



Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Dennis R. Schrader, Acting Secretary

**Maryland Board of Morticians and
Funeral Directors**
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March 16, 2021

The Honorable Paul G. Pinsky
Chair, Education, Health and Environmental Affairs Committee
2 West Miller Senate Office Building
Annapolis, Maryland 21401

**RE: SB 938 – Health Occupations – Service Members, Veterans, and Military Spouses –
Temporary, License, Certification, and Registration - Letter of Support with Amendments**

Dear Chair Pinsky,

The Maryland Board of Morticians and Funeral Directors (the “Board”) submits this letter of support, with the amendments proposed below, for SB 938 - Health Occupations - Service Members, Veterans, and Military Spouses - Temporary Licensure, Certification, and Registration.

The bill proposes an expedited form of temporary licensure in the fields licensed under Maryland’s Health Occupations Article, to be available for military service members, veterans, and military spouses. This temporary license would be available to an applicant with an active, unencumbered license, certificate, or registration in another State. The Board supports this bill in its efforts to provide military families, relocating to Maryland, with the opportunity to serve our State through their licensed health occupations. However, the Board proposes the following three amendments to SB 938 (which have already been accepted by the House bill sponsor, Delegate Crosby):

(1) As referenced on page 3, lines 9-25, the Board requests a clear definition of the proof required of an applicant’s military, veteran, or military spouse status.

The bill requires that the application for temporary licensure include, "in the form or manner required by the Health Occupations Board," proof of the applicant's status as a military service member, veteran, or spouse; proof of licensure in another state; and proof that the military service member, veteran or spouse has been assigned to duty in Maryland or resides in Maryland.

The Board requests that the bill be amended to clarify which form of proof would be required, rather than leaving this to the individual licensing boards. This would guide the Board, provide uniformity for applicants, and reduce the burden on the Board to establish its own requirements for documentation.

(2) On page 3, line 28, the Board requests that a completed criminal history records check be required for temporary licensure.

The bill requires the applicant for temporary licensure to have an “application” for a criminal history records check pending at the time of temporary licensure, if the health occupations board issuing the temporary license requires a record check for licensure.

The Board does require that an applicant submit to a criminal history records check in order to issue a license, registration, or permit pursuant to Md. Code Ann., Health Occ. § 7-301.1. The Board may not issue a license, registration, or permit until the applicant’s criminal history information is received.

Under the bill as written, the Board would not have authority to review an applicant's criminal history prior to issuing the expedited, temporary license. A situation may arise in which the Board receives the complete criminal history of an applicant only after a temporary license has been issued. As a result, the Board would be unable to revoke or otherwise review that license in response to the criminal conviction without going through a necessarily lengthy complaint process. The Board suggests an amendment to the bill requiring a *completed* criminal history records check for temporary licensure as opposed to the requirement of just applying for it.

The Board understands that waiting for a completed record check would delay the issuance of a temporary license, and may even defeat the purpose of expediting this licensure. However, the review of an applicant’s criminal history is a crucial component of the Board’s duty to protect the Maryland public by regulating the death care professions. The Board respectfully suggests that other avenues of expediting a criminal history records check be explored without eliminating the requirement prior to licensure.

(3) The Board requests that permits be included alongside licenses, certificates, and registrations. See page 2, line 30 and page 3, line 1.

This bill refers only to a "license, certificate, or registration" issued by the Board and thereby excludes mortuary transporters and crematory operators, both of whom are issued permits (as opposed to licenses) by the Board pursuant to Md. Code Ann., Health Occ. §§ 7-205(c)(1)(i) and 7-602 . The Board feels that these professionals provide critical services to the public and should be included in any statutory changes. The Board proposes that SB 938 be amended to add "permits" to this list, and as applicable throughout.

Thank you for consideration of this testimony. The Board of Morticians and Funeral Directors respectfully requesting a favorable report with amendments on SB 938. If you have any additional questions, please contact the Board’s Executive Director, Christy Collins, at Christy.Collins@maryland.gov or call 410-764-4792.

Sincerely,
Mark Bailey

Mark Bailey, Ed.D
Board Chair, MD Board Morticians and Funeral Directors

The opinion of the Board expressed in this document does not necessarily reflect that of the Department of Health or the Administration.