

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE
Revised

House Bill 529 (Delegates Pena-Melnyk and Hubbard)
Health and Government Operations Education, Health, and Environmental Affairs

State Board of Morticians and Funeral Directors - Apprentice Sponsors, Funeral Establishment Licenses, and Supervising Morticians

This bill clarifies the requirements for apprentice sponsors under the State Board of Morticians and Funeral Directors and requires apprentices to provide specified evidence of participation in funerals and embalming. The bill requires each funeral establishment to have a supervising mortician whose license is in good standing with the board and establishes a registration process and related requirements for supervising morticians. The bill also requires the board to issue a license to a funeral establishment that will be owned and operated by at least one holder of an executor license.

Fiscal Summary

State Effect: The bill does not materially affect State finances.

Local Effect: None.

Small Business Effect: Potential minimal.

Analysis

Bill Summary:

Apprenticeship Requirements: A mortician apprentice must have an apprentice sponsor who is (1) a licensed mortician whose license is in good standing with the board and (2) employed by the same funeral establishment that employs the apprentice. Likewise, a funeral director apprentice must have an apprentice sponsor who is (1) a licensed mortician or funeral director whose license is in good standing with the board and

(2) employed by the same funeral establishment that employs the apprentice. An apprentice may have more than one apprentice sponsor.

An applicant for an apprentice license and a licensed mortician or funeral director must appear before the board to seek approval for an apprentice license for the applicant.

The bill alters the information required to be provided to the board in writing upon termination of the sponsor-apprentice relationship. This information must include evidence of the service for each decedent for whom a funeral service was conducted under the sponsor-apprentice relationship and a copy of the decedent's filed death certificate for each decedent for whom the apprentice assisted with preparation and embalming. Prior approval must be granted by the board before a change in sponsorship occurs.

The bill also clarifies that the practical experience of a mortician apprentice must include assistance in the preparation *and embalming* of at least 20 dead human bodies and that the 1,000 working hours in a licensed funeral home required of an apprentice must be completed under the direct supervision of *the apprentice sponsor*. Direct supervision may include instruction by a licensed mortician or funeral director employed by or supervised by the apprentice sponsor that is observed in person by the apprentice sponsor.

Supervising Mortician for a Funeral Establishment: Each funeral establishment must designate a supervising mortician. The supervising mortician must complete the registration required by the board. A mortician whose license is not in good standing with the board cannot be a supervising mortician. The supervising mortician for a funeral establishment must be (1) held responsible for all activities performed on behalf of the establishment with the knowledge, or at the direction of, the supervising mortician and (2) limited to supervising either one funeral establishment with an embalming facility or no more than three funeral establishments total that are within close enough proximity to each other to allow for oversight of each funeral establishment. These limits do not apply if a funeral establishment prepares for the disposition of less than 75 bodies in a calendar year.

If a supervising mortician relinquishes his or her responsibility, the funeral establishment must name an interim supervising mortician who is held responsible for all activities performed on behalf of the funeral establishment, with the knowledge, or at the direction of, the interim supervising mortician, until a new supervising mortician for the funeral establishment registers with the board.

Current Law/Background: One of the basic requirements for licensure as a mortician or funeral director is the successful completion of an apprenticeship. An individual must complete two-thirds of an approved mortuary science program with a minimum 2.0 grade

point average to be eligible for an apprentice license. An applicant for an apprentice license must appear before the board with the applicant's sponsor. The sponsor must hold a current valid mortician license in Maryland and be employed by the same funeral home that employs the apprentice.

Once a license is issued, an apprentice may assist a licensed mortician or funeral director as part of a training program. The apprentice must participate in at least 20 funerals and complete at least 1,000 working hours in a licensed funeral establishment. An apprentice who wishes to become a licensed mortician must also assist in the embalming of at least 20 human bodies. Prior to 1997, an apprenticeship encompassed the completion of 2,000 working hours, just less than one year, in a funeral establishment. Chapter 662 of 1997 (HB 366) reduced this number from 2,000 to 1,000 hours, or less than six months.

The board must issue a license to a funeral establishment that (1) has complied with applicable State and local laws; (2) will be owned and operated in accordance with the Maryland Morticians and Funeral Directors Act by at least one licensed mortician or one licensed funeral director, or a holder of a surviving spouse license, or a holder of a corporation license; and (3) will be held responsible for any and all activities performed on the premises.

The legally appointed personal representative of a deceased licensee's estate may obtain a temporary executor license to allow for continuation of the business until it is sold or the personal representative attains other licensure under the board. An executor license is valid for six months and cannot be renewed.

Under board regulations, a "supervising funeral director" and "supervising mortician" means a funeral director or mortician who is responsible to the board for compliance with the Maryland Morticians and Funeral Directors Act for all operations of a funeral establishment including, but not limited to, the administration of preneed accounts.

A funeral establishment must (1) employ and designate, on a form provided by the board, a supervising mortician or supervising funeral director, licensed in accordance with State laws, who must be continuously responsible for the establishment and (2) notify the board of a change of supervising mortician or supervising funeral director within 10 days of any change. A funeral establishment may not operate without a supervising mortician or supervising funeral director for more than 30 calendar days. A funeral establishment may not be required to apply for a new funeral establishment license if there is a change of a supervising mortician or supervising funeral director.

An owner, supervising mortician, supervising funeral director, or licensed designee must be available to accompany the inspector during the inspection and sign the inspection report. Disciplinary action may not be taken against a supervising mortician or funeral

director for the acts or omissions of another unless the supervising mortician or funeral director knew or should have known of a violation. According to the board, no funeral establishment has, or has ever requested to have, a supervising *funeral director*.

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. In fiscal 2012, the board issued 39 new and 897 renewal licenses and investigated 83 complaints. There are currently 29 apprentices, and 44 individuals applied for an apprentice license in the past year. There are 297 funeral establishments in Maryland.

Additional Information

Prior Introductions: None.

Cross File: SB 463 (Senator Conway) - Education, Health, and Environmental Affairs.

Information Source(s): Department of Legislative Services

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Analysis by: Jennifer B. Chasse

Direct Inquiries to:
(410) 946-5510
(301) 970-5510