

# SENATE BILL 70

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5lr0927  
CF 5lr1476

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By: **Senator Conway**

Introduced and read first time: January 23, 2015

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Morticians and Funeral Directors – Orders of Summary**  
3 **Suspension – Prohibition on Stays**

4 FOR the purpose of prohibiting a stay if a person notes an appeal from an order of summary  
5 suspension by the State Board of Morticians and Funeral Directors; and generally  
6 relating to the State Board of Morticians and Funeral Directors.

7 BY repealing and reenacting, without amendments,

8 Article – Health Occupations

9 Section 7–319(a)

10 Annotated Code of Maryland

11 (2014 Replacement Volume)

12 BY repealing and reenacting, with amendments,

13 Article – Health Occupations

14 Section 7–320

15 Annotated Code of Maryland

16 (2014 Replacement Volume)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

18 That the Laws of Maryland read as follows:

19 **Article – Health Occupations**

20 7–319.

21 (a) Except as otherwise provided in the Administrative Procedure Act, before the  
22 Board takes any action under § 7–316 of this subtitle, it shall give the person against whom  
23 the action is contemplated an opportunity for a hearing before the Board.

24 7–320.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           (a)     Except as provided in this section for an action against any health care  
2 professional under § 7–316 of this subtitle, any person aggrieved by a final decision of the  
3 Board in a contested case, as defined in the Administrative Procedure Act, may petition for  
4 judicial review as allowed by the Administrative Procedure Act.

5           (b)     Any health care professional aggrieved by a final decision of the Board under  
6 § 7–316 of this subtitle may not appeal to the Secretary but may take a direct judicial appeal  
7 as provided in the Administrative Procedure Act.

8           (c)     **(1)**    If a person notes an appeal from an order of [suspension or] revocation  
9 by the Board, the order is stayed.

10                   **(2)    IF A PERSON NOTES AN APPEAL FROM AN ORDER OF SUMMARY**  
11 **SUSPENSION BY THE BOARD, THE ORDER MAY NOT BE STAYED.**

12           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
13 October 1, 2015.