

Title 10 MARYLAND DEPARTMENT OF HEALTH

Subtitle 29 BOARD OF MORTICIANS AND FUNERAL DIRECTORS

Chapter 12 Advertising

10.29.12.00 Advertising.

Authority: Health Occupations Article, §7-205(7), Annotated Code of Maryland

10.29.12.01 Scope.

This chapter governs advertising by all persons licensed by the Board of Morticians and Funeral Directors in Maryland.

10.29.12.02 Definitions.

- A. In this chapter, the following terms have the meanings indicated.
- B. Terms Defined.
 - 1. "Advertising" means calling to the attention of the public the services one has to offer.
 - 2. "Board" means the Board of Morticians.
 - 3. Licensee.
 - a. "Licensee" means a licensed mortician, funeral director, or a surviving spouse license holder who holds a current license to practice mortuary science in Maryland.
 - b. "Licensee" may mean a funeral establishment in some instances.

10.29.12.03 Advertising.

- A. A licensee may:
 - 1. Advertise mortuary science services subject to the provisions of this regulation;
 - 2. Use the initials LM or LFD after their name to indicate that the licensee is authorized to practice mortuary science or funeral direction as a:
 - a. Licensed mortician (LM); or
 - b. Licensed funeral director (LFD); and
 - 3. Represent to the public that the licensee is a:
 - a. Licensed mortician (LM); or
 - b. Licensed funeral director (LFD).
- B. An advertisement may not contain statements:
 - 1. Containing misrepresentation of facts;
 - 2. Likely to mislead or deceive because in context the statements make only a partial disclosure of relevant facts;
 - 3. Intended to or likely to create false or unjustified expectations of favorable results;
 - 4. Relating to fees without reasonable disclosure of all relevant variables so that the statement would not be misunderstood or be deceptive to laypersons;
 - 5. Conveying the impression that the licensee could influence improperly any public body, official, corporation, or person on behalf of the public;
 - 6. Containing representations or implications that in reasonable probability can be expected to cause an ordinarily prudent individual to misunderstand or be deceived;
 - 7. Containing representations that the licensee is willing to provide services which are illegal under the laws or regulations of Maryland or the United States; or
 - 8. That fail to state that the licensee is licensed to practice mortuary science in Maryland.
- C. A licensee shall be accountable under this regulation if the licensee uses an agent or partnership to implement actions prohibited by this regulation.

- D. A funeral establishment may advertise that it is able to provide preneed services as specified in Health Occupations Article, Title 7, Annotated Code of Maryland.

10.29.12.04 Solicitation.

- A. A licensee may not engage in solicitation, including, but not limited to, in-person, telephone, or direct mail solicitation which:
 - 1. Amounts to fraud, undue influence, intimidation, or overreaching; or
 - 2. Contains statements which would be improper under Regulation .03B of this chapter.
- B. A licensee shall be accountable under this regulation if the licensee uses an agent or partnership to implement actions prohibited by this regulation.

10.29.12.05 Prohibitions.

- A. A licensee is prohibited from:
 - 1. Soliciting mortuary science business from a dying individual or the relatives of a dying individual other than through general advertising;
 - 2. Employing, paying, or offering to pay a person to obtain business, either in general or for a particular mortician, funeral director, surviving spouse, or funeral establishment; and
 - 3. Soliciting or accepting payment or rebate for recommending any crematory, mausoleum, or cemetery, suggesting that a dead human body be disposed of there.
- B. Unless licensed by the Board, an individual may not:
 - 1. Use the initials LM or LFD after the name of the individual to indicate that the individual is authorized to practice mortuary science or funeral direction as a:
 - a. Licensed mortician (LM); or
 - b. Licensed funeral director (LFD); or
 - 2. Represent to the public that the individual is a:
 - a. Licensed mortician (LM); or
 - b. Licensed funeral director (LFD).
- C. An apprentice licensee may not advertise the provision of mortuary science services in Maryland.
- D. A courtesy card holder may not advertise the provision of mortuary science services in Maryland.

10.29.12.06 Penalties for Violation.

A violation of these regulations pertaining to the use of advertising may result in disciplinary action against the licensee under Health Occupations Article, §7-316, Annotated Code of Maryland.

10.29.12.9999 Administrative History

Effective date: January 1, 1996 (22:26 Md. R. 2029)

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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