

Title 10 MARYLAND DEPARTMENT OF HEALTH

Subtitle 29 BOARD OF MORTICIANS AND FUNERAL DIRECTORS

Chapter 07 Surviving Spouse

10.29.07.00 Surviving Spouse

Authority: Health Occupations Article, §7-308, Annotated Code of Maryland

10.29.07.01 Scope.

This chapter establishes standards for the issuance of a surviving spouse license by the State Board of Morticians and Funeral Directors.

10.29.07.02 Definitions.

- A. In this chapter, the following terms have the meanings indicated.
- B. Terms Defined.
 - 1. "Board" means the State Board of Morticians and Funeral Directors.
 - 2. "Funeral director" means an individual who is licensed by the Board to practice funeral direction.
 - 3. "Mortician" means an individual who practices mortuary science.
 - 4. "Mortuary science" means:
 - a. To operate a funeral establishment;
 - b. For compensation, to prepare a dead human body for disposition including disinfecting or preserving a dead human body or any of the body's parts by arterial or cavity injection; or
 - c. For compensation, to arrange for or make final disposition of a dead human body.
 - 5. "Mortuary science business" means the activities and entity related to providing mortuary science services.
 - 6. "Surviving spouse" means the husband or wife who is predeceased by a licensed mortician or funeral director.

10.29.07.03 Issuance of a Surviving Spouse License.

- A. Upon the death of a licensed mortician or funeral director, the surviving spouse shall:
 - 1. Submit to the Board within 30 days of the death of the deceased spouse:
 - a. An application on a form required by the Board;
 - b. Documentation of the spouse's death;
 - c. Evidence that the licensed mortician or funeral director either wholly or partly owned the mortuary science business for which an establishment license was issued;
 - d. Information as to the role that the deceased licensed mortician had in the operation of that business; and
 - e. Any other information requested by the Board to verify either the ownership or operational details of the mortuary science business with which the deceased mortician or funeral director had been associated; and
 - 2. Pay a fee pursuant to COMAR 10.29.04.
- B. The Board may not issue a surviving spouse license to a licensed mortician or funeral director.

10.29.07.04 Authority of Surviving Spouse License.

The surviving spouse license shall authorize the licensee to:

- A. Continue the operation of the mortuary science business of the deceased licensed mortician as it had been operated at the time of the licensed mortician's death; and
- B. Assist with the planning and conducting of funeral services for that mortuary science business.

10.29.07.05 Duration of Surviving Spouse License.

Subject to the renewal provisions of Regulation .09 of this chapter, a surviving spouse license shall remain effective if the license is used in accordance with Regulation .04 of this chapter.

10.29.07.06 Conditions of Issuance of a Surviving Spouse License.

The Board may issue a surviving spouse license if the Board receives:

- A. Documentation that the business is to be operated under the direct supervision of a licensed mortician or funeral director;
- B. The name, address, and license number of the mortician or funeral director that will be operating the business;
- C. A written statement from a licensed mortician on a form required by the Board verifying that, if embalming is provided, the licensed mortician will provide direct supervision and perform the embalming or other means of final disposition of dead human bodies on behalf of the mortuary science business requesting the license; and
- D. Documentation that the business continues to be operated in the same manner or mode as it had been operated at the death of the licensed mortician or funeral director.

10.29.07.07 Limitations of Surviving Spouse License.

- A. A surviving spouse's practice is limited to the conduct of the deceased licensed mortician or funeral director's mortuary business as the mortuary business had been operated during the spouse's lifetime.
- B. Nothing in these regulations precludes the expansion or relocation of the business by a surviving spouse.

10.29.07.08 Prohibitions.

- A. The surviving spouse is prohibited from using the surviving spouse license to conduct business in any manner contrary to the provisions set forth in this chapter.
- B. The surviving spouse license may not be transferred to another person or to another person's mortuary science business or funeral establishment.

10.29.07.09 Leasing Space.

- A. The surviving spouse licensee may not be precluded from leasing space in another funeral establishment should the building no longer exist in which the mortuary science business of the deceased licensed mortician or funeral director was conducted.
- B. If space in a funeral establishment is leased, all transactions, stationery, funeral programs, bank or savings and loan records, advertisements, and other documents shall explicitly serve notice to the public that the mortuary science business operated by the surviving spouse is different from the establishment in which the funerals are conducted.
- C. If space in a funeral establishment is leased, the name of the business of the deceased mortician or funeral director shall be used in all advertisements, including obituary notice, with the name and address of the funeral establishment from which the space is leased.

10.29.07.10 Renewal.

The license of a surviving spouse may be renewed every 2 years if the surviving spouse:

- A. Submits information on the form required by the Board;
- B. Pays the renewal fee required by the Board pursuant to COMAR 10.29.04; and
- C. Complies with the requirements under Health Occupations Article, Title 7, Annotated Code of Maryland.

10.29.07.9999 Administrative History

Effective date: June 20, 1994 (21:12 Md. R. 1060)

Regulation .01 amended as an emergency provision effective November 5, 2007 (34:24 Md. R. 2154); amended permanently effective February 25, 2008 (35:4 Md. R. 514)

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