

HOUSE BILL 1031

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4lr2775
CF SB 586

By: **Delegates Anderson, Cullison, and Pena-Melnyk**

Introduced and read first time: February 6, 2014

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 2014

CHAPTER _____

1 AN ACT concerning

2 **State Board of Morticians and Funeral Directors – Funeral Establishments –**
3 **Unannounced Inspections**

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

23 BY repealing and reenacting, with amendments,
24 Article – Health Occupations

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.



1 Section 7-409
 2 Annotated Code of Maryland
 3 (2009 Replacement Volume and 2013 Supplement)

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

6 **Article – Health Occupations**

7 7-409.

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

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

14 (1) The advance notice is no more than 14 days prior to the inspection;

15 (2) No specific date or time is provided for the inspection; and

16 (3) The advance notice is provided solely to ensure that a licensed
 17 mortician or funeral director will be on-site for the inspection.

18 ~~(c) A LICENSEE OR AN EMPLOYEE OF A LICENSEE SHALL GIVE~~
 19 ~~IMMEDIATE ACCESS TO A MEMBER OR AN EMPLOYEE OF THE BOARD WHO~~
 20 ~~ARRIVES AT A LICENSED FUNERAL ESTABLISHMENT FOR THE PURPOSE OF~~
 21 ~~CONDUCTING AN UNANNOUNCED INSPECTION UNDER THIS SECTION OF A~~
 22 ~~LICENSED FUNERAL ESTABLISHMENT, INCLUDING ACCESS TO THE~~
 23 ~~PREPARATION AND BODY STORAGE AREAS OF THE LICENSED FUNERAL~~
 24 ~~ESTABLISHMENT.~~

25 **(c) (1) THIS SUBSECTION APPLIES TO INSPECTIONS CONDUCTED:**

26 **(i) IN RESPONSE TO VALID INFORMATION PROVIDED TO**
 27 **THE BOARD RESULTING IN A COMPLAINT BEING OPENED BY THE BOARD**
 28 **CONCERNING THE PREPARATION OR BODY STORAGE AREAS OF A LICENSED**
 29 **FUNERAL ESTABLISHMENT; OR**

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

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

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

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

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

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

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

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

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