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BEFORE THE MARYLAND BOARD OF MORTICIANS

BOARD OF MORTICIANS BOARD MEETING

HELD ON DECEMBER 10, 2014

BEFORE: VICTOR MARCH, BOARD CHAIR

P R O C E E D I N G S

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3 MR. MARCH: All right. Thanks again. We're
4 going to move on to our next item on our agenda. And
5 we're going to go with our administrative report. And,
6 Ruth Ann Arty, I'm going to pass it on to you.

7 MS. ARTY: Thank you, sir. Good morning,
8 everyone. Busy month here at the Board. And I don't see
9 it getting any less busy in the next couple. But I will
10 speak directly to the most important issue at hand, and
11 that is renewals. As everyone knows, all of the
12 establishments licensing cycle ended on November 30th.

13 There have been a couple of problems I'll bring
14 up so that people that may have done these things are
15 aware. This is the licensing cycle for establishments,
16 but also for courtesy cards, corporate licenses and
17 funeral directors, along with surviving spouses, not the
18 licensing cycle for morticians.

19 So we had several morticians that when they got
20 the notice who think of themselves as funeral directors,
21 but their license is mortician, they quickly renewed
22 their funeral director's license which they don't have
23 and did not pay attention to the other categories.

24 So those people, trying to be compliant, we
25 give you kudos, but we have to return some monies for

1 those licenses. So the people who are calling to say I
2 never got my funeral director's license, you never had a
3 funeral director's license and you're not going to get
4 one now. But in April you can apply for a mortician's
5 license. Okay?

6 So it was a matter of -- in terms of licensing
7 -- and I know we interchange the term professionally, but
8 the licenses are quite different. So be reminded, if you
9 are a funeral director and embalmer, as they call them in
10 other states, in Maryland you're a mortician. So that
11 notice did not apply to you.

12 Moving along to the fact that under the law we
13 couldn't renew any establishment that still owed fees
14 from the last cycle. We've been talking about those five
15 people that didn't pay all the monies in the last renewal
16 cycle. They are unhappily paying their late family
17 security trust fund and their \$500 fine. And to date all
18 but two have rectified their problems. And the people
19 that still haven't rectified do not have establishments
20 licenses, and we will be dealing with that later in the
21 day in closed session.

22 As to the renewals, for those of you that
23 really tried to get them in by the mid-month so that you
24 could get a paper license, thank you. We got 116 on
25 December 2nd out of 310, approximately. So more than a

1 third came after the date.

2 So for those of you frustrated that you don't
3 have the piece of paper yet, Darlene has been working
4 around the clock, even some of the days the State was
5 off, which was an additional problem because the State
6 was off for three days. And we don't get mail here. It
7 goes downtown and then gets forwarded here and then
8 distributed. It's a nightmare in terms of having those
9 days off around the Thanksgiving holiday, which it isn't
10 because we took them. It's because we didn't get the
11 mail until after them.

12 So we understand you want your piece of paper.
13 You're going to get it. You have no problem with the
14 Board as long as you completed the application. It
15 should be verified online. So for those of you that are
16 just missing the actual license, please go on the Board's
17 website and link up and make sure you're verified online.
18 Darlene has been very industrious about making sure that
19 they're verified. That's for establishments.

20 For courtesy card holders, we tried to get them
21 right out because cemeteries have been checking for
22 licensure. And we didn't want anybody to be held up at a
23 cemetery.

24 For those of you who don't have courtesy cards,
25 no one in this room, I am absolutely sure, but would go

1 to a cemetery and say I have one, I just don't have it on
2 me. Cemeteries have been calling the Board. We had a
3 situation last week where a family was held up for almost
4 two hours because someone from out of state came in and
5 said I just don't have the card; the Board didn't send it
6 to me yet.

7 Truth? Doesn't happen. Okay. So carry that
8 card so that you are one of the good guys when they ask
9 you for it. You don't want to hold up a family. We
10 don't want to hold you up.

11 If you are a courtesy card holder and you don't
12 have the piece of paper yet, please call the Board right
13 away. I think we're all caught up on those, even the
14 ones that came late.

15 Your courtesy card and your pocket license
16 should be on you. We've discussed the size of them.

17 We're working with the State to change the size. Victor,
18 do you want to hold yours up again? Most of the Board
19 members have reduced them and laminated them so they are
20 wallet size. The State calls them pocket size. We can't
21 make them smaller until the State changes its licensing
22 forms. So if you want to carry it in your wallet, just
23 reduce it and laminate it. It's fine.

24 But more and more you're going to be asked for
25 it. The cemeteries are catching on. Thank you to

1 Cemetery Oversight. And the veteran's cemeteries
2 particularly have been asking, because they've had a lot
3 of non-licensees. It may seem like an inconvenience when
4 it's happening to you, but keep in mind it is an
5 integrity issue for the license you really have because
6 for years in this State people who do not have a license
7 were going to cemeteries making final disposition, and
8 that is now being stopped by this process.

9 Moving on to mortuary transit, as I reported
10 last month as you see with the electronic death
11 certificates, we are doing that as a rollout slowly. The
12 permits are out. All of the individual licenses are not
13 yet. In January we're going to work on the photo IDs and
14 getting them out to people. The Board, up until this
15 morning, was still interviewing people that had criminal
16 history issues that had to be looked at one by one. So
17 that will continue to happen.

18 Now, Tom had a lot more compliance after last
19 month's meeting on people wanting to get their inspection
20 stickers on their vehicles even if they are
21 establishments who are exempt from the statute.

22 As Mr. Doyle pointed out, it is not in the regs
23 that you must present your vehicle for inspection before
24 we get around to our regular inspection. But as Ruth Ann
25 Arty pointed out, if somebody asks you because they're

1 trying to follow the law and you are inconvenienced,
2 we're trying to help you with that by making offerings so
3 you can get that inspection sticker on your vehicle
4 before it takes us two years to get around the State.
5 And they are checking some people. I'm going to pass
6 along to you that a funeral establishment got stopped. I
7 don't know how this happened. Let it be known that Ruth
8 Ann Arty didn't know about it. The Board didn't know
9 about it. And we did not cause it. But someone got
10 stopped by a State trooper on the Eastern Shore to ask if
11 their vehicle was inspected; did they have a burial
12 transfer; were they a funeral home or a permitted
13 company.

14 So hospitals are aware of the law. Nursing
15 homes are aware of the law. So we announced that we
16 would create five more dates. They are now -- we have
17 four that are confirmed in different locations around the
18 State. We're giving you the information in plenty of
19 time. Tom's e-mail is thomas.anderson@maryland.gov. He
20 will be in Prince George's County on 1/6; Baltimore on
21 1/7; Salisbury on 1/16; and in Cumberland on 1/20. That
22 information will go up on the Board's website with exact
23 locations. But I'm giving you the dates for planning
24 purposes so that as we continue the process, even though
25 establishments are exempt, they are required to get that

1 sticker. And we know that you're not required to bring
2 it in, but if you can, do yourself a convenience favor
3 and get it. It's free. It's on our dime. It's on our
4 time. We're just trying to make it convenient. Thank
5 you.

6 Reminder for the prep room statute, immediate
7 access. There are people who have not done the key thing
8 or the combo thing. Please know that if Tom or somebody
9 else authorized to do inspections for the Board shows up
10 to do an inspection pursuant to probation or to a
11 complaint that you must have a key or a combination
12 readily available for the inspector to enter. I just
13 don't want to see anybody have any difficulty with that.
14 It's a reminder. And so please, we don't want to have
15 problems disciplinarily with that statute. We want you
16 to be able to comply.

17 This one is not popular. I am the messenger.
18 But you've gotten this message for a couple of years and
19 I'm just giving the heads up that the Board is about to
20 send out a letter from the establishment committee. For
21 a couple years now, and probably before, we've been
22 talking about this since I was the inspector, and that's
23 been going back in some time.

24 There is a requirement that in preparation
25 rooms where embalming is performed, there must be a

1 drain, at least six inches. There are approximately 20
2 establishments in the State that do not have a drain.
3 They've been on notice now because they don't have fully
4 passing inspections because they've been told they need
5 that drain. The Board has finally decided that time is
6 out and the letter is going to say that the board is
7 going to enforce that, but we're still going to give
8 everybody some more time. We're trying to be licensee
9 friendly. The Board has decided that disciplinary
10 enforcement can occur as of April 1. And everyone is
11 going to get a letter, but heads up.

12 Going down my list, the Board phone, I welcome
13 all of your calls. Most of you are friendly when you
14 call. Please call the Board first because during the day
15 I'm not sitting staring at the Board's cell phone. And
16 so people call on the Board cell phone and don't get an
17 answer, they would get an answer if they called my desk
18 or staff.

19 So please call the Board first for me, and if
20 I'm not there they'll tell you I'm out in th field and
21 you can text or call the cell. No problem with that.

22 Holidays. This is the time of the year where
23 the staff is frustrated, and I'm sure some of you are.
24 Snow days, we can't do anything about when they close the
25 building. So please check Budget and Management. If you

1 can't get us, it may be that the building is closed.
2 Holidays are posted, but I'm going to give you the
3 holidays for the next month so you'll know that the staff
4 will not be in the building. I will have the cell phone.
5 I will answer. If you have something of immediate
6 concern, please call. That is Christmas Eve, the 24th;
7 Christmas Day, the 25th; the 31st of December, the day
8 before New Year's, New Year's Eve, and the 1st of
9 January. Those days the Board staff will not be here. I
10 will be carrying the cell phone. Thank you.

11 And speaking of the holidays, thank you to the
12 two associations that hosted holiday gatherings for which
13 the Board and staff were invited. I think it's always
14 good to have conversations that are out of my office and
15 out of your office. And we certainly had a chance last
16 Thursday night at the Rusty Scupper and again on Friday
17 night at the Delmarva Association in Cambridge to speak
18 to licensees in a more friendly atmosphere. And a lot of
19 issues were raised. It was a good networking opportunity
20 and a good will by all.

21 That being said, whatever your holiday is this
22 month, enjoy it. And if you don't have a holiday this
23 month, enjoy everybody else's. And remind yourself that
24 the world is a good place and that we need to be
25 friendlier to each other. And happy holidays. Thank

1 you.

2 MR. MARCH: Okay. Does that complete your
3 report?

4 MS. ARTY: It does, except for the Board move.
5 And whether you want me to do that in new business or you
6 want me to do it now is up to you.

7 MR. MARCH: Go ahead and do it now since you've
8 got the floor.

9 MS. ARTY: Thank you. We are also not in
10 control of this. We're not thrilled about the building,
11 but we will be when it's finished. This building is
12 under renovation. We have office things that are
13 happening that we have to deal with. Unfortunately we
14 have building-wide things we have to deal with like the
15 conference rooms. They are all being renovated.

16 We are told that at least two out of the three
17 months -- January, February and March -- no conference
18 rooms will be available to any Board. Therefore, we have
19 to move. We have been asked by several licensees, and I
20 think it's a good idea, and Mr. March and I discussed it.
21 We're working out the logistics and the locations. If we
22 can't meet here, then we're going to utilize this time to
23 be friendly and move our meeting around the State so that
24 licensees who can never come to Baltimore have a better
25 opportunity to come to an open session.

1 We will have a location from here -- between
2 here and the mountain, not up on the mountain in January
3 and February, but somewhere in between, perhaps
4 Hagerstown, somewhere where it can be more centralized on
5 one of the months, and on the other month we will have a
6 location between here and Crisfield somewhere on the
7 Eastern Shore so that those licensees also have a chance
8 to join us.

9 We welcome all of you that we see most months
10 here in Baltimore to travel to those locations as well.
11 We're not trying to exclude you. We're trying to include
12 other licensees and funeral establishments.

13 The Board will post on its website where the
14 meetings will be as soon as we get clearance from the
15 State buildings we'll be using. Thank you.

16 MR. MARCH: Thank you. Appreciate it. Any
17 questions on that before I continue to move on?

18 (No response.)

19 MR. MARCH: All right. Let's move on to our
20 committee reports. Our first committee is our
21 legislative committee. And the legislative committee did
22 meet this past Monday on the 8th. And we met with
23 various interested parties within the funeral industry
24 and many of the associations to go over some proposed
25 legislation that will be brought by this Board for input

1 and comments on that. We did have a very good discussion
2 on some of the issues as it related to clarification on
3 one bill as to the ownership clarification; another one
4 on the stay, clarification on that, as well as the third
5 bill was on --

6 MS. ARTY: The care and custody.

7 MR. MARCH: That's right, the one we're getting
8 ready to discuss right now, which is on the care and
9 custody issue that the Board felt was important that
10 there be some legislation as to when does care and
11 custody begin for the funeral licensee and when does it
12 end.

13 Particularly in today's environment where we
14 now have crematories that are permitted and licensed to
15 operate, as well as the cemeteries that are licensed as
16 well, that there has been some -- I'm going to say

17 ambiguity, but there has been a lot of mixed feelings
18 even within this Board as to when does the responsibility
19 of the licensee end.

20 I think we all have agreed when it begins, and
21 typically it begins when you make the removal of the
22 remains. But we've had some differences of opinions as
23 to when does the issue of care and custody cease for the
24 licensee and pick up with either a crematory or a
25 cemetery.

1 So with that, we have a bill that I'm going to
2 ask -- I will read it and we will have a final vote, or I
3 will ask for a vote of the Board as to which version we
4 will submit for legislation and sponsorship.

5 The bill, as I said before, deals with when
6 does care and custody begin and end. There are two
7 options. Option one will say care and custody means the
8 responsibility in accordance with all applicable laws and
9 regulations for carrying out the decisions made by an
10 individual with the right to arrange for the final
11 disposition of human remains. For a licensed funeral
12 establishment, care and custody begins when the human
13 remains are removed from the place of death and ends when
14 the human remains are transferred with appropriate
15 authorizations and burial transit permit for final
16 disposition to a cemetery for interment.

17 And we'll say for a licensed funeral
18 establishment where final disposition requires cremation,
19 care and custody begins when the human remains are
20 removed from the place of death and ends when the human
21 remains are transferred to and received by a permitted
22 crematory with appropriate authorizations,
23 identifications and burial transit permit for final
24 disposition using cremation.

25 So what this says is that care and custody

1 begin when their remains are removed, and they end when
2 they are delivered to the cemetery or delivered to the
3 crematory with these appropriate documentations. That is
4 option one.

5 Okay. Option two says that for a licensed
6 funeral establishment, care and custody begin when the
7 human remains are removed from the place of death and
8 ends when the human remains are interred. And for a
9 licensed funeral establishment where final disposition
10 requires cremation, care and custody begins where human
11 remains are received from the place of death and ends
12 after the crematory returns the cremains to the funeral
13 establishment, and the funeral establishment returns the
14 cremains to the individual with the right of disposition.

15 So option two says that care and custody begin
16 when the funeral home makes the removal, and ends after
17 interment, if it's a burial, or it ends after the
18 cremains are returned to the individual with the right of
19 disposition.

20 So we have those two options. Option one, it
21 ends when the body is transferred to a cemetery or
22 crematory; option two is it continues beyond that until
23 the remains are either interred or the cremains are
24 delivered back to the responsible party.

25 So does everyone understand the two options?

1 UNIDENTIFIED BOARD MEMBER: Question.

2 MR. MARCH: Question?

3 UNIDENTIFIED BOARD MEMBER: On the second
4 option, particularly cremation --

5 MR. MARCH: Mm-hmm.

6 UNIDENTIFIED BOARD MEMBER: -- when that
7 funeral home brings that remains to the funeral home, the
8 funeral home loses custody. We lose the custody until
9 the process is done and then we take it back. But based
10 on what's written, we have custody even through the
11 process.

12 MR. MARCH: Well, that's the option two.

13 UNIDENTIFIED BOARD MEMBER: You might want
14 option one.

15 MR. MARCH: Yeah.

16 UNIDENTIFIED BOARD MEMBER: I'm quite clear
17 that one is the one.

18 MR. MARCH: Yeah.

19 UNIDENTIFIED BOARD MEMBER: I'm just saying for
20 the record, you know, for those who might be thinking
21 about two, you're responsible for something you have no
22 control over. That's my --

23 MS. ARTY: And we agree. But some people think
24 that should be so the Board is going to --

25 UNIDENTIFIED BOARD MEMBER: I concur.

1 MR. MARCH: Well, let me give you the flip side
2 of that. And the flip side to this discussion -- and I'm
3 definitely not advocating this --

4 UNIDENTIFIED BOARD MEMBER: Sure, sure.

5 MR. MARCH: -- but I'm saying that the flip
6 side of this discussion is that for the most part
7 families did not dictate where the cremation was taking
8 place.

9 UNIDENTIFIED BOARD MEMBER: Okay.

10 MR. MARCH: The funeral licensee did.

11 UNIDENTIFIED BOARD MEMBER: I got you.

12 MR. MARCH: So the funeral licensee in essence
13 is acting still on behalf of the family. So should their
14 responsibility end when they transfer it, or through the
15 entire process because they engaged the crematory?

16 UNIDENTIFIED BOARD MEMBER: I have to raise
17 this question.

18 MR. MARCH: Sure.

19 UNIDENTIFIED BOARD MEMBER: What about in a
20 situation where you have a decedent, the removal is made
21 by a licensee --

22 MR. MARCH: Mm-hmm.

23 UNIDENTIFIED BOARD MEMBER: -- and there may be
24 a memorial service, but the licensee designated that the
25 body be donated either to the Anatomy Board or to an

1 independent tissue bank. I think you really should
2 address that one, too, in the sense of the licensee's
3 responsibility.

4 UNIDENTIFIED BOARD MEMBER: The licensee cannot
5 do that. After death, we cannot say someone's body is
6 being donated.

7 UNIDENTIFIED BOARD MEMBER: No, no, no. I'm
8 saying is the family -- or the deceased has already made
9 the arrangements.

10 UNIDENTIFIED BOARD MEMBER: Okay.

11 UNIDENTIFIED BOARD MEMBER: And the funeral
12 direction is doing the transfer. I think his liability
13 or responsibility should end when he drops off the body
14 either at the Anatomy Board or at the body donation.

15 UNIDENTIFIED BOARD MEMBER: I don't think we
16 pick it up, though.

17 UNIDENTIFIED BOARD MEMBER: The Anatomy Board
18 has their own removal --

19 MR. MARCH: Yeah.

20 MS. ARTY: The Anatomy Board picks up their own
21 bodies.

22 MR. MARCH: Yeah. We don't even --

23 UNIDENTIFIED BOARD MEMBER: The Anatomy Board
24 has their own team.

25 MS. ARTY: They have their own transport unit.

1 UNIDENTIFIED BOARD MEMBER: But what about then
2 for an independent body donation?

3 MS. ARTY: For an independent --

4 UNIDENTIFIED BOARD MEMBER: For a tissue bank,
5 HER.

6 MS. ARTY: Well, in that sense they have their
7 own pickup.

8 UNIDENTIFIED BOARD MEMBER: They do? I didn't
9 know about that.

10 MS. ARTY: They have a transport company
11 because they make their own pickups.

12 UNIDENTIFIED BOARD MEMBER: All right. Then as
13 long as the funeral director is not involved.

14 MR. MARCH: Right. I'm sorry, did I see
15 another hand? Oh, please.

16 UNIDENTIFIED BOARD MEMBER: Another scenario is
17 if we are taking a body to the airport to be shipped to
18 another state, that needs to be addressed.

19 MR. MARCH: Good point. So the other issue is
20 when it's being transferred to a -- a transfer of --

21 UNIDENTIFIED BOARD MEMBER: Can I follow up on
22 that, the statement by the attorney?

23 MR. MARCH: Uh-huh.

24 UNIDENTIFIED BOARD MEMBER: You do not lose
25 custody to the receiving funeral home because we have to

1 write a letter of guarantee. So if you're saying COD,
2 the air carrier expects the shipper to forward it to
3 them, and it's the shipper's ID that goes to that
4 receiving funeral home.

5 UNIDENTIFIED BOARD MEMBER: That's true.

6 UNIDENTIFIED BOARD MEMBER: So you still have
7 custody until it's picked up from the airport on the
8 other side.

9 UNIDENTIFIED BOARD MEMBER: I think --

10 UNIDENTIFIED BOARD MEMBER: So are we going to
11 hold the funeral home or licensee responsible for --

12 MR. MARCH: The airlines already do that. The
13 airlines already do it. For those who ship, you have to
14 be a known shipper in order to ship, and you have to --
15 if they're sending it COD, the shipping funeral home has
16 to send a letter of guarantee for payment.

17 UNIDENTIFIED BOARD MEMBER: Right.

18 MR. MARCH: So you're still responsible until
19 the receiving funeral home picks up from there.

20 UNIDENTIFIED BOARD MEMBER: And I understand
21 that, Doctor. But my question would be, is this Board
22 going to hold a licensee responsible if, for example,
23 through no fault of the licensee whatsoever, an airline
24 employee happens to damage that container and something
25 occurs?

1 MR. MARCH: Okay. Let me just say this: I
2 think we need to at least make it clear here that when it
3 comes to responsibility, if it is an error, everyone is
4 going to get sued.

5 UNIDENTIFIED BOARD MEMBER: True.

6 MR. MARCH: So, you know, we're not limiting
7 your liability by taking this action here. What we're
8 saying is as a Board, to your question at what point will
9 we hold the licensee responsible for their actions, and
10 at what point do we say the licensee has done their --
11 has been responsible to do what they were required to do,
12 and now it's on to somebody else to take responsibility.

13 So I don't want to get it confused with who we
14 think is going to be liable. Liability is going to be
15 for the Courts to decide who's going to be liable. What
16 we're addressing is from this Board's perspective, who
17 are we going to hold accountable for doing what they
18 should or should not have done.

19 UNIDENTIFIED BOARD MEMBER: I think that was
20 your question.

21 UNIDENTIFIED BOARD MEMBER: Yes.

22 MR. MARCH: Yeah. And I understand that is the
23 question. And, I mean, again, I think once -- I would
24 think that if we are going to accept the premise that
25 under option one, once you no longer have possession of

1 the remains, then you have transferred care and custody
2 and control.

3 MS. ARTY: I think your question is very
4 important. And if the Board should vote for option one,
5 there shouldn't be another section. If the Board should
6 not vote for option one, then care and custody goes much
7 wider. So I think that we should -- my recommendation is
8 that we table that comment, which I think is very
9 valuable, to see what the Board adopts. And if the Board
10 adopts option one, we may need to add a section, Kristin,
11 that clearly states since it's another form of
12 disposition removal from the State, when care and custody
13 ends, when it is a removal from the State --

14 MR. MARCH: I agree it needs to be added.

15 MS. ARTY: And so it's a valuable comment.

16 MR. MARCH: Oh, no question it's valuable.

17 MS. ARTY: We have to see first which option
18 you're using.

19 MR. MARCH: Right. And I just was trying to
20 clarify why you're asking the question that you are
21 asking, because I think it's very valid. When does this
22 Board stop holding the licensee responsible?

23 UNIDENTIFIED BOARD MEMBER: And -- (inaudible)
24 -- is to come back with the discussion. Presently when
25 you say removal out of state, that's when that custody

1 belongs to another person. But I must say from a legal
2 aspect, that's between the family --

3 MR. MARCH: Right.

4 UNIDENTIFIED BOARD MEMBER: -- regarding that
5 body.

6 MR. MARCH: Right, right.

7 UNIDENTIFIED BOARD MEMBER: The present law,
8 when we do removal out of state on that permit, that
9 chain of custody goes to where that state is going.

10 MR. MARCH: Correct. All right. Is there any
11 -- yes, I'm sorry?

12 UNIDENTIFIED BOARD MEMBER: Yes. President
13 March, I want to thank the Board for taking this step,
14 because I have many times in the past asked where does
15 my responsibility end; at what point am I free to walk
16 away. Because you're getting more and more into the

17 family's requesting things at the grave site. And so it
18 becomes a question of at what point am I free to leave.
19 So I thank you for taking this step.

20 MR. MARCH: You're very welcome. Again, I
21 think in today's environment where we do have options and
22 not every option is under the control of the licensee,
23 that we need to have a clear delineation as to where it's
24 going to end and begin.

25 Now, I'm not advocating option one or option

1 two. But I am saying that I think because we do have
2 differences of opinion and an interpretation that we need
3 to make -- take -- make this gray area a black and white
4 issue, if we could.

5 UNIDENTIFIED BOARD MEMBER: Mr. Chair --

6 MR. MARCH: Yes?

7 UNIDENTIFIED BOARD MEMBER: When it's
8 appropriate, I'd like to give a motion.

9 MR. MARCH: Well, I'm going to ask were there
10 any questions before we do call for any -- any motion one
11 way or the other. Yes, please.

12 UNIDENTIFIED BOARD MEMBER: What about when
13 funeral homes come and pick up from another state?

14 MR. MARCH: I'm sorry, what was the question?

15 UNIDENTIFIED BOARD MEMBER: When a funeral home
16 comes and removes from another state --

17 MS. ARTY: They cannot --

18 UNIDENTIFIED BOARD MEMBER: Unless they have a
19 courtesy card.

20 MS. ARTY: No. With the transport laws, that
21 no longer applies.

22 MR. MARCH: The question that you're asking,
23 when an out-of-state funeral home --

24 UNIDENTIFIED BOARD MEMBER: Right. Comes and
25 --

1 MR. MARCH: -- comes into the state --

2 UNIDENTIFIED BOARD MEMBER: -- picks up the
3 remains when the family has requested the --

4 MR. MARCH: They can't do that.

5 MS. ARTY: They cannot do that.

6 MR. MARCH: Yeah. They must be licensed to do
7 that. Okay. I thought you were saying if another
8 funeral home was -- a family selected a different funeral
9 home than was originally called to make the removal, at
10 what point does it transfer. And of course, when that
11 body is transferred into the custody of that new funeral
12 home, then it ends for the old one and begins for the new
13 one.

14 UNIDENTIFIED BOARD MEMBER: Okay. So they
15 cannot come --

16 MR. MARCH: Out-of-state cannot, no.

17 UNIDENTIFIED BOARD MEMBER: May I ask --

18 MR. MARCH: Yes.

19 UNIDENTIFIED BOARD MEMBER: I'll just ask you a
20 question. When do you believe that your -- when does it
21 end for your firm?

22 UNIDENTIFIED BOARD MEMBER: In which scenario?
23 You're talking about --

24 UNIDENTIFIED BOARD MEMBER: When you take a
25 body into a cemetery, when you go through the gates, are

1 you finished?

2 UNIDENTIFIED BOARD MEMBER: I was always under
3 the impression that when you went onto the cemetery
4 property, your custody ended because you cannot control
5 what policies and regulations are in the cemetery. So
6 once you went into the cemetery, it became the
7 responsibility of the cemetery, or once you arrived at
8 the grave site.

9 UNIDENTIFIED BOARD MEMBER: Can I elaborate on
10 that, too, in one personal experience? Years ago I went
11 to a cemetery. At the grave site, taking the casket out
12 of the car, we're in the cemetery, they have a cave-in.
13 They can no longer inter that person because they didn't
14 have the right equipment, because the other vault
15 collapsed. So then they had to store the person or I had
16 to take it back. I opted to take it back and they
17 wouldn't release the remains to me. They said, oh,
18 you're here, it's ours now.

19 MR. MARCH: Hmmm. That's interesting.

20 UNIDENTIFIED BOARD MEMBER: It was a disaster.

21 MR. MARCH: Well, I have always typically -- my
22 interpretation has always been once you turn the casket
23 and remains over to the cemetery personnel, you've now
24 transferred custody.

25 UNIDENTIFIED BOARD MEMBER: And I'm assuming

1 that's kind of when you placed it on the lowering --

2 MR. MARCH: Right, yeah.

3 UNIDENTIFIED BOARD MEMBER: And that's the way
4 I've always --

5 MR. MARCH: Yeah, yeah. Not necessarily when
6 you drive through the gates, but when you've actually
7 taken the remains out of the hearse, physically out of
8 the hearse. Once the remains is physically out of the
9 hearse, you have transferred custody. That has always
10 been my interpretation.

11 UNIDENTIFIED BOARD MEMBER: Mine, too.

12 MR. MARCH: Yeah.

13 UNIDENTIFIED BOARD MEMBER: But is that what
14 we're saying there?

15 MR. MARCH: That's one.

16 UNIDENTIFIED BOARD MEMBER: In option one.

17 UNIDENTIFIED BOARD MEMBER: Yeah.

18 MR. MARCH: We're saying when it's on the
19 lowering device, then it's out of our control?

20 MR. MARCH: Right.

21 UNIDENTIFIED BOARD MEMBER: Yeah. I agree with
22 that.

23 MR. MARCH: Now, a question did come up at our
24 meeting with when a funeral home orders a vault and the
25 vault company's equipment is brought onto the cemetery

1 grounds, and the lowering device from the vault company
2 fails. Has the cemetery taken control at that point?

3 UNIDENTIFIED BOARD MEMBER: It depends if they
4 charge a fee. If that cemetery charges a fee for them to
5 bring outside --

6 MR. MARCH: Good point.

7 UNIDENTIFIED BOARD MEMBER: If they don't, it's
8 the cemetery's responsibility.

9 MR. MARCH: That's a good point. I agree.
10 That is a good, valid point, then. Any other questions?

11 (No response.)

12 MR. MARCH: I will then ask is there a motion
13 for option one or option two? Option one meaning once
14 transfer -- the remains have been transferred to a
15 cemetery or crematory, care custody and control ends;
16 option two is at the completion of the interment,
17 entombment, or cremation, and the return of the cremains,
18 that's when it ends. Option one, option two. Everybody
19 understand what option one and option two is?

20 UNIDENTIFIED BOARD MEMBER: Mr. Chairman, I'd
21 like to make a motion that the Board adopt option one
22 with clarification of removal out-of-state example at the
23 airport.

24 UNIDENTIFIED BOARD MEMBER: I second.

25 MR. MARCH: It's been properly moved and

1 seconded to accept option one. Is there any discussion
2 before I call for a vote?

3 UNIDENTIFIED BOARD MEMBER: Can you explain
4 again option one just very briefly.

5 MR. MARCH: Okay. Option one, again, is that
6 care, custody and control begin when the remains are
7 removed from the place of death, or the medical
8 examiner's officer, wherever, and end when the remains
9 are transferred to the cemetery or transferred to the
10 crematory for cremation.

11 UNIDENTIFIED BOARD MEMBER: And then the
12 responsibility will be -- --

13 MR. MARCH: Then the care, custody and control
14 ceases at that time for the licensee.

15 DR. ELZAREE: There's another -- (inaudible) --
16 for example, when the remains are still in the hearse or
17 outside the hearse, or on the gate, before the gate,
18 inside the gate.

19 MR. MARCH: So I think we have to say physical
20 control.

21 DR. ELZAREE: Physical control, meaning they
22 have received the body.

23 MR. MARCH: Right. And the body is outside the
24 hearse. That's my understanding. Correct?

25 UNIDENTIFIED BOARD MEMBER: Mine, too.

1 MR. MARCH: The body is outside the hearse.
2 Now, there are some cemeteries where particularly there's
3 not enough manpower for, you know, pall bearers, cemetery
4 personnel, they take --

5 UNIDENTIFIED BOARD MEMBER: Can I give clarity
6 to my colleague? You know, the majority of those
7 cemeteries, once you're at the gate, there's a counselor
8 that takes you to the grave, usually all of them.

9 MR. MARCH: Right.

10 UNIDENTIFIED BOARD MEMBER: So at the gate is
11 where their custody begins, because they're telling us
12 where to go. The majority, the majority, upper level.

13 MR. MARCH: Well, I mean, there you're
14 following their policy. I guess our question is when --

15 DR. ELZAREE: It is a very important point that
16 the vehicle is still owned by the -- by the funeral home.

17 MR. MARCH: Right.

18 DR. ELZAREE: So the body is still at my -- my
19 property is inside your property.

20 UNIDENTIFIED BOARD MEMBER: Can I ask a
21 question to my colleague? If you go into the cemetery,
22 you have to pay the cemetery and have a contract with
23 them. Right?

24 DR. ELZAREE: That's right.

25 UNIDENTIFIED BOARD MEMBER: So you're paying

1 the cemetery, not the funeral home. You're paying the
2 funeral home to do the funeral, to use the hearse, to get
3 to the cemetery. Once you get to the cemetery, I pay
4 someone to take control to bury that person. And that's
5 where the cemetery comes in.

6 MR. MARCH: Again, I think you have to
7 determine at what point do you transfer the remains. I
8 personally don't think you can say you transfer it by
9 going through the gate, by driving through the gate. I
10 think you have to have a point certain that you have then
11 relinquished control.

12 UNIDENTIFIED BOARD MEMBER: Mr. Chairman --

13 MR. MARCH: Yeah?

14 UNIDENTIFIED BOARD MEMBER: -- when you go
15 through the gates on the majority of them, there's one
16 thing that funeral director better have in his hand.

17 MR. MARCH: A check.

18 UNIDENTIFIED BOARD MEMBER: Not only --

19 MR. MARCH: And the burial permit.

20 UNIDENTIFIED BOARD MEMBER: Most of the time
21 it's paid for pretty on the level. But that burial
22 permit transfer is done at the time you pull into the
23 gate, which is most of the time --

24 MR. MARCH: Mm-hmm.

25 UNIDENTIFIED BOARD MEMBER: -- that's when the

1 transfer comes, because I have to give the permit for
2 that person to be buried. And once that representative
3 takes that permit, that's the transfer. And you're not
4 at the grave, you're at the gate.

5 MR. MARCH: I agree with you --

6 UNIDENTIFIED BOARD MEMBER: You're at the gate.

7 MR. MARCH: Okay. I agree with you. However,
8 you're still in control of that hearse. Now, if you were
9 to get out your hearse and let them get in your hearse
10 and drive, then you've -- technically you have
11 relinquished control. But --

12 UNIDENTIFIED BOARD MEMBER: There's a big
13 overlap. There's a big overlap.

14 UNIDENTIFIED BOARD MEMBER: I think we need to
15 determine where -- Marilyn has got something.

16 MR. MARCH: I'm sorry.

17 MARILYN: Yeah. I just want to bring up the
18 point that with some religiously owned cemeteries, as I'm
19 sure you know with your small ones, when you say the
20 majority are licensed, but they don't have the personnel
21 sometimes to do --

22 UNIDENTIFIED BOARD MEMBER: Thank you very
23 much. Thank you.

24 MARILYN: And there's no -- and there's no --
25 because of the way our statute is written with the Office

1 of Cemetery Oversight, there's no -- we have no statutory
2 authority to make them do something to impose any
3 regulation on them. So it is going to be a fine line. I
4 mean, I just want you to really consider that because
5 we've had experiences with that where I can't -- I
6 couldn't do anything about it. The funeral homes, to
7 their -- to the benefit of the funeral home, oh, my gosh,
8 they have stepped in and done and gone above and beyond,
9 because they know that the resources are not there with
10 some of the smaller cemeteries. But I'm just saying.

11 MR. MARCH: Well, again, let me -- if I can
12 just say this, all right? There may be certainly
13 arguments one way or the other as to when the exact point
14 that transfer happens. But I think for the purposes
15 again of this legislation, the transfer based on option
16 one happens before the body is interred. And it happens
17 once the body is delivered to the crematory.

18 So I think in terms of fine tuning whether the
19 body is on a lowering device or still in the hearse or
20 when the permit is given, I think that can be fine tuned.
21 But let's -- let's address when do we think the care,
22 custody and control should cease. I think we all agree
23 as to when it begins. The question is when does it
24 cease.

25 DR. ELZAREE: For this committee --

1 (inaudible) -- the religions that's very important. For
2 example, I'm the only one representing the Islamic
3 religion --

4 MR. MARCH: Mm-hmm.

5 DR. ELZAREE: We can never leave the funeral
6 home door or to leave custody right inside the cemetery.
7 They have to be until the end.

8 MR. MARCH: Mm-hmm.

9 DR. ELZAREE: Because, you know, there are many
10 things to me instructed as to how to do, even the
11 religious director, the religious director not only of
12 the -- of the funeral home, but of the denomination, they
13 all should be there.

14 MR. MARCH: Right.

15 DR. ELZAREE: So I believe that for myself, if
16 I'm talking representing this denomination, I would adopt
17 the option number two.

18 MR. MARCH: Option two. Okay. Yes? I'm
19 sorry.

20 UNIDENTIFIED BOARD MEMBER: Just my thought,
21 because the cemetery knows nothing about dealing with the
22 body at all, I think you need to take that into
23 consideration when you're saying where your custody ends.
24 Because the cemetery, their thing is the grounds, the
25 grave, so forth. But if anything -- like, for instance,

1 something that happened with the funeral home that I was
2 working for, the -- like you said, the vault next to this
3 one fell, and the casket dropped.

4 MR. MARCH: Mm-hmm.

5 UNIDENTIFIED BOARD MEMBER: Therefore we had to
6 take the casket back to the funeral home and set up the
7 interment for a later date.

8 MR. MARCH: Mm-hmm.

9 UNIDENTIFIED BOARD MEMBER: Because we also had
10 to deal with the family as far as they're upset at what
11 had happened and everything. So I think you need to take
12 all that into consideration when you're deciding where
13 the chain of custody ends.

14 MR. MARCH: All right. We have a motion on the
15 floor, and we do have a second. Any other questions?

16 (No response.)

17 MR. MARCH: Not hearing it, all in favor?

18 GROUP: Aye.

19 MR. MARCH: Any opposed?

20 (No response.)

21 MR. MARCH: Let the record reflect how many
22 opposed? We have two opposed. How many in favor? One,
23 two, three -- Wayne and Camille, are you voting?

24 MS. BRYAN: He's consulting.

25 MR. MARCH: Okay.

1 MR. COOPER: I think we need more discussion.

2 MS. BRYAN: I think there's more discussion
3 that needs to be done.

4 MR. COOPER: Yeah.

5 MS. BRYAN: And a recall for a vote.

6 MR. MARCH: Well --

7 UNIDENTIFIED BOARD MEMBER: I'm sorry --

8 MR. MARCH: -- we had -- are you saying we have
9 unreadiness?

10 UNIDENTIFIED BOARD MEMBER: You better withdraw
11 the motion, then.

12 UNIDENTIFIED BOARD MEMBER: Mr. Chairman, let
13 me withdraw the motion and have further discussion if
14 that's appropriate.

15 UNIDENTIFIED BOARD MEMBER: Yep.

16 MR. MARCH: Okay.

17 MS. ARTY: May I say something
18 administratively?

19 MR. MARCH: Mm-hmm.

20 MS. ARTY: If we're going to have further
21 discussion --

22 MR. MARCH: Right. We've got a time issue.

23 MS. ARTY: -- it needs to be later today --

24 MR. MARCH: Yeah.

25 MS. ARTY: -- because the 15th is when we're

1 all in Annapolis and this is legislation that licensees
2 have wanted and asked for. And I don't think the Board
3 -- certain members of the Board don't -- you know, they
4 don't own one way or the other. What we're trying to do
5 is clarify it so it's no longer a gray area.

6 So if it's not submitted next week, it's not
7 going this session.

8 MR. MARCH: Got you. Very important. Do you
9 still want to --

10 UNIDENTIFIED BOARD MEMBER: I don't want to
11 withdraw it. I just -- I see -- and, see, my colleagues,
12 most of them are not licensees, have a concern. And I
13 would just say in the future, if you have a concern, when
14 the chair asks, do it openly so we all can hear it.
15 Because it looked like we were getting ready to vote and
16 you --

17 WAYNE: Dr. Elzaree raised some other issues --

18 UNIDENTIFIED BOARD MEMBER: Well, let me say
19 what I say to students when I used to teach.

20 MR. COOPER: Okay.

21 UNIDENTIFIED BOARD MEMBER: If you remember the
22 closest death you had, you put yourself in that
23 situation, when you went to the cemetery, did you expect
24 certain things from the cemetery that you paid? Because
25 you expected certain things from the funeral director who

1 you paid on one end. Do you expect certain
2 responsibility to the cemetery you paid?

3 UNIDENTIFIED BOARD MEMBER: Yes.

4 UNIDENTIFIED BOARD MEMBER: Okay. So the
5 question that we're having here publicly is, the funeral
6 home has done their job getting you to the cemetery.
7 When does the cemetery's responsibility kick in? And so
8 the question we were having -- and if I'm incorrect, one
9 of my colleagues correct me -- either it's when you pull
10 into the gate, I'll disagree, okay, we'll go to the
11 grave. Once that body comes out and goes to either a
12 lowering device, or like my colleague here does, they
13 take them out of the casket and the brethren will get
14 into the grave, they will put the dirt in, that's still
15 -- that funeral director is not responsible anymore.
16 It's the cemetery, the property, that you purchased.

17 Under IRS code, that property is not this
18 funeral home. It's the family that purchased it that can
19 be taxed if it's a pre-need. So the question is, where
20 does this end? It ends when I bring it to the grave as a
21 funeral home. Then the care and custody becomes a
22 responsibility of the cemetery. So as funeral directors
23 who are more liable than a cemetery who had to dig a
24 hole, we just want to say it ends at the grave. Am I
25 saying correctly to my colleagues sitting here in the

1 room?

2 UNIDENTIFIED BOARD MEMBER: Can your motion say
3 that?

4 MS. ARTY: May I?

5 UNIDENTIFIED BOARD MEMBER: My motion did say
6 that.

7 UNIDENTIFIED BOARD MEMBER: It didn't say the
8 grave.

9 UNIDENTIFIED BOARD MEMBER: I have a question.

10 UNIDENTIFIED BOARD MEMBER: The custody ends --
11 my motion said, number one, on the transfer.

12 UNIDENTIFIED BOARD MEMBER: Well, we should say
13 the transfer -- what is being transferred.

14 UNIDENTIFIED BOARD MEMBER: When the body is
15 transferred -- be that as it may when you transfer. So I
16 say this. Let me clarify my motion. My motion was that,
17 number one, agree with number one, the transfer ends.
18 No, I never said either one at the grave or anything. It
19 says a transfer at the cemetery. So if we need to
20 clarify at the grave. When I go to the crematory, I
21 don't even go into the crematories, at the door. So most
22 crematories don't even -- you just do the paperwork, they
23 check it, they take the body at the double door or
24 whatever door. So I will clarify that. But the custody
25 has to change.

1 MR. MARCH: I think what we're trying -- the
2 intent of this is to develop a broad base --

3 UNIDENTIFIED BOARD MEMBER: Protocol.

4 MR. MARCH: -- protocol, yeah, as to what this
5 Board will consider a change or a transfer of custody.

6 MS. ARTY: May I make a comment?

7 MR. MARCH: Mm-hmm.

8 MS. ARTY: No matter which option is voted and
9 submitted, it doesn't say that you have to leave then.
10 So if you happen to be a funeral director or mortician
11 who believes that you should stay with that body until
12 it's entirely interred, that doesn't stop you from
13 accepting further responsibility. It just -- as for the
14 Board and who's responsible, clarifies where the line is.
15 It very well may be that there are many funeral homes who
16 will still choose to stay after that and make sure that
17 things don't go awry. So I just wanted to clarify that
18 if you believe you need to stay, this doesn't stop you
19 from staying.

20 MR. MARCH: Oh, no. This has nothing to do
21 with what you do in terms of staying or leaving.
22 However, the Board would find you probably unprofessional
23 if you dropped it off and left.

24 UNIDENTIFIED BOARD MEMBER: Right.

25 MR. MARCH: You know, I mean, there's no

1 question that the Board would find that as being
2 unprofessional. We didn't say that, you know, your
3 services end, but your responsibilities as far as the
4 body is concerned has to end at some point in time.

5 UNIDENTIFIED BOARD MEMBER: I've got another
6 question.

7 MR. MARCH: Yeah. So one other question, I'm
8 sorry, sir.

9 UNIDENTIFIED BOARD MEMBER: This was trying to
10 -- Ms. Arty had also said whichever option you select,
11 there would still need to be some clarification, some
12 addendums, added to that option. And I don't think we've
13 heard that. She did say that.

14 MR. MARCH: Well, again, we just need some
15 general guidelines as to what the Board will consider as,
16 again, when does care, custody begin and end. The Board
17 still has, I'm sure, room for interpretation at some
18 point as to when it thinks it should end. But at least
19 it's clear that it ends either before total interment
20 based on number one, or it ends before the cremains are
21 returned back to the family.

22 MS. ARTY: Dr. Elzaree still has --

23 DR. ELZAREE: I think the point of staying or
24 not staying is optional, and we are talking about some
25 formality or talking about the illegal responsibility.

1 MS. ARTY: Right.

2 DR. ELIZARI: So I have a question now. If for
3 any unforeseen reason the burial will not happen now and
4 -- for any reason, or the family would like to go to
5 another cemetery, what will happen at that time? The
6 custody of the remains will be to the cemetery because
7 the body is inside the cemetery, only transfer has
8 happened already, or it should go back to the funeral
9 home?

10 UNIDENTIFIED BOARD MEMBER: Are you talking
11 about changing the day of the burial?

12 DR. ELZAREE: It happens a lot, because many
13 family members, they didn't show up --

14 UNIDENTIFIED BOARD MEMBER: Well, then the
15 funeral home is going to take the body back unless that
16 person is going to be buried -- am I correct, if you own
17 the cemetery, if they're being buried in another section,
18 that cemetery has the right to bury in another section.
19 But I --

20 MR. MARCH: Typically the cemetery takes
21 control if everything is going to happen there at that
22 cemetery. Like in your situation, you said they wouldn't
23 give the remains back to you.

24 UNIDENTIFIED BOARD MEMBER: Yep.

25 UNIDENTIFIED BOARD MEMBER: Well, right now --

1 I think what Dr. Elizari -- (inaudible).

2 UNIDENTIFIED BOARD MEMBER: There's some
3 religious sections in cemeteries as well.

4 UNIDENTIFIED BOARD MEMBER: Under what
5 circumstances would a body be delivered and then taken
6 back?

7 DR. ELZAREE: I understand that, but this
8 happens very rare. But the point now, it may be weather,
9 and it happens with us personally --

10 UNIDENTIFIED BOARD MEMBER: Okay.

11 DR. ELZAREE: -- and family member who is
12 having more custody on the body who would like to
13 change --

14 MR. MARCH: That -- to me, that goes to my --
15 my suggestion that transfer happens when the body comes
16 out of the hearse. Because if the funeral home gets
17 there and it's determined that the grave is not ready for
18 someone and the body has to go back, that body has never
19 come out of the hearse.

20 DR. ELZAREE: But this clarification was not
21 made. This clarification was not made.

22 MR. MARCH: But I'm just saying to me, I think
23 transfer happens when that body comes out the hearse.
24 That's regulation --

25 MS. ARTY: May I point out that we're not

1 talking about specific language and we're having an open
2 discussion. In terms of transparency, all the Board is
3 voting on is option one or option two. The language
4 belongs to the Board in terms of Kristin and I and Board
5 members getting together and fine tuning it. We are not
6 obligated to agree on every word. We're trying to get
7 the votes by the Board of which one.

8 UNIDENTIFIED BOARD MEMBER: That's what I said
9 the broader base --

10 MS. ARTY: So it's either option one or option
11 two.

12 UNIDENTIFIED BOARD MEMBER: And supporting a
13 regulation. Begin with the scope and then we'll come
14 back for regulations, to my colleagues. Scope, then
15 regulation.

16 MR. MARCH: I'm going to have to ask --

17 UNIDENTIFIED BOARD MEMBER: Well, Ms. Arty
18 said, vote for number one, there's other options that
19 have to be attached to it. You all can talk about your
20 other options.

21 MR. MARCH: Well, that's what we said. The
22 Board will have to interpret what it says.

23 UNIDENTIFIED BOARD MEMBER: Correct.

24 UNIDENTIFIED BOARD MEMBER: Mr. Chairman, if
25 it's appropriate, I'd like to keep that motion back on

1 the floor.

2 MR. MARCH: Okay. The motion -- the motion is
3 back on the table?

4 UNIDENTIFIED BOARD MEMBER: Yes, sir.

5 MR. MARCH: And the motion still has a second?

6 UNIDENTIFIED BOARD MEMBER: Yes, it does.

7 MR. MARCH: Again, I'm now going to ask for all
8 in favor.

9 GROUP: Aye.

10 MR. MARCH: Any opposed? One opposed. Okay,
11 one opposition.

12 MS. ARTY: Thank you. Kristin --

13 MR. MARCH: The vote moves forward.

14 MS. ARTY: -- we will make --

15 MR. MARCH: Okay. All right. We're going to
16 move on now to -- that completes the legislative

17 committee's report. We're going to move on now to the --
18 there will not be an executive committee report today.
19 And the family security trust fund advisory committee,
20 Gladys Sewell is the chair. However, she is unable to be
21 with us today. So, Darlene, our licensing --

22 MS. ARTY: Gladys has asked Darlene to give her
23 report.

24 MR. MARCH: Okay. I'll ask that you give us
25 the report for that.

1 MS. CLINE: The total in the family security
2 trust fund is \$784,833.07.

3 MR. MARCH: All right. All right, then.
4 Great. Thank you very much, Ms. Cline.

5 All right. Our next committee report is our
6 pre-need committee. Len Newman is the chair of that
7 committee. However, he was unable to be with us again
8 today. So I would ask Mr. Strayhorn, Vernon, if you
9 would please step in and give that report.

10 MR. STRAYHORN: I'm reporting that the
11 disclosure and new contract forms that indicate that not
12 all charges that may be necessary at the time of need are
13 listed on these contracts and family security trusts.

14 MS. ARTY: There are still lots of firms, and
15 Len is concerned and Vernon is reporting, that do not
16 have the two required disclosures on those pre-need
17 forms. So thank you, Vernon.

18 MR. STRAYHORN: And that concludes pre-need.

19 MR. MARCH: All right. Okay. Let's move on to
20 our licensing and establishment committees. Our next one
21 will be our funeral establishment inspection committee.
22 Dr. Hari Close is the chair. I pass it on to you.

23 DR. CLOSE: It's going to be a two-part. I'm
24 going to give one portion and then Jim Govoni will give
25 the mortuary transporters.

1 MR. MARCH: All right.

2 DR. CLOSE: Transport establishment. Let me
3 say good afternoon to everyone. We have a couple of
4 items that need to be voted on, Mr. Chairman. The first
5 item is Randolph Bowman Horton has a request for a full
6 establishment at R. Bowman Horton Funeral and Cremation
7 Services at 4445 Crain Highway, White Plains, Maryland.
8 The committee has requested for approval pending
9 paperwork and final inspection. That's the motion.

10 MR. MARCH: It's been moved by the committee.
11 Is there a second?

12 UNIDENTIFIED BOARD MEMBER: Second.

13 MR. MARCH: It's been properly moved and
14 seconded. All in favor?

15 GROUP: Aye.

16 MR. MARCH: Any opposed?

17 (No response.)

18 MR. MARCH: Approved.

19 DR. CLOSE: Our next one is Joseph Rastroski --

20 UNIDENTIFIED BOARD MEMBER: Ostrowski.

21 DR. CLOSE: -- Ostrowski, thank you, requesting
22 a status change from Ostrowski Funeral Home as a sole
23 proprietor to a P.A. And the committee recommends that
24 particular request. Make a motion.

25 MR. MARCH: It's been moved by the committee.

1 Is there a second?

2 UNIDENTIFIED BOARD MEMBER: Second.

3 MR. MARCH: It's been properly moved and
4 seconded. All in favor?

5 GROUP: Aye.

6 MR. MARCH: Any opposed?

7 (No response.)

8 MR. MARCH: It's been approved.

9 DR. CLOSE: The next one is Mr. Timothy S.
10 Harman, requesting a new funeral establishment called
11 Potomac Valley Cremation Center, Timothy S. Harman, P.A.,
12 operating as Harman Funeral Home at 305 North Potomac
13 Street, Hagerstown, Maryland. The committee requests
14 approval with the pending paperwork and final inspection.
15 Motion made.

16 UNIDENTIFIED BOARD MEMBER: Second.

17 MR. MARCH: It's been moved by committee.
18 There is a second. All in favor?

19 GROUP: Aye.

20 MR. MARCH: Any opposed?

21 (No response.)

22 MR. MARCH: Approved pending.

23 DR. CLOSE: Thank you, sir. The next one is
24 Vaughn Greene, Greene Cremation Service, P.A., operating
25 out of 4101 Anderson Avenue, arrangements only taking

1 place out of 5151 Baltimore National Pike. The committee
2 recommends approval pending paperwork and final
3 inspection.

4 MR. MARCH: It's been moved by committee. Is
5 there a second?

6 UNIDENTIFIED BOARD MEMBER: Second.

7 MR. MARCH: All in favor?

8 GROUP: Aye.

9 MR. MARCH: Any opposed?

10 (No response.)

11 MR. MARCH: Approved pending.

12 DR. CLOSE: Committee has a request for a name
13 approval. William C. Brown, Sr., requesting a name of
14 Brown's Community Memorial Chapel, Chase, P.A., leasing
15 property of 11814 Eastern Avenue in Chase, Maryland, and
16 requesting to make arrangements, hold viewings and

17 services. Committee approves the name. So motion.

18 MR. MARCH: It's been moved by the committee.
19 Is there a second?

20 UNIDENTIFIED BOARD MEMBER: Second.

21 MR. MARCH: It's been properly moved and
22 seconded. All in favor?

23 GROUP: Aye.

24 MR. MARCH: Any opposed?

25 (No response.)

1 MR. MARCH: Name has been approved.

2 DR. CLOSE: Mr. Chairman, I'll let Mr. Govoni
3 take that next motion and I just recuse myself of that
4 particular issue that has come up.

5 MR. GOVONI: A motion has been made by
6 committee to improve the licensing for the transporter
7 application of Hari P. Close Funeral Service, P.A., as an
8 establishment for a transporter.

9 MR. MARCH: It has been moved by committee. Is
10 there a second?

11 UNIDENTIFIED BOARD MEMBER: Second.

12 MR. MARCH: It's been properly moved and
13 seconded. All in favor?

14 GROUP: Aye.

15 MR. MARCH: Any opposed?

16 (No response.)

17 MR. MARCH: Does the records reflect that
18 you --

19 DR. CLOSE: Yes, I did that in opening --

20 MR. MARCH: Okay. I understand the records
21 reflect. Okay. Thank you. All right. Thank you, Dr.
22 Close, appreciate that.

23 Our next committee is our licensure committee.
24 Mr. Downey, you are the chair, so I'm going to ask that
25 you take us through this.

1 MR. DOWNEY: Good afternoon. I'll try to move
2 quickly. Some of them I'm going to combine. First we're
3 going to apprenticeship for Tondalear Fleming. All of
4 her paperwork is in order. The committee recommends her
5 approval.

6 MR. MARCH: It's been moved by committee. is
7 there a second?

8 UNIDENTIFIED BOARD MEMBER: Second.

9 MR. MARCH: It's been properly moved and
10 seconded. All in favor?

11 GROUP: Aye.

12 MR. MARCH: Any opposed?

13 (No response.)

14 MR. MARCH: Approved.

15 MR. DOWNEY: Mortician license via reciprocity
16 with Pennsylvania for Lynn Djowski (phonetic), pending
17 paperwork. The committee recommends her approval pending
18 that paperwork.

19 MR. MARCH: All right. Motion by committee
20 pending paperwork. And is there a second?

21 UNIDENTIFIED BOARD MEMBER: Second.

22 MR. MARCH: All in favor?

23 GROUP: Aye.

24 MR. MARCH: Any opposed?

25 (No response.)

1 MR. MARCH: Approved pending paperwork.

2 MR. DOWNEY: I'm going to do these. There are
3 eight of them with our crematory operators. We'll do
4 them altogether. First one is Michael Demarest, Rebecca
5 Gross, Barbara Rausch, David Terrell, Jan Ryan, Marlon
6 Mills, Kevin Putman and Roger Mason. All of their
7 paperwork is in order and the committee recommends their
8 approval as crematory operators.

9 MR. MARCH: It's been moved by committee. Is
10 there a second?

11 UNIDENTIFIED BOARD MEMBER: second.

12 MR. MARCH: It's been properly moved and
13 seconded. All in favor?

14 GROUP: Aye.

15 MR. MARCH: Any opposed?

16 (No response.)

17 MR. MARCH: So approved.

18 MR. DOWNEY: Mortician's license, we have two.
19 The first one will be Steven East. All of his paperwork
20 is in order and the committee recommends his approval for
21 a mortician's license.

22 MR. MARCH: It's been moved by committee. Is
23 there a second?

24 UNIDENTIFIED BOARD MEMBER: Second.

25 MR. MARCH: It's been properly moved and

1 seconded. All in favor?

2 GROUP: Aye.

3 MR. MARCH: Any opposed?

4 (No response.)

5 MR. MARCH: So approved.

6 MR. DOWNEY: The next one for a mortician
7 license will be Lori Wroten. All of her paperwork is in
8 order. Th committee recommends her approval for a
9 mortician's license.

10 JUDGE: It's been moved by committee. Is there
11 a second?

12 UNIDENTIFIED BOARD MEMBER: Second.

13 JUDGE: It's been properly moved and seconded.
14 All in favor?

15 GROUP: Aye.

16 JUDGE: Any opposed?

17 (No response.)

18 JUDGE: Thank you. So approved.

19 MR. DOWNEY: The next category will be courtesy
20 cards. We have two. The first one is R. Steven
21 Kitzmiller. He's turned in all the paperwork that's
22 required. Committee recommends his approval for courtesy
23 card.

24 MR. MARCH: Moved by committee. Is there a
25 second?

1 UNIDENTIFIED BOARD MEMBER: Second.

2 MR. MARCH: Been properly moved and seconded.

3 All in favor?

4 GROUP: Aye.

5 MR. MARCH: Any opposed?

6 (No response.)

7 GROUP: So approved.

8 MR. DOWNEY: Another courtesy card for Carter

9 Wagner. All of his paperwork is in order and committee

10 recommends his approval for courtesy card.

11 MR. MARCH: It's been moved by committee. Is

12 there a second?

13 UNIDENTIFIED BOARD MEMBER: Second.

14 MR. MARCH: It's been properly moved and

15 seconded. All in favor?

16 GROUP: Aye.

17 MR. MARCH: Any opposed?

18 (No response.)

19 MR. MARCH: So approved.

20 MR. DOWNEY: That concludes my report.

21 MR. MARCH: Thank you very much, Mr. Downey.

22 Our last committee report is the continuing education

23 committee, Dr. Elizari.

24 DR. ELZAREE: Good afternoon.

25 MR. MARCH: Good afternoon.

1 DR. ELZAREE: So we have approved two proposals
2 today, three CEUs for the David Bedner OSHA annual
3 required training, 2015. It will be at different
4 locations, five locations, Adams Family Funeral Home,
5 January 29th, 2015; Connelly Funeral Home of Dundalk,
6 23rd of January, 2015; Keeney and Bassford, 27th of
7 January, 2015; Merick Funeral Home, 28th of January,
8 2014. I think there is a mistake here --

9 MS. ARTY: It's the 15th.

10 DR. ELZAREE: Fifteen, yeah. And Garces
11 Funeral Home, 22nd of January 2015.

12 Also, Edward Ranier OSHA Compliance for the
13 funeral home, three CEUs. The location will be Joseph
14 Brown -- (inaudible) -- Funeral Home, 27th of January,
15 2015. Also, yesterday it was brought to the attention of
16 the committee that there was a concern about the 60 days
17 where we need to apply. And actually the problem was
18 about the location and the date. They submitted the
19 request without the dates and locations. So it was
20 unanimously approved by the committee to leave it as 60
21 days. Sixty is required in order to uphold it.

22 MR. MARCH: Okay.

23 MR. ELZAREE: Okay. So that concludes the
24 report. Thank you.

25 MR. MARCH: All right. Do we need to -- do we

1 need to vote on accepting of any?

2 MS. ARTY: That is the compliance policy, so no
3 vote is necessary.

4 MR. MARCH: Okay.

5 MS. ARTY: It was discussion.

6 MR. MARCH: All right. Thank you very much,
7 Dr. Elizari. Appreciate it.

8 All right. I'm going to move on to the next
9 section of our agenda, which is our old business. And I
10 think, Ruth, you have some additional items to bring to
11 us regarding that?

12 MS. ARTY: I have a couple of quick items.
13 They are old business. It's been repeated over the
14 years. It's on the Board's website. There are people
15 still out of compliance. And so I'm raising it because I
16 don't want to see anybody get in trouble. My desk is
17 piled high enough.

18 Identification for cremation is in person.
19 There are people still faxing pictures. There are people
20 still e-mailing pictures. It is in person in the
21 statute. The Board will act on discipline if it is not
22 in person.

23 If you have decided to push the envelope, now
24 might be the time to not push it any further. The Board
25 has discussed this again ad nauseam. It's clear in the

1 statute, in person. It doesn't have to be the person
2 with the right to final disposition. If the family wants
3 to delegate that identification to someone else, that's
4 perfectly acceptable to the Board. But it is in person.
5 The faxing of photos should have stopped long ago. Thank
6 you.

7 And one clarity that the Board should make that
8 should help folks as cremation regulation evolves, on the
9 checklist for crematories that was agreed upon by OCO and
10 the Board, the first thing on the verification checklist
11 says copy of file death certificate. That is unclear to
12 people. We realize that because there is confusion. The
13 Board looked at the language again. I've spoken to
14 Marilyn Harris-Davis this morning. The word "file" would
15 be replaced with "copy of the completed death
16 certificate." Okay?

17 So it's not a certified that you have to copy.
18 It is the one that you are going to submit, a copy of the
19 death certificate that will be filed that is completed.
20 Okay? I'm just clarifying that so that no one has a
21 problem at a crematory. And I'm going to say again as I
22 have in so many of the cremation regulation trainings,
23 the regulations do not just apply to crematories. They
24 apply to how you may bring a body and what needs to be
25 done. So if you haven't read them, please read them.

1 Crematories are starting to send bodies away for things
2 funeral establishments aren't doing. And the funeral
3 establishment is saying I didn't know that. Well, we
4 talked about the cremation regs so much that I think my
5 friends probably know what they are.

6 We really need funeral establishments to pay
7 attention to them. The crematories are now starting to
8 really comply, and we don't want a body to be sent back
9 because the funeral establishment didn't read them.

10 Thank you.

11 MR. MARCH: Thank you. And as we have seen
12 today, as of January the 1st when we go to an electronic
13 registration, the completed copy will have working copy
14 printed all across it if you're printing it yourself,
15 unless it's a certified copy which you'll have to still
16 go to vital records to receive. So it's a completed

17 working copy of the death certificate.

18 Any questions on that?

19 (No response.)

20 MR. MARCH: Okay. Was there anything in
21 addition that you wanted to bring regarding --

22 MS. ARTY: There's no new business.

23 MR. MARCH: All right. In terms of -- I don't
24 know if we have any new business --

25 UNIDENTIFIED BOARD MEMBER: She said no.

1 MS. ARTY: No.

2 MR. MARCH: No. No new business, okay. And I
3 don't believe there's any further legislative updates,
4 are there?

5 MS. ARTY: No.

6 MR. MARCH: No. All right. Well, we have come
7 to, I guess, towards the end of our agenda. As always,
8 we like to have the opportunity to go around the room and
9 ask everyone to introduce themselves and let us know a
10 little bit about yourself. So with that --

11 **(Whereupon, the attendees introduced themselves**
12 **for the record.)**

13 MR. MARCH: Okay. Is that everyone? Did I
14 miss anyone? Oh, great. Again, I want to thank everyone
15 for being here today. And to everyone, have a very
16 blessed holiday season and a new year when we next meet
17 back again.

18 Again, remember that there is a good
19 possibility that the January meeting will not be held
20 here. So please keep tabs to the website which we will
21 be announcing the location if we're kicked out of this
22 room for our next month's meeting. Thanks again,
23 everyone. Have a blessed one.

24 UNIDENTIFIED BOARD MEMBER: Thank you, Mr.
25 Chairman.

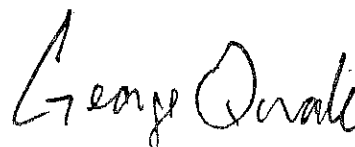
1 MR. MARCH: Meeting adjourned.

2 (Whereupon, the meeting was
3 concluded.)
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