

Department of Legislative Services  
Maryland General Assembly  
2012 Session

FISCAL AND POLICY NOTE  
Revised

House Bill 70

(Delegate Kach)

Health and Government Operations

Education, Health, and Environmental Affairs

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State Board of Morticians and Funeral Directors - Examinations of Applicants  
and Licensees

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This bill authorizes the State Board of Morticians and Funeral Directors, in specified situations, to require an applicant or licensee to submit to a competency examination. An applicant who does not hold a valid license with the board must pay the reasonable cost of the examination, while the board must pay the reasonable cost for a licensee and reimburse an applicant for the cost if the applicant is deemed competent to practice. If the board orders the suspension of a licensee, the board must notify the licensee within 48 hours of the order.

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Fiscal Summary

**State Effect:** Minimal increase in special fund expenditures for the State Board of Morticians and Funeral Directors for the cost of specified examinations. No effect on revenues.

**Local Effect:** None.

**Small Business Effect:** Minimal effect.

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Analysis

**Bill Summary:** The board may require a mental or physical examination by a health care practitioner if, when investigating an allegation against an applicant or licensee, the board finds reasonable evidence that the applicant or licensee cannot practice mortuary science or funeral direction competently. The board must make a written request for the

competency evaluation and provide the applicant or licensee with a list of three health care practitioners from which the applicant may choose to conduct the examination.

An applicant or licensee must consent to an examination and waive any claim to the examination report (which is confidential except for contested case proceedings).

**Current Law/Background:** The State Board of Morticians and Funeral Directors issues licenses for apprentices, morticians, funeral directors, the surviving spouse of a mortician or funeral director (who continues to operate the funeral establishment in the event of the mortician's or funeral director's death), funeral establishments, and corporations. The board also regulates preneed contracts executed by licensees.

Eight health occupations boards have the authority to require a licensee to submit to a competency examination (Acupuncture; Audiologists, Hearing Aid Dispensers, and Speech-Language Pathologists; Nursing; Optometry; Pharmacy; Podiatric; Psychologists; and Social Work). However, these boards are authorized to require the examinations only while investigating an allegation against a licensee and typically only if the board has reason to believe that the licensee may cause harm to a person. Two boards, the State Board of Physicians and the State Board of Veterinary Medical Examiners, are additionally authorized to require an applicant for licensure to submit to an examination. In all instances, the respective board rather than the licensee (or applicant) is required to pay the cost of the examination.

According to the board, several issues regarding the potential competency of applicants or licensees for reasons such as suspected dementia, substance abuse, or physical limitations have arisen in the past year. The bill is intended to provide the board with a tool to ensure the competency of its licensees.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** SB 14 (Senator Conway) - Education, Health, and Environmental Affairs.

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

**Fiscal Note History:** First Reader - January 18, 2012  
mm/ljm Revised - House Third Reader - April 2, 2012

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