

# SENATE BILL 70

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CF HB 98

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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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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 20, 2015

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## CHAPTER \_\_\_\_\_

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; requiring a stay~~  
6 if a licensed funeral establishment notes an appeal from an order of summary  
7 suspension by the State Board of Morticians and Funeral Directors; authorizing a  
8 stay if a certain licensee notes an appeal from an order of summary suspension by  
9 the Board; requiring a court to provide notice of an opportunity to be heard to certain  
10 parties before staying a certain order; prohibiting a court from staying a certain  
11 order if, after a hearing, the court makes a certain finding; and generally relating to  
12 the State Board of Morticians and Funeral Directors.

13 BY repealing and reenacting, without amendments,

14 Article – Health Occupations

15 Section 7–319(a)

16 Annotated Code of Maryland

17 (2014 Replacement Volume)

18 BY repealing and reenacting, with amendments,

19 Article – Health Occupations

20 Section 7–320

21 Annotated Code of Maryland

22 (2014 Replacement Volume)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

### Article – Health Occupations

7–319.

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

7–320.

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

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

(c) **(1) ~~IF~~ EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, IF a person notes an appeal from an order of ~~of~~ suspension or revocation by the Board, the order is stayed.**

**(2) ~~IF A PERSON LICENSED FUNERAL ESTABLISHMENT~~ NOTES AN APPEAL FROM AN ORDER OF ~~SUMMARY~~ SUSPENSION OF A LICENSE MADE BY THE BOARD IN ACCORDANCE WITH § 10–226(C)(2) OF THE STATE GOVERNMENT ARTICLE, THE ORDER ~~MAY NOT BE~~ IS STAYED.**

**(3) (I) IF A LICENSEE THAT IS NOT A LICENSED FUNERAL ESTABLISHMENT NOTES AN APPEAL FROM AN ORDER OF SUSPENSION OF A LICENSE MADE BY THE BOARD IN ACCORDANCE WITH § 10–226(C)(2) OF THE STATE GOVERNMENT ARTICLE, THE ORDER MAY BE STAYED.**

**(II) BEFORE A COURT MAY STAY AN ORDER UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE COURT SHALL NOTIFY THE LICENSEE AND THE BOARD OF THE OPPORTUNITY TO BE HEARD.**

**(III) A COURT MAY NOT STAY AN ORDER ISSUED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH IF, AFTER A HEARING, THE COURT FINDS THAT THE VIOLATION BY THE LICENSEE PRESENTS A SUBSTANTIAL LIKELIHOOD OF RISK OF SERIOUS HARM TO THE PUBLIC HEALTH, SAFETY, OR WELFARE.**

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

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.