

# **Title 10 MARYLAND DEPARTMENT OF HEALTH**

## **Subtitle 29 BOARD OF MORTICIANS AND FUNERAL DIRECTORS**

### **Chapter 21 Mortuary Transport Services**

**Authority: Health-Occupations Article, §§7-101 and 7-601—7-607, Annotated Code of Maryland**

#### **.01 Scope.**

This chapter applies to:

- A. Applicants for a mortuary transport service permit;
- B. Applicants for registration as a transporter for a mortuary transport service;
- C. Permitted mortuary transport services; and
- D. Registered transporters.

#### **.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) “CJIS” means the Criminal Justice Information System.

(3) “Cleaning” means to disinfect the entire interior of the mortuary transport service vehicle, including the drivers’ cabin.

(4) “Crematory” means a building, portion of a building, or structure that houses the necessary appliances and facilities for cremation.

(5) “Criminal history records check” means the performance of both a:

(a) State criminal history check by the Central Repository; and

(b) National criminal history check by the Federal Bureau of Investigation.

(6) “Disinfect” means a process that eliminates many or all pathogenic microorganisms, except bacterial spores, on inanimate objects using liquid chemicals or wet pasteurization.

(7) “Funeral establishment” means any building, structure, or premises from which the business of practicing mortuary science is conducted.

(8) Human Remains.

(a) “Human remains” means:

(i) The body of a deceased person; or

(ii) A part of a body or limb that has been removed from a living person.

(b) “Human remains” includes the body or part of a body or limb in any state of decomposition.

(9) “Impervious surface” means a surface constructed from material that does not allow another substance to pass through or to penetrate the material.

(10) “Licensed funeral establishment” means, unless the context requires otherwise, a funeral establishment that is licensed by the Board.

(11) Mortuary Transport Service.

(a) “Mortuary transport service” means an individual or a business entity issued a permit by the Board that, for compensation:

(i) Removes and transports human remains;

(ii) Transports human remains from the place of death or storage to a funeral establishment or crematory;  
or

(iii) Employs a transporter to remove or transport human remains.

(b) “Mortuary transport service” does not include:

(i) A licensed funeral establishment using the establishment's own employee or employees to remove and transport human remains for compensation in the establishment's own Board-inspected vehicle; or

(ii) A cemetery or an employee of a cemetery that removes or transports human remains within the boundaries of the cemetery.

(12) “Office” means the Office of Cemetery Oversight within the State Department of Labor, Licensing, and Regulation.

(13) “Permit” means a permit issued by the Board to the owner of a mortuary transport service to operate in the State.

(14) “Permit holder” means a mortuary transport service that holds a permit issued by the Board.

(15) “Registered transporter” means an individual employee of a mortuary transport service who has registered with the Board to remove and transport human remains.

(16) "Registration" means a registration issued by the Board to a registered transporter to remove and transport human remains.

(17) "Removal vehicle" means a vehicle of a size, dimensions, and specifications suitable for the transportation of human remains which has passed an inspection by the Board.

(18) "Remove and transport human remains" means to remove human remains from one location and transport the human remains directly to another location.

### **.03 Requirements for a Permit.**

A. To qualify for a permit to operate a mortuary transport service, an individual shall:

- (1) Be at least 18 years of age;
- (2) Be of good moral character; and
- (3) Satisfy the requirements of Health Occupations Article, §7-602(c), Annotated Code of Maryland.

B. To apply for a permit, an individual shall submit to the Board:

- (1) An application signed by an individual who is the owner or co-owner of the mortuary transport service to be permitted on a form provided by the Board;
- (2) The required fee as set forth in Regulation .08 of this chapter;
- (3) A notarized statement attesting to compliance with Health Occupations Article, §7-602(c), Annotated Code of Maryland;
- (4) Evidence that all removal vehicles have passed an inspection by an inspector designated by the Board; and
- (5) Evidence that the mortuary transport service is bondable and carries liability insurance to cover each registered transporter employed by the mortuary transport service.

C. A individual may not operate a mortuary transport service in the State without a permit issued by the Board.

D. If the permit holder is the sole employee of the mortuary transport service, the permit holder shall also be registered as a transporter.

E. The permit holder shall return an expired permit to the Board as soon as possible.

F. The permit holder shall be responsible for registering all transporters in their employ.

### **.04 Requirements for Registration.**

A. To qualify as a registered transporter, an individual shall:

- (1) Be at least 18 years of age;
- (2) Be of good moral character;

(3) Hold a current valid driver's license in good standing; and

(4) Be employed by a mortuary transport service that holds a permit issued by the Board.

B. Required Coursework. Before registering as a registered transporter, an individual shall complete the following Board approved coursework options:

(1) An OSHA or MOSHA training course;

(2) A course on blood-borne pathogens;

(3) A course on infection control; and

(4) A law course on:

(a) Health-General Article, §5-513, Annotated Code of Maryland, excluding references to inspections of an out-of-State facility, with the objective of understanding the proper treatment of remains with dignity; and

(b) This chapter.

C. To apply for a registration as a registered transporter, an individual shall submit:

(1) A signed application on a form provided by the Board;

(2) Written, verified evidence satisfactory to the Board that the applicant has:

(a) Completed the application for a criminal history records check using the process required by CJIS and designating that the check be sent to the Board; and

(b) Paid all fees required by CJIS;

(3) Evidence of successful completion of the coursework required by §B of this regulation; and

(4) A copy of the individual's driving record, including probation before judgment findings.

D. A registered transporter shall maintain a current mailing address, excluding a post office box address, on file with the Board.

E. The permit of the mortuary transport service that employs the registered transporter shall be prominently displayed on the person of the registered transporter by means of an identification card. The identification card shall include the following information:

(1) A current picture of the registered transporter;

(2) The name of the mortuary transport service that employs the registered transporter; and

(3) The permit number of the mortuary transport service.

F. The permit holder shall confiscate the identification card of a transporter who is no longer in the permit holder's employ and return the identification card to the Board.

G. The Board may not register an applicant until the Board has:

- (1) Received and reviewed the criminal history records information; and
- (2) Approved the completed application.

## **.05 Procedures.**

A. Before using a body bag for removal of human remains, the registered transporter shall inspect the body bag to ensure that the body bag is fully closeable and that there are no holes, rips, or tears in the body bag.

B. Potentially Infectious Body Fluids.

- (1) All bodily fluids shall be considered as potentially infectious and dealt with appropriately.
- (2) Proper personal protective equipment shall be available for use at all times.
- (3) Contaminated surfaces and equipment shall be cleaned with disinfectant immediately upon completion of the removal or as soon as possible after the removal.

C. After each removal and as soon as possible, the registered transporter shall clean their hands using antiseptic hand cleanser and paper towels or antiseptic towelettes. As soon as possible thereafter, the registered transporter shall wash their hands using hot running water and soap.

D. The permit holder shall establish a written schedule for thorough cleaning, to be kept in the glove box of the removal vehicle, and method for cleaning the removal vehicle and equipment at least quarterly or as needed taking into account the use of the vehicle, the type of contamination present, and the human remains transferred.

E. An individual authorizing removal shall be given an inventory in which the transporter has made note of all valuables found on the decedent for the individual's signature.

## **.06 Prohibited Acts.**

A. A permit holder or transporter shall:

- (1) At all times treat the human remains being transported with the utmost dignity; and
- (2) Comply with the requirements of Health-General Article, §5-513, Annotated Code of Maryland, except with regard to inspection of an out-of-State facility.

B. A permit holder may not:

- (1) Violate any federal, State, or local law or regulation or order a transporter to violate any federal, State, or local law or regulation;
- (2) Employ a transporter who does not hold a registration issued by the Board;
- (3) In signage or advertisement, use a name for the mortuary transport service that is different from the name of the mortuary transport service as it appears on the permit issued by the Board;
- (4) Operate the mortuary transport service in a manner that does not respect:

- (a) The dignity of the decedent; and
- (b) The public health;
- (5) Prevent or in any way inhibit the Board's designated inspector from investigating a complaint or from inspecting a removal vehicle;
- (6) Unless appropriately licensed, represent themselves as a mortician or funeral director;
- (7) Make arrangements for burial or cremation of human remains;
- (8) Fail to notify the Board within 30 days of:
  - (a) A change in address of the mortuary transport service;
  - (b) A change in address of a registered transporter; or
  - (c) A commencement of employment or a separation of employment with a registered transporter;
- (9) Dress or behave in an unprofessional manner while performing their official duties;
- (10) Advertise or solicit business directly to the family of a dying person or recently deceased person; or
- (11) Offer goods or services other than the service a permit authorizes the permit holder to provide.

C. A registered transporter may not:

- (1) Transport human remains without the required documented authorization;
- (2) Unless appropriately credentialed, represent themselves as a:
  - (a) Permit holder;
  - (b) Mortician; or
  - (c) Funeral director;
- (3) Allow an individual who is not an employee of the employing mortuary transport service or of the funeral establishment engaging the services of the mortuary transport service to accompany the registered transporter while in the performance of the registered transporter's official duties;
- (4) Make arrangements for burial or cremation of the human remains unless appropriately licensed or certified by the Board or the Office;
- (5) Unless removing and transporting more than one human remains from different locations, fail to transport the human remains directly to the location agreed upon by the individual with the right to final disposition of the human remains or to the location requested by the mortician or funeral director;
- (6) Fail to notify the Board of a change of the registered transporter's address within 30 days;

(7) Fail to display prominently on their person, in accordance with Regulation .04E of this chapter, the permit number of the mortuary transport service for which the registered transporter is employed;

(8) Dress or behave in an unprofessional manner while performing their official duties.

(9) Display in any removal vehicle any marking, sticker, or other indication of passage of a Board inspection other than the sticker issued by the Board;

(10) Advertise or solicit business directly to the family of a dying person or recently deceased person;

(11) Offer goods or services other than the service a permit authorizes the permit holder to provide;

(12) Sign a death certificate;

(13) Upon arrival at a location for the purpose of removing and transporting human remains, fail to:

(a) Verbally identify themselves as a registered transporter; and

(b) Identify the entity for whom they are removing and transporting human remains;

(14) Perform their official duties in an unsanitary manner or in a manner that does not observe the Centers for Disease Control's Guidelines on Universal Precautions; or

(15) Eat, drink, or smoke in the removal vehicle while in the performance of their official duties.

## **.07 Vehicle Standards.**

A. A removal vehicle shall:

(1) Be of appropriate size for the transport of human remains;

(2) Have windows tinted to the extent that human remains are obscured from public view;

(3) Have a cargo bay which:

(a) Is fully enclosed; and

(b) Is designed to prevent co-mingling or shifting of human remains while in transit; and

(4) Have a floor which is a nonporous, impervious surface.

B. A removal vehicle shall include at least the following equipment:

(1) A removal stretcher and litter, each with a leakproof pouch; and

(2) A universal precaution kit which shall include the following:

(a) A red bio-waste bag;

(b) A heavy disaster pouch;

- (c) Goggles;
- (d) Booties;
- (e) A mask;
- (f) Disposable gloves;
- (g) A clean or disposable apron;
- (h) Antiseptic hand cleaner;
- (i) Disinfectant spray;
- (j) Clean towels; and
- (k) A first-aid kit.

C. Before the sale of a removal vehicle, the permit holder shall have the vehicle disinfected.

D. Removal vehicles shall be inspected by a Board designated inspector at least every 2 years starting from the date of first inspection.

E. A removal vehicle which has passed a Board inspection shall prominently display a Board-issued sticker on the vehicle attesting to passage of the inspection.

## **.08 Fees.**

The following fees related to mortuary transport services are established by the Board:

### A. Mortuary Transport Service Permit:

#### (1) Initial fee:

- (a) Category 1 (for 1—3 transporters, including the permit holder) — \$350;
- (b) Category 2 (for 4—7 transporters, including the permit holder) — \$500;
- (c) Category 3 (for 8—15 transporters, including the permit holder) — \$750; and
- (d) Category 4 (for more than 15 transporters, including the permit holder) — \$1,000; and

#### (2) Renewal fee:

- (a) The permit renewal fee shall be the same as the initial fee provided there has been no change in category;
- (b) If the number of transporters employed by a mortuary transport service has increased, resulting in a change in category, the initial fee for the higher category shall be paid as the renewal fee; and
- (c) If the number of transporters employed by a mortuary transport service has decreased, resulting in a change in category, the initial fee for the lower category shall be paid as the renewal fee;



B. Transporter registration processing fee (to add a transporter without change of category within the renewal cycle) — \$40;

C. Late fee (permit) — \$400;

D. Reinstatement fee — \$350 + initial fee;

E. Duplicate or replacement permit — \$40;

F. Duplicate registration — \$50;

G. Permit or registration verification fee — \$40; and

H. Replacement inspection sticker — \$40.

### **.09 Renewal Requirements.**

A. A mortuary transport service's permit expires 30 days after the effective date of this chapter.

B. After being issued an initial permit, a mortuary transport service's permit:

(1) Expires on the date set by the Board, unless it is renewed for an additional term; and

(2) May not be renewed for a term longer than 2 years.

C. At least 2 months before the permit expires, the Board shall issue a renewal notice to the permit holder that states:

(1) The date by which the renewal application shall be received by the Board for the renewal to be issued and mailed before the registration expires; and

(2) The amount of the renewal fee.

D. The permit holder may renew the mortuary transport service permit for an additional term of 2 years if the permit holder:

(1) Is otherwise entitled to be issued a permit;

(2) Pays to the Board a renewal fee set forth in Regulation .08 of this chapter; and

(3) Submits to the Board:

(a) A completed renewal application on the form that the Board requires;

(b) An updated criminal history records check; and

(c) An updated driving record, including probation before judgment findings.

E. The Board shall impose the late fee established in Regulation .08 of this chapter on any permit holder who fails to renew their permit 1 month before it expires.

F. A transporter's registration is effective provided:

- (1) It has not been suspended or revoked by the Board; and
- (2) The registered transporter is employed by a mortuary transport service which holds a permit issued by the Board.

## **.10 Reinstatement Requirements.**

A. To reinstate an expired permit, an individual shall:

- (1) Resubmit the application required by the Board for initial applicants;
- (2) Satisfy the education requirements stated in Regulation .04B of this chapter; and
- (3) Pay to the Board the reinstatement fee established by the Board in Regulation .08 of this chapter.

B. An individual whose registration has lapsed shall reapply to the Board under the procedure set forth in Regulation .04 of this chapter.

## **.11 Multi-State Establishments.**

All vehicles registered by an establishment which is part of the same business structure as a licensed Maryland funeral establishment shall be inspected by the Board at a convenient location within the State if the related establishment intends to transport Maryland decedents in their vehicles.

### **Administrative History**

**Effective date: February 17, 2014 (41:3 Md. R. 202)**