

Maryland State Board of Morticians

Board of Morticians

Winter, 2006

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Message from the President

At this writing it is December, 2005. The board has completed four board meetings with the new inclusive format that the board wrote to you about in our first newsletter. Based on the experience of those meetings we have made some minor changes in scheduling:

8:00—Apprentice, Pre need and Establishment committees meet

10:15 AM – 10:30 break

10:30 AM—12:00 Open Session (all are welcomed).

Please remember that the public session time now starts at 10: 30 AM.

12:00 PM—12:30 PM lunch break

12:30 PM- Closed Session. Complaints and problematic situations are dealt with at this time.

I'm pleased to report that the board has welcomed this more inclusive format and that the board's discussions, opinions and decisions have resulted in ALL board members being involved in all processes of the board.

In our last newsletter we acknowledged several licenses that had been deployed to the areas affected by Katrina and Rita. We were notified of Brian Willem's deployment and acknowledge his service. Again, if we have

forgotten anyone, let us know.

Our preliminary sunset review of the Board has been sent to the Legislature and the Auditor's have finished their report. Please read Laurie's report in this newsletter.

Also, in this newsletter is an update on the financial status of the board and information concerning the board's expenditures.

I hope you had a Merry Christmas, Happy Hanukkah, Happy Holidays and New Year.

David L. Hovatter



Sunset Review Results

The State Board of Morticians is one of about 70 entities currently subject to an evaluation process called the "sunset review". This review recommends when an agency has served its usefulness or when the agency should be terminated. The board's last review was in October 2000 and extended the board's termination date from July 1, 2002 to July 1, 2008. The board underwent a preliminary

sunset review from June until December, 2005. Based upon that review, legislation will be enacted to reauthorize the board until July 1, 2018. This is truly good news!

As part of the process, staff and board members were interviewed. Meeting minutes, expenditures, revenue, and complaint data were also reviewed. Staff from the Department of Legisla-

tive Services attended a board meeting.

The sunset review report stated that *"the board is successfully fulfilling its mission of protecting public health and consumer interests and promoting quality funeral service practices in the field of mortuary science."*

The review's recommendations included the following:

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Board Members

David Hovatter
Board President

Michael Ruck, Sr.
1st Vice President

Gladys Sewell
2nd Vice President

Faye Peterson
Secretary

Members at Large

Donald Borgwardt

Michael Kruger

Marshall Jones, Jr.

Vernon Strayhorn, Sr.

Brian Haight

Robert Bradshaw, Jr.

Jeffrey Pope

Sunset Review...continued from page 1

1. The board will revisit the length of Apprenticeships

In order to determine whether an apprentice is adequately prepared for the technical and professional rigors of the practice of mortuary science, the evaluation recommends that the board consider increasing the number of apprenticeship hours to 2,000 hours.

The board's response to this recommendation will be to consider increasing the required apprenticeship hours from 1,000 hours to 2,000 hours.



2. Complaint Tracking System needs to be upgraded.

The report recommends that a new complaint tracking system be implemented. The proposed system would better track the institutional history of the board.

In FY 2006, the board developed a tracking system for types of complaints received, outcome categories, length of time needed to resolve complaints, and the number of complaints received each fiscal year.

The board plans to train both the secretary and executive director in the software database Access. Using Access, the board will be able to analyze trends and develop an institutional history of complaints.

3. Continuing Education may be needed on Pre-need Contracts.

In fiscal 2004, 36 percent of all new complaints revolved around preneed issues.

In fiscal 2005, complaints involving preneed contracts accounted for 40 percent of all new complaints. Consequently, the evaluation suggests that the board consider requiring a mandatory minimum preneed continuing education requirement for licensees. The report states: *"A certain number of the 12 continuing education requirements should be devoted to promoting education in this area."*

The board will investigate sponsoring continuing education programs on the selling of preneed goods or services.

4. The board should develop legislation, with other interested parties, that provides for the regulation of crematories.

In 2003, cremations accounted for 26% of all State deaths.

The percentages of cremations performed within the State will continue to rise significantly. Consequently, the evaluation strongly recommended the need for the crematory industry to be regulated. The review suggested that the board be prepared to assist in the development of legislation.

The board feels strongly that crematories should be regulated. The Statute Review Committee of the board has begun to meet on a regular basis to discuss the development of crematory regulations.

Review of Cost Models for the Mortician's Board

Last fiscal year (July 1, 2004—June 30, 2005) the board spent a total of \$289,512. The board's revenue totaled \$312,871 which represented a \$23,359 surplus for the year. In an effort to understand what cost items are most expensive, the Department of Health and Mental Hygiene hired a consultant in July, 2005 to develop a work plan that reviewed all expenses incurred by each board. Consequently, the consultant examined the Board of Morticians' expenditure summaries, salary sheets, and output qualities.

Staff spent time with the consultant discussing the intricacies of the board's work. Also, hours were spent trying to break down the time it took to complete each board task. The board recently received the consultant's final report. The report cited the following cost items as being the most expensive for the board:

From highest unit cost to the lowest

- Preparation and presentation of Charge Orders
- Inspections of Existing Funeral Homes

- Indirect charges and other charges (rent, fees levied from the office of attorney general, etc.)
- The research of scope of practice requests
- Complaint investigations
- Legal interpretations of the law
- Preparation and attendance at disciplinary hearings
- Processing of applications
- Building maintenance

- Review of new credentials
- The results of the study indicate that the compliance and discipline function of the board consumes the most expensive resources.



There have been no public orders issued since November, 2005

Money Matters

As you probably know, the Board of Morticians became self-supporting in 1992. As a result, the licensing fees you pay must cover all the expenses of the board. These expenses include board staff. The Board of Morticians share other personnel with all the Health Occupations Board. A fiscal officer, two computer specialists and a legislative and regulatory specialist are shared by the boards. The Board of Morticians utilizes and is required to pay for other functions performed by the Department of Health and Mental Hygiene ("DHMH").

For example, the board pays the partial salaries of administrative prosecutors, personnel services support, Information Resource Management support, Governmental Relations and Office of Regulations support and Budget Management support. Along with personnel, the board pays rent at the Patterson Avenue address. The Board shares all of these expenses, plus the every day cost of running the board. Consequently, the board is fiscally conservative in its approach to expenditures so that we can keep costs down for you, the licensee.

Welcome

Apprentice License

Todd Drew
Ryan Hughes
Tyrone James Young
Niihah Renee Frederick
Steve Slack
Kimberly Briscoe-Tonic

Morticians License

Mark E. Bailey
Charles Carey
Mia Giniumans
Beth Ann Kehl
Cynthia Jones
Daniel Thomas McLaren
Daniel Lindamood
Jason Pozar
Mary Etta Russum

Good News for the Apprentice

The Board voted to issue each apprentice license for one year from the date in which the apprentice license is approved. Therefore, if an apprentice license is given to an individual on 11/1/05, the license will expire on 11/1/06. This gives all licensees one year to complete their apprenticeship requirements without having to renew before the year is over.

Proposed Regulations

The Board of Morticians submitted proposed amendments to the Inspection Regulations 10.29.03., sections .02 and .03. The board voted on deleting the following from this definition:

10.29.03.02(4) "Funeral service business" means a business owned or co-owned by a licensed mortician or funeral director involving the practice of mortuary science or funeral direction by a licensed mortician or funeral director. who is not an owner of a licensed funeral establishment.

The board voted on adding the following definitions:

10.29.03.02(7) "**Ownership means the act of having or controlling directly or indirectly at least 10% interest in the corporation, partnership, association, organization, or other business entity.**

"10.20.03.02(12) "**Supervising morticians" means a mortician who is**

responsible to the State Board of Morticians for the compliance or the morticians' act for all operations of a funeral establishment including but not limited to the administration of preneed accounts.

The board also voted to submit the following addition:

10.20.03.03H (2) **All Funeral Homes must display ownership information.**

(A) Every licensed funeral establishment shall prominently display on a sign, located either immediately outside or immediately inside the main entrance, all of the following ownership information:

(B) The name of every licensee who holds at least a 10% ownership interest in the partnership, professional association or sole proprietorship which operates said funeral establishment: and

(C) The names of any and all persons, corporations or other business entity which operates that funeral establishment. The lettering on said signs shall be not less than one inch in height.

What do these proposed changes mean?

The proposed changes will require that the public be informed of who owns each funeral home.

The changes will allow the board to identify a single person who is responsible for the running of the funeral home.

And finally, the change will allow a mortician to own both a funeral home and a funeral service business.



Continuing Medical Education

by Ronn Wade, Director of State Anatomy Board

The past.....

A few years ago, I began organizing periodic continuing education seminars that would assist Mortuary Science licensees, my colleagues and friends in attaining the approved credit hours to fulfill their renewal requirements. A series of three 4-hour seminars were conducted on Saturdays at the Catonsville campus of CCBC annually (12 credit hour/year). They included topics on forensic science, infectious disease, State and Federal Veterans administrations, veteran's cemeteries, estate planning, the Mortician Board and legislative updates, etc. The registration was handled by the college's continuing ed office and fees were nominal. After expenses, proceeds went to the Scholarship Fund of the College's Alumni Association. It was a win-win; together we were getting and giving educational opportunities in an educational environment. There were some internal difficulties organizing the seminars under that structure that necessitated making some changes...

It has been more than a year since I have been able to offer seminars. As I had stated at the beginning of each of the seminars ... I wanted this to be an on-going program, one that is meaningful and has impact beyond that day. The program was well received and because of that significant

funds were added to the Scholarship Fund. Something our Funeral Service professionals can be of ... it made a difference and had impact.

The future.....

For all those licensees that are now thinking that renewal time is only a few months away and you still need hours Hope is on the way. In a couple of weeks all licensees and funeral establishments will get a mailing from the Kids on Wheels Foundation, Inc. that there will be seminars offered on January 21, 2006 and January 28, 2006 (8 a.m. thru 12:30 p.m.). Again, these will be 4-hour seminars with the credit hours approved by the State Board of Morticians. There is another seminar being planned for February 11th, a very special one and will be announced soon.



These three programs total 12 credit hours prior to the renewal deadline. So, there is little excuse for this missed opportunity.

Seminar Details:

The seminars will be routinely held at 522 West Lombard Street, historic Davidage Hall, University of Maryland School of Medicine and promptly begin.

There will be mail-in registration (check or money order) or you can register at the door. Unfortunately, no credit card or debit cards can be accepted at this time. Registration fees include refreshments and University garage parking at the Pratt Street Garage (next to the Office of the Medical Examiners.) The registration fees will be nominal to promote attendance and participation. Proceeds from the seminars will be given as donations to charitable organizations and institutions to promote education and training, the public health and improve medical care.

The plan is to have a minimum of three seminars annually (12 credits). However, there is also some "hands-on" lab training planned for the future. Any licensee who has an interest in helping to organize and plan these on-going events, please contact me. Likewise, any suggested current or relevant topics or speakers are welcomed. We are all shareholders in this effort!



Kids on Wheels Foundation, Inc. is a 501c3 non-profit, charity organization that was founded to promote mobility, independence and improve the quality of life of the disabled individuals of all ages. It receives donations of wheelchairs (powered or manual), scooters, walkers, etc., performs minor rehab of the equipment if needed, and releases on loan to needy handicapped individuals as long as it's needed and without cost.

Happy New Year,

Ronn Wade

KOW, Founder & CEO

Maryland Mortician

Executive Director's Report

Greetings from the board of Morticians! The staff at the Board's office hope that you had a blessed holiday and a happy New Years.

The Board has been very busy this Fall/Winter. Many of the Board's highlights are outlined in this newsletter.

As we begin the New Year, please remember that your mortician's license and Funeral Director's license expires on April 30, 2006. Therefore, you will receive

your renewal packet in the mail soon. If you have any questions concerning the renewal process, don't hesitate to call the staff.

Along with the information for your renewal, the Board will expect you to submit original documentation of compliance with the continuing education requirement.

A minimum of 12 Continuing Education Units (CEU) is required each renewal period.

There is a wealth of opportunities for continuing education classes on the internet, (remember you can only take 3 CE's on-line), at funeral homes and in a classroom setting. In this newsletter Ronn Wade, director of the State Anatomy Board, has detailed some wonderful opportunities for meeting the CEU requirement. Below are just a few of the additional CE classes the board has approved. For a more

extensive list of approved credits go to the Board's web-site at

www.dhmd.state.md.us/bom.

I look forward to getting to know even more of you as we begin renewals.

Sincerely,

Laurie Sheffield-James



CONTINUING EDUCATION CREDITS

March Funeral Homes, Inc

410-435-0500

Baltimore, Maryland

OSHA Standards for Funeral Homes`

3.0

Varied times

National Funeral Directors Association

262-789-6977

NFDA Teleconference/Web Seminars

2.0

1/19/06 – Caregiver's Overload: How to Cope with Accumulated Loss

3/23/06 – Managing Diversity in the Funeral Home

4/18/05 – Surviving a Successful Preneed Program

5/18/06 – FTC Compliance: 2006 Update for FH Owners and Staff

7/18/06- Personal Service: Much different than Personalization

8/17/06 – Handling Potential Legal Issues Related to Embalming

9/26/06 – Cremations: Due Diligence and Recommended Procedures

11/14/06 – Preventing the Most Frequent OSHA Violations in Funeral Homes

Maryland State Funeral Directors Association

Mid-Winter Retreat

Feb. 10-12. 2006

Caring for the Caregiver

6.0 total

The Funeral – A Chance to Touch, Serve, Heal

The Power of Presence

Today, Present & Future – Arlington National Cemetery

International Order of the Golden Rule

Mortuary Recovery Operations at JPCA/CILHI Facility

4.0

800-637-8030 ext.120

February 20, 2006

Board of Morticians

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Board Counsel, AG's Office



STATE OF MARYLAND

DHMH

Maryland Department of Health and Mental Hygiene

Robert L. Ehrlich, Jr., Governor – Michael S. Steele, Lt. Governor – S. Anthony McCann, Secretary

Inspection statute changed

The Annotated Code of Maryland Health Occupation §7-409(a) states the following: “All inspections of funeral establishments shall be unannounced and may take place at any time without notice from the Board.” However, in 2002 the following language was included under §7-409(b): Advance notice.—An unannounced inspection may include advance notice that an investigator may be in the region of the funeral establishment, if:

- (1) The advance notice is no more than 14 days prior to the inspection;
- (2) No specific date or time is provided for the inspection; and
- (3) The

vided solely to ensure that a licensed mortician will be on-site for the inspection. Due to this statute change, the Board may be calling your funeral home to let you know that the inspector will be inspecting your facility within 2 weeks.

The board continues to examine the inspection process to find equitable ways of fulfilling the requirement of annual inspections for all Funeral Homes without causing undue disruption to the Funeral Home. If you have any suggestions about the inspection process, please feel free to share them with the board. The board welcomes your input.

Congratulations to past board members Greg Harthausen, Sr., Noel Brady and Kirk Babbage who received a Governor's Citation and a Certificate of Appreciation for their dedication to the work of the Board. Captured below is Noel Brady and Kirk Babbage, with their Citations, along with David Hovatter, current board president.

