

Chapter 308

(Senate Bill 586)

AN ACT concerning

State Board of Morticians and Funeral Directors – Funeral Establishments – Unannounced Inspections

FOR the purpose of authorizing certain inspections of licensed funeral establishments to include, under certain circumstances, advance notice that an inspector may be in a certain region for a certain purpose; ~~requiring a certain licensee or an employee of the licensee to give certain access to certain members or employees staff of the State Board of Morticians and Funeral Directors for the purpose of conducting certain inspections of certain funeral establishments, including access to certain areas of the funeral establishments;~~ authorizing certain staff members of the State Board of Morticians and Funeral Directors to call certain supervising morticians and request certain access to certain areas of a funeral establishment under certain circumstances; requiring certain supervising morticians to immediately provide certain staff members with the location of the key or access code to certain areas of a funeral establishment; providing that certain employees are not required to accompany certain staff while the staff conducts certain inspections; requiring certain inspections to be conducted during certain hours; providing for the application of certain provisions of this Act; requiring the Board to provide the results of certain inspections to certain licensees or supervising morticians within a certain period of time; and generally relating to the inspection of funeral establishments by the State Board of Morticians and Funeral Directors.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 7–409
Annotated Code of Maryland
(2009 Replacement Volume and 2013 Supplement)

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

Article – Health Occupations

7–409.

(a) [All] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, ALL inspections of funeral establishments shall be unannounced and may take place at any time without notice from the Board.

(b) An unannounced inspection may include advance notice that an [investigator] INSPECTOR may be in the region of the funeral establishment FOR THE PURPOSE OF CONDUCTING AN INSPECTION[,] if:

- (1) The advance notice is no more than 14 days prior to the inspection;
- (2) No specific date or time is provided for the inspection; and
- (3) The advance notice is provided solely to ensure that a licensed mortician or funeral director will be on-site for the inspection.

~~(C) A LICENSEE OR AN EMPLOYEE OF A LICENSEE SHALL GIVE IMMEDIATE ACCESS TO A MEMBER OR AN EMPLOYEE TRAINED STAFF OF THE BOARD WHO ARE QUALIFIED TO DO INSPECTIONS AND WHO ARRIVES ARRIVE AT A LICENSED FUNERAL ESTABLISHMENT FOR THE PURPOSE OF CONDUCTING AN UNANNOUNCED INSPECTION UNDER THIS SECTION OF A LICENSED FUNERAL ESTABLISHMENT, INCLUDING ACCESS TO THE PREPARATION AND BODY STORAGE AREAS OF THE LICENSED FUNERAL ESTABLISHMENT.~~

(C) (1) THIS SUBSECTION APPLIES TO INSPECTIONS CONDUCTED:

(I) IN RESPONSE TO VALID INFORMATION PROVIDED TO THE BOARD RESULTING IN A COMPLAINT BEING OPENED BY THE BOARD CONCERNING THE PREPARATION OR BODY STORAGE AREAS OF A LICENSED FUNERAL ESTABLISHMENT ONLY IF THE BOARD HAS PROVIDED A COPY OF THE COMPLAINT TO THE LICENSED FUNERAL ESTABLISHMENT; OR

(II) OF A FUNERAL ESTABLISHMENT THAT THE BOARD HAS PLACED ON PROBATIONARY STATUS IN ACCORDANCE WITH § 7-316(B) OF THIS TITLE.

(2) A TRAINED STAFF MEMBER OF THE BOARD WHO IS QUALIFIED TO DO INSPECTIONS MAY CALL THE SUPERVISING MORTICIAN OF A LICENSED FUNERAL ESTABLISHMENT, AS DESIGNATED UNDER § 7-310(E) OF THIS TITLE, AND REQUEST IMMEDIATE ACCESS TO THE PREPARATION AND BODY STORAGE AREAS OF THE FUNERAL ESTABLISHMENT.

(3) IF A REQUEST IS MADE UNDER PARAGRAPH (2) OF THIS SUBSECTION, THE SUPERVISING MORTICIAN IMMEDIATELY SHALL PROVIDE THE STAFF MEMBER OF THE BOARD WITH THE LOCATION OF THE KEY OR ACCESS CODE TO THE PREPARATION OR BODY STORAGE AREAS OF THE FUNERAL ESTABLISHMENT.

(4) AN EMPLOYEE OF A LICENSED FUNERAL ESTABLISHMENT IS NOT REQUIRED TO ACCOMPANY A STAFF MEMBER OF THE BOARD WHILE THE STAFF MEMBER CONDUCTS AN INSPECTION OF A PREPARATION OR BODY STORAGE AREA IN ACCORDANCE WITH THIS SUBSECTION.

(D) AN UNANNOUNCED INSPECTION OF A LICENSED FUNERAL ESTABLISHMENT SHALL BE CONDUCTED DURING THE HOURS THAT THE BUSINESS OF MORTUARY SCIENCE IS BEING CONDUCTED AT THE LICENSED FUNERAL ESTABLISHMENT.

(E) WITHIN 24 HOURS AFTER THE COMPLETION OF AN UNANNOUNCED INSPECTION OF A LICENSED FUNERAL ESTABLISHMENT, THE BOARD SHALL PROVIDE THE RESULTS OF THE INSPECTION TO:

(1) THE HOLDER OF THE FUNERAL ESTABLISHMENT LICENSE; OR

(2) ~~A LICENSED MORTICIAN OR LICENSED FUNERAL DIRECTOR WHO DIRECTLY SUPERVISES THE LICENSED FUNERAL ESTABLISHMENT IN ACCORDANCE WITH § 7-308(E)(1) OR § 7-308.1(E)(1) OF THIS TITLE~~ THE SUPERVISING MORTICIAN FOR THE LICENSED FUNERAL ESTABLISHMENT, AS DESIGNATED UNDER § 7-310(E) OF THIS TITLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

Approved by the Governor, May 5, 2014.