

Title 10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 29 BOARD OF MORTICIANS AND FUNERAL DIRECTORS

Chapter 12 Advertising

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

10.29.12.01

.01 Scope.

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

10.29.12.02

.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

.03 Advertising.

A. Licensees may advertise mortuary science services subject to the provisions of this regulation.

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

.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

.05 Prohibitions.

A. A licensee is prohibited from soliciting mortuary science business from a dying individual or the relatives of a dying individual other than through general advertising.

B. A licensee may not employ, pay, or offer to pay a person to obtain business, either in general or for a particular mortician, funeral director, surviving spouse, or funeral establishment.

C. A licensee may not solicit or accept payment or rebate for recommending any crematory, mausoleum, or cemetery, suggesting that a dead human body be disposed of there.

D. An apprentice licensee may not advertise the provision of mortuary science services in Maryland.

E. A courtesy card holder may not advertise the provision of mortuary science services in Maryland.

10.29.12.06

.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)