

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

The meeting was called to order at 11:30 am with a quorum by Victor C. March, Sr., President.

BOARD MEMBERS PRESENT

Victor C. March, President
D. Lynn Newman, 1st Vice President
Dr. Hari P. Close
Gladys Sewell
James Govoni
Camille Bryan
Wayne Cooper

ABSENT BOARD MEMBERS

Dr. Ahmad Elzaree
Vernon Strayhorn, Sr., Secretary
Keith R. Downey, 2nd Vice President

STAFF

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

Mr. March began by thanking Lynn and Carol Newman for being gracious hosts and extending their facility to the Board to hold its monthly meeting. A motion was made and approved for February's minutes.

ADMINISTRATIVE REPORT

Ms. Arty began her report by stating she would not be resigning June 2nd. There have been rumors that she had to put to rest.

The Board's website is updated every month. Usually within seven to ten days, all information that the Board discusses that is pertinent to licensees will be posted.

The Board sent out a newsletter in paper form in the past. However, the problems with that were it became very expensive and in some cases it only went to the establishments in the state, which meant only about three hundred people received it and we have almost 1,700 licensees. Licensees were constantly saying they never saw the newsletter and it was true, as it would go to the establishment owner, and not be distributed. So now we put every piece of pertinent information on the website, every month. If you are not checking the

website, you are missing a lot of updates from the Board. Ms. Arty encourages everyone to go to the website and navigate around so you can get familiar with it and all the links.

Ms. Arty is always available via the Board's cell phone. She carries the Board cell twenty four hours a day, seven days a week. Other options are to call the office or text the Board cell. If it is an immediate concern, Ms. Arty will call back immediately, otherwise she returns calls at 9:00am.

There has been a lot of feedback on notification for establishment licensure. The law requires the Board to notify you. In the past, we were sending renewal applications in the mail. It was a very expensive and time consuming process. It was costing the Board about a thousand dollars for the mailings and then they would get lost. Last licensure period we sent out a postcard, which fills the Board's requirement for notification. The postcard noted what applications were being renewed, and what the link was to find the renewal forms on the website.

Ms. Arty thanked the Board members for the time they spent at the legislature, in support of the Board and of herself. Mr. March also thanked the Board members for their time and effort, and all they have done to improve the profession.

Mr. March stated the Board is going to be moving to a digital means of communication. Therefore, it is going to be extremely important to provide the Board with your email address, so that we can regularly communicate with you about issues that are going to affect our profession. As we are moving away from paper, we are hoping to do more online processing. There are a number of licensees that still have not provided us with their email address and who need to become more digitally oriented, as the Board is moving in that direction.

EXECUTIVE COMMITTEE REPORT

No Report.

FAMILY SECURITY TRUST FUND ADVISORY COMMITTEE

Gladys Sewell, Chair, reported there was \$831,958.07 in the fund. That amount is going to be coming down due to payouts. The next meeting will be April 7, 2015 at 1:00 pm at the Board office, which is an open meeting and everyone is welcome.

Mr. March reported the Family Security Trust Fund Advisory Committee was set up as a means to protect the public and the consumers against pre-need funds that have been misappropriated. In lieu of the audits that were required to be provided for pre-need accounts, the fund is set up to address those issues and once it reaches one million dollars

the fees would no longer continue, as long as the fund maintained a million dollars. Currently, we are in the process of finalizing the initial claims to the fund.

PRE-NEED COMMITTEE REPORT

D. Lynn Newman, Chair, reported the Pre-Need Committee has been reviewing the inspections given to them by Thomas Anderson, the Board's Inspector. On current inspections, there hasn't been a lot of problems, however the committee would like to remind everyone of a few things. Funeral homes and funeral directors are not allowed to be the owner or beneficiary of any policies. Also, the committee would like to remind everyone we will be looking for an irrevocable assignment or collateral assignment that are accepted through the insurance company that the state Board will also accept. Additionally, there are some banks that will do master lists of irrevocable trust accounts. If that is done, you will need to have sub accounts listed so that the amount of the individual pre need plan, plus any interest, is documented. This is in the event the consumer wants to find out what is available for them. We have noticed there are some banks that do not do sub accounts, because it is their bank's policy. Our suggestion is to find another bank, as the law clearly states, the banks do need to now notify the consumers individually and directly, rather than through a funeral home.

Mr. March also wanted to remind everyone that as of July 1, 2014, there is a new requirement for the format by which pre-need contracts are to be written. There are three options as to how a pre-need contracts can be written. A fully guaranteed contract is one in which everything on the contract is guaranteed. You also have the option of not guaranteeing anything on the contract which makes it a wish list and any funds received are held as a deposit toward a future funeral. The third option is a guarantee in part, which means part of the contract is guaranteed and part is not.

FUNERAL ESTABLISHMENT/INSPECTION COMMITTEE REPORT

Dr. Hari Close, Chair, allowed Board member, Jim Govoni, to fill in as Chair of this committee. Mr. Govoni reported on the following establishments.

New Establishments

Eline Funeral Home was approved for a new establishment pending final documents. A motion was made and approved.

Name Approval

Sagel Bloomfield Danzansky Goldberg Funeral Care, Inc. applied for a name approval. A motion was made and approved.

Cremation and Funeral Alternatives by Brent D. Francis P.A. applied for a name approval. A motion was made and approved pending an audit of their pre-need accounts.

LICENSURE COMMITTEE REPORT

In Keith Downey's absence, D. Lynn Newman reported on the following applicants.

Mortician

Mr. Newman moved for approval of James Stein for mortician license. A motion was made and seconded.

Funeral Director

Mr. Newman moved for approval of Brittney Greene for Funeral Director's License. A motion was made and approved.

Mr. Newman moved for approval of Anita Pollard Grant for Funeral Director's license. A motion was made and approved.

Apprentice License

Mr. Newman moved for approval of Desiree Cornelison with waiver of fee due to a one day lapse of renewal, so that she can apply for a mortician license. A motion was made and approved.

Mr. Newman moved for approval of Cori Michael Cooper for apprenticeship. A motion was made and approved.

Mr. Newman moved for approval of Cecelia L. Kipp for apprenticeship. A motion was made and approved.

Mr. Newman recused himself from this vote as it is one of his staff members. Mr. March continued the report. Mr. March moved for approval for Samuel Moon for a second extension of his apprenticeship. A motion was made and approved.

Mr. March moved for approval of Eduardo Jackson for a second extension of his apprenticeship. A motion was made and approved.

Mr. Newman moved for approval of Jill Armentrout for apprenticeship. A motion was made and approved.

CEU COMMITTEE REPORT

In Dr. Elzaree's absence, Dr. Camille Bryan reported on the following CEU's.

The Dodge Institute request 9 CEU's for The Dodge Technical Seminar-Cincinnati 2015. A motion was made and approved.

The International Order of the Golden Rule requests 3 CEU's for their 2015 Annual Conference & Supplier Showcase on April 23, 2015. A motion was made and approved.

Community College of Baltimore County requests 6.0 CEU's for April 17, 2015 on various topics including Mortuary Transport, Human Dignity, and Pre-need Law. A motion was made and approved.

Community College of Baltimore County requests 3.5 CEU's for April 24, 2015 for the "Unsteady March of Time" and "Mortuary Science Program Update". A motion was made and approved.

Epsilon Nu Delta Fraternity requests 2 CEU's for a course entitled "Ethics" on April 24, 2015. A motion was made and approved.

Crematories and Mortuary Transport

Mr. March asked Ms. Arty to give clarification on the transport permitting issue, and he would follow with the Board's final interpretation. The Board has two new programs. The Board has had statutory authority since 2010 to regulate crematories, however the regulations were not approved by the legislature until April 14, 2014. We were required under mandate to have the crematories in the state permitted by October 1, 2014 and it was done. The crematories were inspected by OCO's executive director, Marilyn Harris-Davis and the Board's executive director, Ruth Ann Arty, to ensure a high standard and an equal playing field. There are presently thirty-five crematories in the state that are permitted under our regulatory authority and OCO has three. We are committed to keeping the standard the same across the agency line. Cremation training has been offered as a CEU by the Board in five areas around the state and many people came out. Unfortunately, the majority of the people either own or are looking toward owning a crematory. The crematory regulations do not just effect crematories, they effect how decedents are delivered and received by crematories and the paperwork involved crosses over to what the establishment must do. Ms. Arty suggested that everyone who hasn't gone to the training at least read the regulations.

Mortuary Transport was voted into the statutes in 2012, and it took two years for the legislature to approve the regulations, however they did not give a mandated date, and since crematories and mortuary transport came out around the same date, we did crematories first due to the mandate. The mortuary transport service is a much larger chore, and it takes a long time to license and permit them. It is the first program of the Board that has to have criminal background checks. There were many people who worked for a mortuary transport service or even owned them who had criminal histories and we did not permit them. We look at each case individually, which is an overwhelming and very time consuming task. We would really like to have everyone that has applied registered as a transporter, but we will never just "receive the check and mail the license". There is also a lot of confusion in regards to the inspection of vehicles. Inspection of vehicles for funeral establishments has always been a requirement of the Board. Previous Boards only required funeral homes to produce one vehicle, although many have had other vehicles that they use for removals. The way the law reads is funeral establishments are exempt from getting permitted as long as they are using their own employees, W-2 employees, or contracted employees, as they are not covered by workers compensation, which was written in the statute to protect the transporters. If you are contracting for a removal service, the way the statute is written, you are running a removal service. Funeral establishments are exempt with their own employees, using their own inspected vehicles. The question that has been constantly raised is if a licensed establishment is picking up for the medical examiner or other firms is it considered contracting? The Board's interpretation of the law has been that they are not exempt for that purpose. Funeral homes are exempt from being permitted as long as they are transporting human remains for families that they have contracted with. A funeral home is not exempt from getting permitted when the funeral home is acting separate and apart from its funeral home business, but acting as a transporter for someone else.

Body Bags

Mortuary transport companies are required to use body bags upon removal. If you are a funeral establishment contracting a mortuary transport company, they will be required to use a body bag. Establishments are complaining the cost of the body bags are being added into the cost of the removals. That is between the removal service and the establishment, however funeral homes may also provide the body bag.

NEW BUSINESS

Darlene Cline, Licensing Chief, reported notification has been sent to all licensees on the comptroller's list. Ms. Cline also wanted to remind everyone that all license numbers are one letter and the rest are numbers. We have had several licensees use and letter "O" when it should be a zero and therefore could not log on to complete their renewals. Also, the

renewal application is not located under the "Forms" tab. The renewal will be under "Announcements" in red.

Ms. Arty requests that everyone please pay attention to the mail from the Board, the renewal stickers come in an envelope from the Board and is often thrown away and since the stickers are considered licenses with control numbers there will be a replacement fee if lost. During renewals, the grace period is for the late fee only, not to continue practicing. If licensees chose to practice with an expired license they will hear from the Board.

Ms. Arty reported Dr. Close has been elected as the President of The International Conference of Funeral Service Boards, and how much of a privilege it was to see him elected. Dr. Close noted that not only was he elected, but Ms. Arty was elected as the President of the Association of Funeral Service Executives. The Board congratulated both of them and looks forward to their leadership.

LEGISLATIVE COMMITTEE REPORT

Ms. Arty reported the Board did not put in a lot of legislation this year. We put in three bills that we felt would help the profession. The funeral establishments of this state have to be owned by either licensees 100% or by corporate license holders. The language in the statute is not clear enough, so we felt we had to clarify the language. It was only a clarification bill, we are not changing the law.

The second bill the Board put in was to clarify who is responsible for the care and custody of human remains at any time. The bill states care and custody begins at the time of removal to the funeral home until transfer to the crematory or being placed at the gravesite, or until given over to a common carrier if it is a removal from the state. This bill was to help clarify when as a licensee, your responsibility begins and when it may end considering the next step of disposition.

Lastly, the Stay Bill says if there is a summary suspension that involves a front end risk to the public welfare, and results in a suspension by the Board, that a Circuit Court could not stay that order.

AJOURNMENT

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