

**MARYLAND BOARD OF MORTICIANS AND FUNERAL DIRECTORS**  
**OPEN SESSION MINUTES**  
**FEBRUARY 11, 2015**

The meeting was called to order at 11:40 am with a quorum by D. Lynn Newman, 1<sup>st</sup> Vice President in Mr. March's absence.

**BOARD MEMBERS PRESENT**

D. Lynn Newman, 1<sup>st</sup> Vice President  
Keith Downey, 2<sup>nd</sup> Vice President  
Vernon Strayhorn, Sr., Secretary  
Dr. Hari P. Close  
Dr. Ahmed Elzaree  
Gladys Sewell  
James Govoni  
Dr. Camille Bryan  
Wayne Cooper

**ABSENT BOARD MEMBERS**

Victor C. March, President

**STAFF**

Ruth Ann Arty, Executive Director  
Darlene Cline, Licensing Chief  
Thomas Anderson, Health Occupations Inspector  
Anthony DeFranco, Board Counsel

Mr. Newman began the meeting by asking for the approval of January's minutes and then asking for a moment of silence for Ms. Renee Derketsch. Ms. Derketsch was our longest sitting consumer member on the Board who passed away last week. Mr. Newman quoted Victor March in saying "Even though she is no longer with us, she was and will always be our moral compass for the Board". She will be missed.

**ADMINISTRATIVE REPORT**

Ms. Arty reported the Board has talked about trying to get around the state for open meetings. Over the last two years the Board has sent Ms. Arty around the four corners of the state whenever there has been statute changes so that licensees have the opportunity to keep up on the changes and to get the interpretation of the Board when there is a change so that the Board can help licensees be in compliance. The Board feels that in Baltimore, we only get a core response from licensees for the open meeting and we realize it's too far for those of you on the shore or on the mountain to travel if you want

to attend open session meetings. We will have one meeting on the shore and one meeting on the mountain, annually. For those that came out, the Board appreciates you doing so. We also appreciate Keith Downey, John and Rick for allowing us to use their facility.

There have been many things that have happened with the passing of the Cremation Regulations and Mortuary Transit Regulations, which have been discussed in open session, therefore you are encouraged to read the Board's website. Please know that within ten days after open session any information that was passed along that is important to licensees is posted on the Board's website. In days gone by, licensees got a newsletter two to three times a year. What the Board experienced was newsletters went to the owner of the establishment and either licensees did not see it, or the owner did not have time to read it. Now the Board is using the main page of its website for important announcements as an electronic newsletter. So if you are not checking the website, you are not going to know what's happening.

There have been a lot of calls to the Board regarding the Mortuary Transport Service regulations. Mortuary Transport is happening as a roll out program. The Cremation Regulations and Mortuary Transport Service regulations were passed by **Administrative, Executive, & Legislative Review** and signed by the Secretary of DHMH at the same time. The Board was mandated to get the Cremation Regulations up and running, but we did not have a date for the Mortuary Transport Service Regulations. Crematories are all permitted and registered crematory operators are processed. Mortuary Transport has been a more difficult process for the Board, because criminal history checks are written into the regulations, therefore the process is longer for the Board to consider those permits and individual registrations. The inspection sites around the state, which were set up by Tom Anderson, our inspector, were set up as a convenience for establishments that wanted their vehicles inspected, not as a requirement. However, it is a requirement for the Mortuary Transport Service permit holders because they don't have a physical location for the Board to inspect their vehicles and it is a regulation. It is the removal vehicles that we have to inspect. The Board had Mr. Anderson set up those sights as a courtesy. We agreed that funeral establishments are exempt from the Mortuary Transport Service regulations as long as they are using a Board inspected, passing vehicle, and their own regular employees (W-2 employees, not contractors). If establishments decide they do not want to bring their vehicles that is also fine as Mr. Anderson will be around the state doing an inspection in a two year cycle.

Body bags are a requirement if you are a transport company.

The Medical Examiner's office is now providing a spread sheet to vital records and the Board as of February, for all pick-ups at the Medical Examiner's office. The Board is

going to provide signage for them to hang, to remind people that either you need to be a mortuary transport business or a funeral establishment in order to pick up. The Board will be getting a list of who picked up and for whom. So if you are sending contractors, or people that have never had OSHA training, if you are a mortuary transport company and are sending people that are not a mortuary transporter, the Board will get that information monthly.

Ronn Wade has set up training in March for the mortuary service transporters. Isabelle Horon will also be training on electronic death certificates, and Ruth Ann Arty will be speaking on the new pre-need statute, human dignity, and an overview of the transport regulations for the three dates in March. Four CEU's will be offered.

We are now sending notices of renewal, not the paperwork, as it is expensive to send out the renewal forms to everyone. Also, they are often lost, and licensees call the Board to have them resent or faxed. This year, postcards were sent out for establishment renewal and we got many angry calls stating they did not pay attention to their postcard and therefore did not renew. The postcard provided the link to download the application. We called everyone that did not renew before the late fee time.

It is a requirement in prep rooms, where embalming is performed, that there must be a drain. The Board has continually educated on that, and has never violated for not having one, but people have been told it is a requirement. The Board announced last month that it would be enforcing that requirement as of May 1, 2015.

#### **EXECUTIVE COMMITTEE REPORT**

No report.

#### **FAMILY SECURITY TRUST FUND**

Gladys Sewell, Chair, reported there is currently \$831,958.07 in the fund.

#### **PRE-NEED COMMITTEE REPORT**

Gladys Sewell reported for D. Lynn Newman. Ms. Sewell spoke on how an escrow account should be set up to avoid co-mingling of accounts.

#### **FUNERAL ESTABLISHMENT/INSPECTION COMMITTEE REPORT**

Dr. Hari P. Close, Chair, asked Board member Jim Govoni to report the committee decisions and ask for a vote. Mr. Govoni reported on the following establishments.

### New Establishments

John O. Mitchell IV Funeral Services of Dulaney Valley, to be restricted out of Mitchell-Wiedefeld Funeral Home, Inc. A motion was made and approved.

### Corporate License Sale

Eric L. Brown, who owns and operates Rest Haven Funeral Chapel, Eric L. Brown, P.C., notified the Board of his intent to purchase the Corporate License of Moran-Ashton Funeral Home, Inc. that is owned by SCI. A motion was made and approved.

### Name Approval

Christopher and Sherri Fredlock are requesting to change their establishment name from Burdock Fredlock Funeral Home, P.A. to The C & S Fredlock Funeral Home, P.A, at both locations, Kitzmiller and Oakland. A motion was made and approved.

### Mortuary Transport

Saylor Funeral Home asked for approval of a Mortuary Transport Service Permit. A motion was made and approved.

## **LICENSURE COMMITTEE REPORT**

Keith Downey, Chair reported on the following applicants.

### Apprentice

Mr. Downey moved for approval of change of sponsor for Kimberly Moore. A motion was made and approved.

Mr. Downey moved for approval of Tara Gradoville for apprentice. A motion was made and approved.

### Mortician

Mr. Downey moved for approval of Jacquelyn Wills for mortician. A motion was made and approved.

### Crematory Operator

Mr. Downey moved for approval of Eric Scerbo for crematory operator. A motion was made and approved.

## **CONTINUING EDUCATION COMMITTEE**

Dr. Alzaree reported on the following CEU's.

David L. Bednar is requesting 2.5 CEU's for 2015 Annual Renewal Training. OSHA Annual. A motion was made and approved.

David L. Bednar is requesting 2.5 CEU's for 2015 Annual Renewal Training. OSHA Annual. A motion was made and approved.

NFDA is requesting 6 CEU's for NFDA Certified Crematory Operator Program, multiple dates. A motion was made and approved.

PIMS is requesting 6 CEU's for 2015 PIMS Best Practices 101. A motion was made and approved.

Regulatory Support Services is requesting 1 CEU for RESPECT. A motion was made and approved.

Regulatory Support Services is requesting 1 CEU's for FTC Training. A motion was made and approved.

Ms. Arty reported there are three programs for crematory operator certification, ICCFA, NFDA and CANA. The Board and OCO said if you need to be a crematory operator, those three programs are approved for certification. There have been questions raised regarding certification and license renewal CEU's. The Board would like your input as to whether a certification program should be giving CEU's that then can be used to renew your professional morticians' license. Dr. Camille Bryant of the Board reported the CEU Committee is concerned that CEU programs are trying to double dip, and the Board would like to get the public's opinion on this. The committee is leaning towards not approving having two opportunities to use the CEU's for one program. The committee feels you are getting certified, but not learning anything in the two year cycle to keep up with your profession.

It is in the law that the Board may audit CEU classes at any time. We don't audit every course, but we do randomly choose courses in person as well as webinars. Therefore, if you are submitting a webinar, please submit an access code that the Board can use to audit the webinar. Dr. Alzaree is asking the code be put on the application.

## **NEW BUSINESS**

Ms. Arty reported that she has not rendered a resignation, and the Board has not asked her to resign. The Board has made it clear to her that if she resigned they would not

accept it. Ms. Arty believes that the state of the morticians in this state is better today than it was seven years ago when Ms. Arty and the now sitting Board came. Ms. Arty also feels the Board has done a good job in helping people understand this Board's interpretation of the law. The statutes and regulations are written for the interpretation of the sitting Board, and as Board changes occur, the interpretations change. Mr. Newman also added the Board has a variety of laws, codes and statutes that we have to abide by and that's what we follow. We try and interpret them as best as the legislation would have us do, any input would be greatly appreciated. Mr. Downey added there are many associations in this state, however there is only one that is speaking. The others need to speak up, whether you are for or against, you should speak up. There is only one speaking for everyone.

### **F.Y.I.**

In an effort to bring the Board to the licensees and consumers of the state, next month's meeting will be in Western Maryland in Grantsville, Garrett County on 3/11/2015. The Family Security Trust Fund Advisory Committee quarterly meeting will be held on 2/17/2015 at 1:30 pm at the Board office.

### **LEGISLATIVE COMMITTEE REPORT**

Ms. Arty reported for those of you that don't know how to access the bills and statutes, you need to go to the General Assembly's website. There is a search bar, if you put in the word mortician anything that effects morticians will come up. Ms. Arty receives a weekly listing of bills that the Board has to consider positions on and the Board decides when they send her to Annapolis to speak on bills that will effect licensees or consumers. Ms. Arty encourages everyone to go to the General Assembly's website, as there are several bills that effect morticians.

A couple of bills that are coming up are not in the committee for Health Occupations, Education or licensee welfare. There was a bill that failed last year that was introduced by Senator Benson, and it is being reintroduced this year in the Judiciary Committee. It is a bill that requires the police department to stay on the scene at a house call death until the body is released by the medical examiner or the funeral home comes to remove it. Ms. Arty heard Senator Benson speak for the bill last year, and the Board sent Ms. Arty to speak for the bill as well. Ms. Arty quoted Senator Benson as saying, "In the wealthier areas of the state, the police will stay for hours. In the poorer areas of the state, or unsafe areas of the state, the tendency is for the police to show up and leave in five minutes when they are really needed". The Board supported that bill last year because we believe that every mortician in the state should have the same protection from law

enforcement as anyone else, and every family in the state should have a police presence if they feel they need one until a body can be removed. Families don't understand removals. The Board gets calls. Ms. Arty received a call a few months ago from a family in Baltimore City. They found their loved one on the floor in the bathroom dead, the family did not know if foul play was involved, so they called the police. The police arrived and said "Yep, she's dead", and left. If you care about the bill requiring police presence at a home where a death has occurred until the body has been removed, Senator Benson would like your support.

The Finance Committee is sponsoring a bill that gives large estates a larger exemption for funerals than smaller estates.

There is a desecration bill that states desecration of a body, in any manner would be a misdemeanor in the state. The Board is proposing an amendment stating in the performance of your professional duties, morticians would be exempt, which prevents people from coming forward and saying it is desecration to use a trocar. OCO offered an amendment because they felt it would be considered desecration to cremate a body. There amendment states that crematory operators would be exempt. They did not, however add "in the performance of their professional duties.

There is another bill on criminal history checks on all licensees. A consumer group that the Board is supporting put this bill in.

Senator Conway introduced a bill called the Shielding Bill. This bill suggests there are certain crimes that should be shielded from licensee boards and employers, because there is a concern that those that are rehabilitated would not find private sector jobs. They exclude all misdemeanor crimes and certain categories of felonies. The Board has not taken a position on that bill, however, Ms. Arty asks that everyone take a look at that bill.

The Board introduced three bills. The first one was filed by Senator Conway. That is a bill that would prohibit legal stays from the circuit court on summary suspensions. The second bill was to help clarify care and custody issues, however it will not be going forward as the Governor did not release it. The bill the Board put into clarify the existing statute's language, not change the law in any way, on ownership of an establishment will not go forward because the Governor did not release the bill. In Maryland, one hundred percent of the owners of an establishment must be licensees, unless they have a corporate license.

Consumer Alliance has three bills in that the Board is going to support. The first requires pre-need sales to be reported to the Board quarterly. The second is a cease and desist bill

in which they see as major consumer protection. This bill will give the Board legal right to cease and desist the practice of anyone who is not licensed. The Board is going to offer an amendment for a monetary fine as well. The third bill states that all licensees, upon initial licensure have criminal background checks.

There are three bills being introduced by a Delegate who is unhappy with the Board. The first bill states the Board should be immediately reviewed for possible re-organization. The second bill states the Executive of this Board should not work for the Board, but for the Secretary, and therefore, could be releasable by the Secretary, and not the Board. The third takes issue with the fact the Boards' executive was an Inspector and Investigator.

### **AJOURNMENT**

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