

# **Title 10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE**

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

### **Chapter 13 Rehabilitation Committee**

**Authority: Health Occupations Article, §§7-205 and 7-408, Annotated Code of Maryland**

*10.29.13.01*

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

- A. This chapter applies to the Rehabilitation Committee of the Board of Morticians and Funeral Directors.
- B. The President of the Board shall appoint the Rehabilitation Committee members.
- C. The Rehabilitation Committee is a panel which consists of a licensee member and a consumer member of the Board assisted by administrative staff and Board Counsel.
- D. The Rehabilitation Committee shall:
  - (1) Determine where meetings are held and the frequency of the meetings;
  - (2) Keep confidential minutes and maintain those minutes in a confidential file at the Board office; and
  - (3) Review and approve the procedures established by the Rehabilitation Committee.

*10.29.13.02*

#### **.02 Definitions.**

- A. In this chapter, the following terms have the meanings indicated.
- B. Terms Defined.
  - (1) "Board" means the Board of Morticians and Funeral Directors.
  - (2) "Committee" means the Rehabilitation Committee of the Board.
  - (3) "Formal agreement" means a written agreement between the Committee and the practitioner that lists:
    - (a) The individual requirements for the practitioner in the program; and
    - (b) The conditions that shall be met by the practitioner.

(4) "Impaired practitioner" means a licensee who is not capable of practicing mortuary science competently and is in need of treatment and rehabilitation for alcoholism, drug abuse, chemical dependency, or other physical, emotional, or mental condition.

(5) "Practitioner" means a licensed apprentice, funeral director, mortician, or surviving spouse.

(6) "Program" means the treatment and rehabilitation plan established by the Committee and agreed upon by the practitioner.

(7) "Treatment entity" means a licensed health care provider or licensed center for the evaluation, care, or rehabilitation, or all of these, of an impaired practitioner.

*10.29.13.03*

### **.03 Functions.**

A. The Committee, without cost to the Board, shall provide appropriate rehabilitative assistance to impaired practitioners.

B. The Committee shall:

(1) Make an initial review of the nature of the practitioner's impairment to determine an appropriate course of action;

(2) Review documentation pertinent to the impairment which has been made available to the Committee;

(3) Make appropriate referrals for:

(a) Evaluation;

(b) Treatment; or

(c) Rehabilitation; and

(4) Design, or request a treatment entity to design, a program that is generally accepted by an insurer which allows an impaired practitioner to practice mortuary science in a competent manner.

*10.29.13.04*

### **.04 Criteria.**

A. Admission to the program may be the result of:

(1) Self-referral;

(2) Formal complaint; or

(3) Referral by the Board.

B. If participation in the program is a result of a voluntary action by an impaired practitioner, which results in a formal agreement with the Committee to undergo a course of treatment or rehabilitation, the Committee shall report to the Board only noncompliance with the agreement.

C. The Committee may not report to the Board those impaired practitioners who self-refer or who come to the attention of the Committee by a formal complaint if those practitioners comply with the formal agreement or program.

D. The Committee shall report to the Board any noncompliance with the treatment program, if the Board referral is the result of a public or nonpublic order or informal discipline imposed by the Board.

E. The impaired practitioner for whom the program was designed shall pay all costs associated with the evaluation, treatment, and rehabilitation program.

10.29.13.9999

### *Administrative History*

**Effective date: January 7, 2002 (28:26 Md. R. 2273)**

**Regulation .01A 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)**

**Regulation .02B 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)**