

**MARYLAND STATE BOARD OF MORTICIANS AND FUNERAL DIRECTORS
OPEN SESSION MINUTES
FEBRUARY 12, 2014**

The meeting was called to order at 11:00 am with a quorum present by Michelle H. Huggins, Acting Chair

BOARD MEMBERS PRESENT

Victor C. March, Sr. President, Via Teleconference
Michelle Huggins, 1st Vice President
Dr. Hari P. Close
Dr. Ahmed Elzaree
Gladys Sewell
Vernon L. Strayhorn, Sr
Keith Downey

ABSENT BOARD MEMBERS

Lauri Cebula-Seaboch, Secretary
D. Lynn Newman, 2nd Vice President
Renee Derketsch

STAFF

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

The meeting was chaired by 1st Vice President, Michelle Huggins. A motion was made and seconded for the approval of January's Board minutes.

ADMINISTRATIVE REPORT

Ms. Arty reported it is legislative session. The Board put in two bills this year, however there are 21 bills related to the death care industry. Licensure renewal is coming up for morticians, as the licensure cycle ends 4/30/2014. Ms. Cline will mail the renewal forms by 3/21/2014.

There have been sponsors bringing apprentices to the Board for apprenticeship that haven't cleared it with the owner of the establishment. To solve that problem, the Board is going back to the policy that if a owner of an establishment is not the sponsor of the apprentice, in addition to everything else that is required, there is a request that a notarized letter is brought from the establishment owner, saying they are taking the apprentice on as an employee.

The Board would like to honor our licensees who has passed. We have had two licensees pass this month. The Board wanted to acknowledge and honor the service of Calvin L. Williams and Thomas Skarda. The Board tries to respect all of our licensees and attend all funerals of licensees of the Board. However it has come to our attention that Maria Zannino passed last year. The Board did not have any knowledge of Ms. Zannino's death. The Board offers apologies for the lack of acknowledgement after

her death. Please call the Board if you know a licensee has passed. We would like to continue honoring people and also do what we need to do administratively when a license is no longer valid due to death.

Cremation Regulations

Ms. Arty is hopeful the Cremation Regulations will come out after the comment period which is coming up very soon. Ms. Arty, Marilyn Harris-Davis, and Thomas Anderson have been working on the many forms that are necessary for when the regulations become promulgated to be put in effect. The forms (administratively) will be identical between the two departments.

Transportation Regulations

The Transportation Regulations are going to be promulgated by February 17th. This will be helpful to funeral establishments that are exempt from the transport regulations if they are transporting decedents in their own vehicles, with their own staff. Other than that, the Transportation Regulations will require everyone to have a permit to transport decedents around the state. With that in mind, Ms. Arty will be doing four training seminars and eventually, the inspections of the transport vehicles at the following locations. The CEU courses will be offered in Baltimore, Cambridge, Cumberland and Prince Frederick. The final dates and locations will be posted on our website.

Permits go to the owner of the transportation company, but there is a registration of employees. Ms. Arty encourages everyone to try and attend one of the courses, so that we can look at the regulations and answer questions.

Bills

The Board has testified on two bills, SB 121, which the Board supported and SB 415 which was the Association's bill, which we supported with multiple amendments. There are 21 bills related to the death care industry, and the Board has to decide whether to take a position and what position to take. If you want to know what the Board's position is on the Bills, please call the office. Ed Rainer asked if the Board's amendments on SB 415 were available. Ms. Arty explained they were in front of the Senate. The Association has seen the amendments and have no problems with them except for one of which they would like a discussion. The amendment was suggested by the Board that required a quarterly statement to the consumers that held pre-need accounts. Mr. March, President of the Board, explained the original amendment to SB 415 addresses the importance of making sure the funds were properly placed in the appropriate vehicle that is allowed under our statute, an account that was federally insured or an insurance policy. The Board has seen where some funeral homes have established bank accounts that have been improperly titled, in the name of the funeral home, not in the name of the individual beneficiary. They have also opened those accounts under the funeral home's federal I.D. number, which makes it an asset of the establishment, and not a fiduciary relationship with the beneficiary. Therefore our initial amendment is to ensure the account is funded with a FDIC account that the beneficiary receives a report or statement from a 3rd party banking institution. Our initial suggestion was quarterly, but the Board will accept annually. The Board voted to amend the reporting period from quarterly to an annual cycle. A motion was made and seconded to amend SB 415.

Unannounced Inspections

Unannounced inspections are the Board's bill. It is already in the law, however the law states an owner or licensee must accompany the Board Staff into the prep room. The Board has always honored that requirement. That is problematic for those situations that are occurring in the prep room that should not be occurring. This bill will not affect 90% of the establishments, because they already allow us access. The Boards position is to support the bill.

Unclaimed Remains

Brian Ditzler of Consumer Alliance explained the intent of this portion of the bill is to address the problem of unclaimed cremains piling up in establishments due to families not claiming them. The intent of the bill is to allow the Board to become aware of how many cremains are in different establishments. The bill does not require the Board or licensee to do anything. It is just intended for the Board to be aware of the problem. The expectation is the Board and licensees will figure out a way to get the unclaimed cremains to the State Anatomy Board, which has expressed the willingness to take unclaimed cremains and put them with their cremains to be included with their annual burial.

SB 751

This bill states instead of the present way one is legally allowed to utilize pre-need money, it is put in a federally insured bank account in trust to the establishment, but owned by the consumer, in an insurance policy or a burial policy that is set up in the consumer's name, this bill suggests an appropriate way would be an investment tool, which is contrary to the Board's statute because monies could be lost. Mr. March also stated everyone should keep in mind that the funds are not the funeral home's, they are the property of the owner/beneficiary. The Board has to protect these funds, and if monies are allowed to be invested in the market, the market would adjust these funds hopefully upward, but also has the potential of decreasing funds. It is the Board's responsibility to protect these funds until a death occurs and we provide services, only then do the funds become the funeral homes. Mr. March feels it would be very irresponsible if we were to support a bill that allows funds to be invested in an open market.

SB 121

The Board supported this bill with amendments, not the original bill. The bill states when a police officer arrives at the home of a deceased person, a police officer must remain on the scene until the removal by the medical examiners office or a funeral home representative. The way the bill was written originally, it gave the authority of release to the police officer. What has been happening in affluent areas, two or three patrol cars may show up and stay. In lower socio-economic areas, it has been a more common practice for a uniform officer to show up and give the family a card and leave. Senator Benson, who sponsors the bill, believes this disparity allows for the possibility of overlooking a suspicious death and a lack of safety for the family and funeral practitioner that needs to move the body. The Board feels it is common sense that in the lower socio-economic areas where, perhaps the crime rate may be a larger, there may be a larger percentage of suspicious deaths, and there may be a safety factor for the funeral home. The Board has gotten phone calls from families who's loved ones have died in the house, the police came, said the person was deceased and left. Most police departments have policies, but they are not carried out consistently.

HB 1236/SB 580

Senator Shank introduced this bill saying if a deceased body is found, it should be reported to the authorities, and proper disposal made. The Board is supporting this bill with possible small amendments.

The next discussion was on the bill stating signage must be posted on the main entrance of the establishment if the establishment has a single owner. Ms. Arty explained there have been instances where a single owner dies and the funeral home does not continue if it doesn't get sold, and it has to be sold in 6 months under Maryland Law. If this doesn't happen, the funeral home will be closed.

SB 835

This bill exempts The Office of Cemetery Oversight from regulation. Marilyn Harris-Davis, Executive Director of OCO, explained the intent of the bill is for cemeteries over 100 years old to be exempt from regulations.

LICENSURE COMMITTEE REPORT

Keith Downey, Chair reported the following:

Apprenticeship

Mr. Downey moved for approval of Apprenticeship license for Desiree Cornelison. A motion was made and approved.

Mr. Downey moved for approval of Apprenticeship license for Brian Lowell. A motion was made and approved.

Mr. Downey moved for approval of Apprenticeship license for Sherri Lynn Fredlock. A motion was made and approved.

Mr. Downey moved for approval of Apprenticeship license for Patrick Thompson. A motion was made and approved.

Funeral Directors License

Mr. Downey moved for approval of Funeral Directors license for Darren Jones. A motion was made and approved.

Courtesy Card

Mr. Downey moved for approval of Courtesy Card for Corrine Nachajski. A motion was made and approved.

Mr. Downey made a motion that would require a notarized letter from owners stating an apprentice can practice at their facility. The motion was seconded.

CONTINUING EDUCATION COMMITTEE REPORT

Dr. Ahmed Elzaree, Chair reported on the following CEU's:

The International Order of the Golden Rule request 10 CEU's for their course, Building Bridges to Success on March 28-29, 2014. A motion was made and approved.

MKJ Marketing request 6 CEU's for their course, Creating the Hybrid Funeral Business on March 3-4, 2014. A motion was made and approved pending clarification.

MKJ Marketing request 6 CEU's for their course Communicating Effectively with the Baby Boomer Generation on March 5-6, 2014. A motion was made and approved pending clarification.

NFDA request 1 CEU for their course Complying with the new USPS Requirements for Shipping Cremated Remains on March 13, 2014. A motion was made and approved.

NFDA request 7 CEU's for their course NFDA Certified Crematory Operator Program on March 26, 2014. A motion was made and approved.

Stella Maris request 3.5 CEU's for their course Mastering the Behavioral Method: A Toolkit for Managing Difficult Patients on April 30, 2014. Not approved.

PIMS request 6 CEU's for their course 2014 PIMS Best Practices 101 on March 14, 2014. A motion was made and approved pending proper paperwork.

NFDA request 1 CEU for their course Inspiring Families to have the Talk of a Lifetime: How to Make it Happen on February 27, 2014. A motion was made and approved.

The Dodge Company/ R. Thomas Randall request 6 CEU's for their course Technical Embalming on March 21, 2014. A motion was made and approved.

FAMILY SECURITY TRUST FUND COMMITTEE

In Lauri Cebula-Seaboch's absence, Dr. Hari Close reported the following. There is currently \$713,583.07 in the trust.

ESTABLISHMENT/INSPECTION COMMITTEE REPORT

Gladys Sewell reported on the following establishments:

Restricted License

Walkers Life Memorial Center, P.A. is applying for a restricted license operating out of Howell Funeral Home, P.A., 3331 Brehms Lane, Baltimore, Maryland 21213. A motion was made and approved.

Name Approval

Sol Levinson & Bros. applied for a name approval. They would like to open a restricted establishment in Howard County to be solely used for making at-need and pre-need arrangements. The establishment will operate as a P.A., Sol Levinson & Bros. Funeral Services, P.A.

Craig Witzke of Craig Witzke Funeral Care, P.A. is closing his current restricted establishment and is opening a new restricted establishment at 1835 Frederick Road, Catonsville, Maryland 21228. The establishment will operate as Candlelight Funeral Home by Craig Witzke. A motion was made and approved pending final inspection.

PRE-NEED COMMITTEE REPORT

No report.

FYI

Michelle reported February 17, 2014 is a state holiday and state offices will be closed.

BOARD COUNSEL

No report.

AJOURNMENT

Pursuant to Maryland State Government Article, Annotated Code § 10-501 et. seq., on a motion by Ms. Huggins, 1st Vice President, and seconded by Dr. Hari P. Close, the Board unanimously voted to close its meeting.