

**MARYLAND BOARD OF MORTICIANS AND FUNERAL DIRECTORS  
OPEN SESSION MINUTES  
DECEMBER 11, 2013**

The meeting was called to order at 11:00 am with a quorum by Victor C. March, Sr., President.

**BOARD MEMBERS PRESENT**

Victor C. March, President  
D. Lynn Newman, 2<sup>nd</sup> Vice President  
Lauri Cebula-Seaboch, Secretary  
Dr. Hari P. Close  
Keith Downey  
Dr. Ahmed Elzaree  
Gladys Sewell  
Vernon Strayhorn

**ABSENT BOARD MEMBERS**

Renee Derketsch  
Michelle Huggins 1<sup>st</sup> Vice President

**STAFF**

Ruth Ann Arty, Executive Director  
Darlene Cline, Licensing Chief  
Edward Fox, Health Occupations Investigator  
Marc Ware, Compliance Officer  
Thomas Anderson, Health Occupations Inspector  
Richard Bloom, Board Counsel

**ADMINISTRATIVE REPORT**

Ms. Arty reported she has had discussions with the Executive at Vital Records regarding death certificates not being filled out correctly, specifically, place and date for final disposition. Ms. Arty and the Executive from Vital Records acknowledge there may be a way to electronically collect the burial transit permits, which would help.

**Transportation Regulations**

The 30 days are almost up for comments to object to the regulations. We expect for them to be approved. Ms. Arty, Ms. Cline, and the Board have been in meetings to think about the process, the transport companies should be permitted in the next few months. The biggest challenge for the Transport Regulations is that we don't know how many transport companies exist. We will continue to rely on establishment reports, regarding transport companies they use. If you are using someone and did not include them on your renewal, please send an email to Ms. Cline so they can be processed according the regulations.

**Apprenticeship**

The Board recognizes there are licensees that specialize in only doing arrangements and others that only embalm. The way apprenticeship is set up, it is hard for those firms to get only one sponsor and be eyes on. The Board has instituted a policy that an apprentice can split sponsors.

**LICENSING COMMITTEE REPORT**

Mr. Keith Downey, Apprentice Committee Chair, interviewed the following applicants.

### Apprentice

Mr. Downey moved for approval for Samuel Moon's change of location of the same firm. A motion was made and approved. D. Lynn Newman recused himself from the vote.

Mr. Downey moved for approval for Darnise Davis for apprenticeship out of J.B. Jenkins Funeral Home. A motion was made and approved.

### Mortician

Mr. Downey moved for approval of Mortician's License for Keith Nagata. A motion was made and seconded.

Mr. Downey moved for approval of Mortician's License for Romaine Gibbs. A motion was made and approved.

## **CONTINUING EDUCATION COMMITTEE**

Dr. Ahmed Elzaree, Continuing Education President, reported the following;

NFDA applied for 7 CEU's. Approved for 6 CEU's

Education Workers Group- Needed proper paperwork, will revisit next month.

Ed Rainer - Program previously approved, change in location.

CAFA - Applied for and was approved for 3 CEU's, however the date changed. The Board will notify them and ask to re-submit.

MSFDA approved for 12.75 CEU's

A motion was made and seconded to approve the above CEU's and courses.

## **EXECUTIVE COMMITTEE REPORT**

No Report

## **FAMILY SECURITY TRUST FUND COMMITTEE**

Lauri Cebula-Seabock, Family Security Trust Fund Committee Chair reported there is currently \$708,708.07 in the trust. The committee had an open meeting and three claims were discussed, the amounts will follow. The next meeting will be held March 11, 2014. Ms. Cebula-Seabock also proposed a meeting be held in June, September and December. Family Security Trust Fund monies were due November 30, 2013. Approximately 26 establishments did not pay on time. As of today there are 20 establishments that still have not paid and owe the \$500.00 late fee.

## **ESTABLISHMENT/INSPECTION COMMITTEE REPORT**

Dr. Hari P. Close, President reported on the following establishments.

### **Name Approval**

R. Bowman Horton Funeral Service, 4445 Crain Highway, White Plains, Maryland is asking for a name approval. A motion was made and approved.

Phillip Bell Sr and Wionna Morrisette-Johnson, PA is asking for a name approval for an additional location. A motion was made and approved.

### **PRE-NEED COMMITTEE**

D. Lynn Newman, Chair reported the pre-need inspections are going fine. There are no major problems to report at this time.

### **OLD BUSINESS**

Mr. March reported after three years, the Board feels we have got cremation regulations that are similar in substance to Office of Cemetery Oversight's, and have drafted them to be approved by the Board. Mr. March invited Ms. Arty to the podium to go over the changes. Ms. Arty reported we were down to five major discrepancies. We report that compromise has been made on these issues, more importantly the reading and writing issue that was proposed at the last open meeting on the cremation regulations. The Board's language is what will be in the regulations. The inspection position of the Board has also been adopted. There has been some compromise on the LLC's. Concerning the position of the pre-needs and merchandise sale, which the Board acknowledges would mean the process. OCO's regulations state all crematories can sell pre-need certificates for the process only and cremation related merchandise. Those were the major issues negotiated. The Board has the most current set of our regulations and OCO's regulations were given out after the meeting.

Senator Paula Hollinger met with representatives of AELR, staff, the Legislature and Kathleen Ellis, Deputy Counsel to discuss other negotiations. The Board met again and there were other compromises that the Board thought were important and wanted to acknowledge them, so when voting they are yet to be amended. Ms. Arty and Kristen Neville will meet to make the changes. On the identical regulations, it has been stated by the Delegates and AELR that if substance is the same, we are not held to structurally or semantically the same. The Board went through every line and found places where there were differences. That is what is being covered now. Ms. Ellis looked at both sets of documents and agreed the substance is the same, and accepts that structurally and semantically they are different. There were differences in whether it would be 15 days or 7 days that changes in information can be sent to the prospective office or Board. OCO's language states within 7 days, the Board compromised and went with 7 days. Regulation 10.29.17 was omitted from OCO's regulations, but remains in ours. The Board has structured the renewal applicant fees for late and reinstatement fees, which is not the structure in OCO. In our statute, we refer to moral character, OCO just states character. OCO's regulations spell out what should go on their forms. The Board's forms are done according to FTC regulations

therefore that will remain different. There was an adoption of their language as it relates removing metal mattresses in wooden caskets. Business hours were discussed and mean anytime the operation is conducting business, not set business hours.

Mr. March stated it is our understanding both sets of regulations have to be submitted by December 16, 2013. A motion was made and seconded to approve the amendments proposed to be made to the regulations.

Dr. Close stated he was concerned about the certificate process, and that the citizens of Maryland were not protected under LLC. It is his hope they would set up a fund similar to the Family Security Trust Fund, so when a crematory is sold the proceeds are put in an account.

### **NEW BUSINESS**

There are two organizations that have a structured program to certify crematory operators, CANA and ICCFA. Recently NFDA has also decided to offer a certification program for crematory operators. A motion was made to accept NFDA's crematory operators program. A motion was made and seconded to accept NFDA's crematory operators program. CANA will be in town May 16, 2014 offering a certification class for crematory operators.

Ms. Arty reported when it is liberal leave for the State, there is usually still staff in the office. However, if it is a snow day and the office is closed the Board cell will always be on. The State is closed December 24<sup>th</sup>, 25<sup>th</sup>, 31<sup>st</sup> and January 1<sup>st</sup>.

### **BOARD COUNSEL**

Mr. Richard Bloom, Board Counsel wanted to clarify a statement made regarding the Family Security Trust Fund and the eligibility of certain pre-need contracts that were written prior to January, 2009. Contracts written prior to January, 2009 may be eligible to make a claim to the Fund. The exception mentioned regarding section 2 of the legislation, fair trade practices are not applicable to those contracts. Therefore the contracts written by Stella could be eligible for fund reimbursement, depending on a number of factors.

### **AJOURNMENT**

Pursuant to Maryland State Government Article, Annotated Code § 10-501 et. seq., on a motion by Mr. Victor March, President, the motion was seconded, and the Board unanimously voted to close its meeting.