

HOUSE BILL 561

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5lr0719

By: **Delegate Krebs**

Introduced and read first time: February 11, 2015

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Morticians and Funeral Directors – Member Vacancies**

3 FOR the purpose of requiring the Governor to appoint each member of the Board of
4 Morticians and Funeral Directors from a list of names submitted to the Governor by
5 certain entities; requiring a certain list of names to the Governor; requiring the
6 Board to provide notice of a member vacancy to certain persons; requiring the Board
7 to develop guidelines for the solicitation of nominations and balloting process that to
8 the extent practicable will result in a certain Board composition reflecting certain
9 diversity of the State; clarifying that the manner in which a health occupations board
10 is required to give notice of a board vacancy is subject to a certain exception; and
11 generally relating to the State Board of Morticians and Funeral Directors and
12 member vacancies.

13 BY repealing and reenacting, with amendments,
14 Article – Health Occupations
15 Section 1–215 and 7–202
16 Annotated Code of Maryland
17 (2014 Replacement Volume)

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

20 **Article – Health Occupations**

21 1–215.

22 (a) Each health occupations board authorized to issue a license or certificate
23 under this article shall notify all licensees or certificate holders of board vacancies.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) [A] EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE, A health
2 occupations board may give notice of a board vacancy by electronic mail or a notice on the
3 board's Web site.

4 7-202.

5 (a) (1) The Board consists of 11 members.

6 (2) Of the 11 Board members:

7 (i) 6 shall be licensed morticians or licensed funeral directors; and

8 (ii) 5 shall be consumer members.

9 (3) All Board members shall be residents of the State.

10 (4) (I) The Governor shall appoint each member with the advice of the
11 Secretary, and with the advice and consent of the Senate, FROM A LIST OF NAMES
12 SUBMITTED TO THE GOVERNOR IN ACCORDANCE WITH SUBPARAGRAPH (II) OF THIS
13 PARAGRAPH.

14 (II) FOR EACH VACANCY ON THE BOARD:

15 1. THE MARYLAND STATE FUNERAL DIRECTORS
16 ASSOCIATION SHALL SUBMIT A LIST THAT CONTAINS AT LEAST TWO NAMES; AND

17 2. THE FUNERAL DIRECTORS AND MORTICIANS
18 ASSOCIATION OF MARYLAND, INC. SHALL SUBMIT A LIST THAT CONTAINS AT LEAST
19 TWO NAMES.

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

24 (b) (1) Each mortician member shall:

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

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

29 (2) In this subsection, "good standing" means that the Board has not
30 reprimanded the licensee, suspended, or revoked the mortician's license or placed the
31 licensee on probation within 5 years' time prior to or after confirmation to the Board.

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

3 (c) (1) Each funeral director member shall:

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

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

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

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

13 **(D) FOR EACH LICENSED MORTICIAN OR LICENSED FUNERAL DIRECTOR**
14 **VACANCY, THE BOARD SHALL SEND BY ELECTRONIC MAIL OR REGULAR MAIL A**
15 **NOTICE OF THE VACANCY TO:**

16 **(1) EACH MORTICIAN AND FUNERAL DIRECTOR LICENSED BY THE**
17 **BOARD; AND**

18 **(2) EACH PROFESSIONAL ASSOCIATION THAT REPRESENTS**
19 **MORTICIANS AND FUNERAL DIRECTORS IN THE STATE AND REQUESTS THAT THE**
20 **BOARD SEND IT SOLICITATIONS FOR NOMINATIONS TO FILL VACANCIES.**

21 **[(d)] (E)** Each consumer member of the Board:

22 (1) Shall be a member of the general public;

23 (2) May not be or ever have been a mortician, funeral director, or
24 apprentice;

25 (3) May not have a household member who is a mortician, funeral director,
26 or apprentice;

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

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

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

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

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

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

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

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

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

15 (5) To the extent practicable, the Governor shall fill any vacancy on the
16 Board occurring during the term of an appointed member within 60 days of the date of the
17 vacancy.

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

19 [(h)] (I) (1) The Governor may remove an appointed member:

20 (i) For incompetence or misconduct; or

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

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

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
28 1, 2015.