

**MARYLAND STATE BOARD OF MORTICIANS AND FUNERAL DIRECTORS  
OPEN SESSION MINUTES  
JANUARY 9, 2013**

The meeting was called to order at 10:30 am with a quorum present by Dr. Hari P. Close, President.

**BOARD MEMBERS PRESENT**

Hari P. Close, President  
Michelle Huggins, 1<sup>st</sup> Vice President  
Robert Bradshaw, Jr. 2<sup>nd</sup> Vice President  
Lauri Cebula-Seaboch, Secretary  
Renee Derketsch  
Victor March  
D. Lynn Newman  
Vernon Strayhorn  
John T. Stewart III

**ABSENT BOARD MEMBERS**

Dr. Ahmed Elzaree  
Keith Downey

**STAFF**

Ruth Ann Arty, Executive Director  
Darlene Cline, Licensing Chief  
John French, Health Occupations Investigator  
Thomas Anderson, Health Occupations Inspector  
Lisa Woods, Office Secretary III  
Richard Bloom, Board Counsel

**ADMINISTRATIVE REPORT**

Ms. Ruth Ann Arty, Executive Director started by wishing everyone a Happy New Year. An update on licensing, Ms. Cline continues to work with the stragglers. The Board has had many people who received cease and desist letters that were not cleared from the tax list, and a smaller group of individuals that did not apply on time. The Board will review those cases and act appropriately. Establishment licensing is coming to a close and morticians' licenses will be due again in April for the 1 year cycle licensees. Ms. Arty reminded licensees that if they renewed on the 1 year cycle, only 6 CEU's were due, and none of them need to be pre-need. Renewals for the 1 year group will go out the end of February, and licensure is in April.

There are a lot of people who have courtesy cards that would like to upgrade to a mortician's license. Those people are now able to transfer their courtesy card to a mortician's license by taking and passing the jurisprudence exam. The Board has voted it would only be a \$100.00 transfer fee since the \$600.00 fee was just paid and the card was only in their possession a couple of months.

Vital Records met with Board staff last week. They are going to start enforcing the list in the February or March cycle of death certificates. If you are dual licensed and are filing for an out of state establishment you need to be on that list. We are at 70% compliance.

Keith Downey is out with the flu, but he asked Darlene Cline if he could finish his CEU list through December and not to publish it on the web until he finishes the last two months. A hard copy was passed out and Ms. Arty noted there may be additions and Mr. Downey will update to the end of the year.

It is now January, the disclosure for the Family Security Trust Fund should be on all contracts. The grace period for stickers has run out.

When the Committees of the Board looked at the funeral rule, making sure everything was good from the forms received, a Board member pointed out that there is a statement that we have not paid much attention to because it did not apply to us, however, it is now the feeling of the Committee that it does. Page 21 of the funeral rule speaks on embalming and refrigeration. Ms. Arty was asked to check on the fee for funeral homes regarding environmental concerns in the city for sewage waste. The contact person for Environmental Services is Wendy Smith and her telephone number is 410-396-9696. All funeral homes are required to pay \$155.00 per year for disposal of funeral home waste. When asked by Ms. Arty why all funeral homes do not know this, and why some funeral homes are being assessed and others were not, Ms. Smith replied we only charge the ones we know about, and they are required to call us and tell us to bill them. Ms. Smith also stated if an establishment does more than flush a toilet for waste then they are assessed the fee, and all funeral homes fall in that category.

Pre-needs continue to be a problem. As licensees who own a funeral home have passed on, we have had many problems. Some Executors of establishments are fulfilling the requirements to let consumers know what there options are. But the bigger problem is all of the life insurance polices in the morticians' names, become part of the estate, when they are not transferred before the estate closes, because no one knows the owner has died. Tom continues to audit. We have people on the closed agenda today that might be charged for still owning policies. Ms. Arty is suggesting there be a discussion to add a regulation that says should the owner of a funeral home die, there must be public notice at the expense of the funeral establishment from the estate. If not, we will continue to get claims against the Family Security Trust Fund.

The Board has given out 5 Bills that were being considered to go to session. The Board submitted three, one regarding inspection, one regarding approval of supervising mortician and sponsorship of apprentice, and one for taking the exemption away from the

funeral establishment for discipline. The Bills are cross filed, we do not have numbers yet. As soon as they become available, we will give them to you.

All the inspection letters have been written up, however there are a couple of things about the inspection letters. When an establishment is visited by an inspector, you will be given a preliminary notice that you have either passed or if there are problems. That, however is not the final word. So until a Board member from the Establishment Committee signs off on an inspection, we can not send out a letter saying you passed inspection, because that is not a decision of Board Staff.

The Establishment Committee has worked over the years to comply with the 2001 regulation, which states a funeral establishment needed either to have a holding room or an embalming room if they are going to bring bodies into the establishment. In addition, the Board has met their requirements to make establishments have holding rooms that are transitioning after being sold and for new and renovated establishments. It has been a priority to get everyone in a healthful storage situation, and now with the storage bill, there is a bigger need to do that, and the Board has clear privilege to restrict licenses. Because there was confusion, there will be a follow up letter that will go out to licensees. A recommendation has been made to the Board that we consider taking the drain requirement out of holding rooms and keep it only in embalming rooms. This would require Ms. Arty to take another regulation to AELR to take that portion out. A motion was made and seconded for a vote to take out floor drains in holding rooms.

#### **APPRENTICESHIP COMMITTEE REPORT**

Ms. Cebula-Seaboch, Apprenticeship Committee Chair, interviewed the following applicants.

Ms. Cebula-Seaboch moved for approval of apprentice license for Edwin Jackson. A motion was made and approved.

Ms. Cebula-Seaboch moved for approval of apprentice license for Marche Morris. A motion was made and approved.

#### **CONTINUING EDUCATION COMMITTEE REPORT**

No report.

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

Ms. Cebula-Seaboch reported \$591,958.07 is the current total. The Family Security Trust Fund Committee met yesterday, and the elected officers are in place as before, Lauri Cebula-Seaboch, Chair, Ed Lassahn, Vice Chair, Cynthia Galmore, Secretary. The Committee is presently researching the amounts to pay out on claims against any Paul Stella accounts, as the committee decides what percentage should be paid out.

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

Due to Ms. Huggins being detained, Mr. March reported on the following establishments.

### **New Establishments**

A request for approval of Harmon, Kenworthy & Minnich Funeral Home, P.A., 305 N. Potomac Street, Hagerstown, MD, pending signage. A motion was made and approved.

A request for approval of Ostrwosky Funeral Home, 312 S. Talbot Street, St. Michaels, Maryland. A motion was made and approved.

A request for March Funeral Home, P.A. 5616 Old Court Road, Baltimore, MD- Mr. March recused himself. A motion was made and approved.

### **COURTESY CARD**

Linda Behlin and Tawana Hinton of the McGuire Funeral Service, Inc., Washington, DC. applied to the Board for a courtesy card. A motion was made and approved.

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

Mr. Newman, Chair reported there were a number of inspections reviewed yesterday, and all were in compliance. Most of the inspections look better.

### **OLD BUSINESS**

No new news on the cremation regulations and no hearings.

The Board reviewed the draft of the Transportation Regulations in Executive Session last month. The Board has adopted it, and made no changes in the final draft. The final regulations will be proposed once we make a public vote. A motion was made and seconded on the transportation regulations that had been discussed and accepted.

### **NEW BUSINESS**

Ms. Cebula-Seaboch moved for approval of Joseph Yingling for Mortician via waiver of apprenticeship. A motion was made and approved.

Mr. Ed Rainer made a formal request to the Board that we discuss clarity for the transport regulations. In the transport regulation there are two exceptions. First, when a body is transported within cemetery grounds a transport company is not necessary. The second is when transporting for their own establishment, there is no need for a transport company. That is clear in the Bill. What needs clarification is body donation which is not covered by those two exceptions, so it would appear they would follow the regulations.

## **ADJOURNMENT**

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