;”; in line 11, after “dates;” insert “requiring the additional consumer member of the Board authorized under this Act to be appointed by a certain date; providing that the term of the additional consumer member shall begin on a certain date; providing that certain positions on the Board terminate on a certain date;”; and in line 15, after “Section” insert “7-202,”.

AMENDMENT NO. 2

On page 2, after line 8, insert:

“7-202.

- (a) (1) The Board consists of [12] 10 members.
- (2) Of the [12] 10 Board members:
 - (i) [8] 5 shall be licensed morticians or licensed funeral directors; and
 - (ii) [4] 5 shall be consumer members.
- (3) All Board members shall be residents of the State.

(Over)

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

(5) The Board may not have more than one member who is employed by or affiliated with, directly or indirectly, the same corporation, professional association, or other entity, that owns, directly or through a subsidiary corporation, professional association, or other entity, one or more funeral homes.

(b) (1) THE GOVERNOR SHALL APPOINT EACH MORTICIAN MEMBER WITH THE ADVICE OF THE SECRETARY, AND WITH THE ADVICE AND CONSENT OF THE SENATE.

[(1)](2) Each mortician member shall:

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

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

[(2)](3) In this subsection, “good standing” means that the Board has not reprimanded the licensee, suspended, or revoked the mortician’s license or placed the licensee on probation within 5 years’ time prior to or after confirmation to the Board.

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

(c) (1) THE GOVERNOR SHALL APPOINT EACH FUNERAL DIRECTOR MEMBER WITH THE ADVICE OF THE SECRETARY, AND WITH THE ADVICE AND CONSENT OF THE SENATE.

[(1)] (2) Each funeral director member shall:

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

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

[(2)] (3) In this subsection, “good standing” means that the Board has not reprimanded the licensee, suspended, or revoked the funeral director’s license or placed the licensee on probation within 5 years’ time prior to or after confirmation to the Board.

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

(d) (1) THE CONSUMER MEMBERS SHALL BE APPOINTED BY THE DIRECTOR OF THE HEALTH, EDUCATION, AND ADVOCACY UNIT IN THE OFFICE OF THE ATTORNEY GENERAL IN ACCORDANCE WITH THIS SUBSECTION.

(2) Each consumer member of the Board:

[(1)](I) Shall be a member of the general public;

[(2)](II) May not be or ever have been a mortician, funeral director, or apprentice;

[(3)](III) May not have a household member who is a mortician, funeral director, or apprentice;

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

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

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

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

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

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

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

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

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

(5) (I) To the extent practicable, the Governor shall fill any vacancy on the Board occurring during the term of [an] A MEMBER appointed [member] BY THE GOVERNOR within 60 days of the date of the vacancy.

(II) TO THE EXTENT PRACTICABLE, THE DIRECTOR OF THE HEALTH, EDUCATION, AND ADVOCACY UNIT IN THE OFFICE OF THE ATTORNEY GENERAL SHALL FILL ANY VACANCY ON THE BOARD OCCURRING DURING THE TERM OF A MEMBER APPOINTED BY THE DIRECTOR WITHIN 60 DAYS OF THE DATE OF THE VACANCY.

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

[(h)](G) (1) The Governor may remove an appointed MORTICIAN OR FUNERAL DIRECTOR member:

(i) For incompetence or misconduct; or

(ii) Who, because of events that occur after the member's appointment or reappointment to the Board, causes the Board to be in violation of the prohibition set forth in subsection [(a)(5)](A)(4) of this section.

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

(H) (1) THE DIRECTOR OF THE HEALTH, EDUCATION, AND ADVOCACY UNIT IN THE OFFICE OF THE ATTORNEY GENERAL MAY REMOVE AN APPOINTED CONSUMER MEMBER:

(I) FOR INCOMPETENCE OR MISCONDUCT; OR

(II) WHO, BECAUSE OF EVENTS THAT OCCUR AFTER THE MEMBER'S APPOINTMENT OR REAPPOINTMENT TO THE BOARD, CAUSES THE BOARD TO BE IN VIOLATION OF THE PROHIBITION SET FORTH IN SUBSECTION (A)(4) OF THIS SECTION.

(2) UPON THE RECOMMENDATION OF THE SECRETARY, THE DIRECTOR OF THE HEALTH, EDUCATION, AND ADVOCACY UNIT IN THE OFFICE OF THE ATTORNEY GENERAL MAY REMOVE AN APPOINTED CONSUMER MEMBER WHOM THE SECRETARY FINDS TO HAVE BEEN ABSENT FROM TWO SUCCESSIVE BOARD MEETINGS WITHOUT ADEQUATE REASON."

AMENDMENT NO. 3

On page 5, after line 18, insert:

"SECTION 6. AND BE IT FURTHER ENACTED, That:

(1) On or before June 30, 2009, the Director of the Health, Education, and Advocacy Unit in the Office of the Attorney General shall appoint the additional consumer member of the State Board of Morticians and Funeral Directors authorized under Section 1 of this Act, and, subject to item (2) of this section, the additional consumer member shall fill the vacancy on the Board, previously held by a licensed member, that existed as of February 25, 2008;

(2) The 4-year term of the additional consumer member of the Board appointed under item (1) of this section shall begin on July 1, 2009; and

(3) The two positions on the Board held by licensed members whose terms expire at the end of June 30, 2009, shall be terminated at the end of June 30, 2009."

and in line 19, strike "6." and substitute "7.".