

Plain Talk

From the Funeral Consumers Alliance of Maryland & Environs (FCAME)

Five bills that protect consumers passed in Maryland Legislature with FCAME help

FCAME joined forces with state regulators this year to successfully fight for passage of a range of legislative proposals at the Maryland General Assembly that will strengthen consumer protections relating to funeral homes and cemeteries.

More than eight bills that addressed such topics as the mishandling of human remains, regulation of cemeteries, and the mental and physical

competency of funeral directors and morticians, were voted on during the 90 days the General Assembly was in regular session (from January 11 to April 9, 2012).

FCAME Vice President Brian Ditzler submitted written testimony 11 times in support of bills under consideration in the House of Delegates or Senate, and also testified in person at 10 committee hearings in the two chambers.

Written and oral testimony also was prepared in opposition to a legislative proposal that would have allowed cemeteries to take back the right to interment after 50 years if not used by then.

However, that bill received an unfavorable report in both House and Senate committees and was withdrawn shortly before hearings were scheduled to occur.

In summary, five of the bills FCAME actively supported were passed, despite opposition from the Maryland State Funeral Directors Association to provisions contained in three of the bills.

One of the bills FCAME supported (which the trade association strongly opposed) did not pass. FCAME opposed one bill (mentioned above), and another bill relating to a new type of cremation (that FCAME took no position on) was defeated in committee and withdrawn.

For the first time, FCAME took the initiative to have a bill written and introduced on its behalf in the House of Delegates and the Senate this year, and played a very active role in building support for it.

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FCAME takes the lead on legislation

Have you ever read about something terrible and said to yourself, "There ought to be a law against that"? That was the FCAME Board of Trustees' reaction when *The Washington Post* ran a series of articles about the mishandling of hundreds of bodies by five funeral homes in the Washington area. Many of the bodies were awaiting burial at Arlington National Cemetery.

Well, FCAME took the lead in helping get a law against that approved, which was the first time our group sought to have legislation introduced vs. just testifying on bills already introduced. Here's a more complete explanation of what transpired.

After the Virginia Legislature passed a law to address the mishandling of bodies awaiting burial in their state, FCAME Board members realized the Virginia law could serve as a model for similar legislation in Maryland.

FCAME vice president Brian Ditzler contacted Maryland's Board of Morticians and Funeral Directors last summer to ask if they would back such a proposal?

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FCAME takes the lead on legislation (cont.)

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The Board agreed but wanted to help draft the legislation to ensure it also addressed related problems they had experienced.

However, they said FCAME would need to lead the effort to find sponsors to introduce the bill and then build support for it because the Board already was committed to getting other legislation introduced and hopefully passed at the next General Assembly session.

In the fall, Ditzler worked with Maryland's Department of Legislative Services and the Board of Morticians to draft the bill, and then provided a name for the bill he hoped would increase its chances for passage: the "Handling Human Remains with Dignity Act of 2012."

Senator Karen Montgomery agreed to sponsor the bill in the Senate and Delegate Kirill Reznick sponsored the bill in the House of Delegates.

One of the primary reasons those legislators were approached was because they were respected members of the committee in each chamber that would have jurisdiction over the bill and would hold hearings on it. Each committee would need to issue a "favorable report" on the bill for it to stand a chance of passage on the floor of the House and Senate.

Soon after the legislative session began in Annapolis, Ditzler spent

many days there going to the offices of different Delegates and Senators to meet with them or their legislative assistants to explain the problem. He emphasized how the bill would help protect the bodies of military veterans in particular, and asked the Delegates and Senators to co-sponsor or at least support the bill in their respective chambers.

Ditzler targeted legislators who were members of the Veterans Caucus and particularly those who sat on the House or Senate committee that had jurisdiction over the bill.

He also worked with the office of Senator Douglas Peters who chaired the Senate Veterans Caucus to get that group to endorse the bill, and signed up two veterans groups to testify in favor of the bill at the House and Senate committee hearings on it.

The Board of Morticians helped arrange the most compelling witnesses at the hearings: family members of a late veteran whose body was terribly mishandled by a Maryland funeral home while awaiting burial at Arlington National Cemetery.

A lobbyist friend of the family, Bill Kress, also testified and was a strong advocate for the bill during the entire session.

Others who testified in favor of the bill at the hearings included representatives of the Board of Morticians, the Funeral Directors

and Morticians Association of Maryland, as well as FCAME.

The lobbyist for the Maryland State Funeral Directors Association testified against portions of the bill at both the House and Senate hearings, but later dropped his objections after some minor amendments were made to the bill in the House committee.

The bill received favorable reports in both the House and Senate committees following their hearings on it, and it ultimately was passed unanimously in both chambers.

Delegate Reznick and Senator Montgomery, as well as the chairs of their respective committees, Delegate Pete Hammen and Senator Joan Carter Conway, played important roles in helping build support for the bill and getting it passed.

A week before the bill was scheduled to be signed by the Governor, he received a letter from a law firm representing SCI, the corporation that owns the funeral homes in Maryland and Virginia that prompted the series of articles in *The Washington Post*.

The letter said the bill was unconstitutional and requested he veto it. Fortunately, the Governor went ahead and signed the bill in late May.

The act is scheduled to take effect October 1, 2012.

Five bills that protect consumers passed with FCAME help

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More information on the Handling Human Remains with Dignity Act of 2012 can be found in a separate article.

Key to the success in winning approval of four of the bills was FCAME forming an alliance with the Maryland Board of Morticians and Funeral Directors.

“Your consumer organization’s support of legislative proposals that the Board of Morticians backed gave us credibility with General Assembly members,” said Dr. Hari Close, President, Maryland Board of Morticians and Funeral Directors. “That was critical to winning support for those bills,” he continued.

FCAME also joined with Maryland’s Department of Labor, Licensing and Regulation to support a bill that continued and strengthened the Office of Cemetery Oversight, which also passed.

Copies of FCAME testimony on on the six bills we supported can be found on our website. Since FCAME testimony on bills cross-filed in the House of Delegates and Senate was virtually the same, only one written testimony on the House or Senate bill was posted.

Here is a brief summary of the five bills FCAME supported at the Maryland General Assembly this year that passed and were signed by the Governor. Copies of the approved legislation can

be found on the website of the Maryland General Assembly.

Ensuring funeral directors and morticians competency

(Senate Bill 14 / House Bill 70) – The Board of Morticians and Funeral Directors may require an applicant or licensee to submit to a mental or physical exam by a health care practitioner if the Board finds reasonable evidence that the individual cannot practice mortuary science or funeral direction competently because they may be suffering from substance abuse, dementia or physical limitations.

Exempting Family Security Trust Fund interest (SB 332 / HB 71) – Interest earned by the trust fund will be exempt from having to accrue to the General Fund of the state until the trust fund reaches \$1million in assets.

The trust fund was created several years ago to repay consumers who lost preneed funds to fraud or embezzlement, and is being built up by required annual contributions from funeral homes in the state.

Extending Office of Cemetery Oversight (SB 282 / HB 394) -

The bill implemented the recommendations of the Department of Legislative Services’ sunset evaluation of the Office and extended the Office’s existence until 2023.

Financial reporting requirements were increased on perpetual care and preneed fund trusts.

The Advisory Council on Cemetery Operations was enlarged and required to meet at least four times a year.

Unfortunately, the bill continued to exempt from regulation all religious, government and not-for-profit owned and operated cemeteries, which comprise the vast majority of cemeteries in the state.

Handing Human Remains with Dignity Act (SB 415 / HB 540) –

Funeral establishments and crematories must store and maintain the body of a decedent in a specified manner before burial or cremation, including providing refrigeration of the body if it’s not embalmed.

A body cannot be transported out of state for preparation or storage unless the person authorized to arrange for the final disposition of the body has agreed, and the receiving facility has a written agreement with the Board of Morticians or Office of Cemetery Oversight that allows unannounced inspections of the facility.

Licensing Mortuary Transport Services (SB 895 / HB 753) -

All mortuary transport services must be licensed by the Board of Morticians and Funeral Directors, be bonded and carry liability insurance.

All employees of such services must pass a criminal background check, be registered and properly trained. All vehicles must pass inspection.

Plain Talk is the newsletter of the Funeral Consumers Alliance of Maryland & Environs, the volunteer-run regional chapter of a national non-profit consumer education and advocacy organization, the Funeral Consumers Alliance (FCA). FCAME serves residents in Maryland, DC and Delaware.

President - Barbara Blaylock
Vice President & director of communications - Brian Ditzler

Treasurer - F. (Knick) Knickerbocker

Additional board member:
Earl Kragnes

FCAME phone: 301-564-0006
email: info@mdfunerals.org

Funeral Consumers Alliance of Maryland & Environs

9601 Cedar Lane
Bethesda, MD 20814

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FCAME needs your support to fulfill its mission

To join or remain a member of FCAME, we encourage an initial contribution of at least \$25, plus a similar donation at least every other year to help support FCAME as well as our national organization, FCA, which is sent a portion of the donation we receive.

What you get for being a member of FCAME:

- Information and advice that enable you to make more informed choices when planning funerals, cremation, memorial services and other options for after death.
- Periodic newsletters with current information and advice that supplement what we provide on our website, www.mdfunerals.org.
- Results of periodic price surveys of the funeral

industry in our area.

- An invitation to our annual meeting.
- Membership in the only regional and national non-profit organization that

focuses solely on consumer education and advocacy of fair practices in the funeral industry through state and national legislation and regulation.

Ways to save \$\$ on funerals

“**Direct cremation**” usually cost under \$1200. Keep or scatter the ashes at a favorite spot vs. paying to bury them.

or

“**Immediate burial**” can cost as little as \$1200 but you still must pay for burial at a cemetery which inevitably costs many thousands of dollars.

or

Donate body to science. There is no charge to the consumer but arrangements must be made beforehand with a medical school or the State Anatomy Board in Maryland.

Skip the “extras”. You don't need:

- Expensive casket or urn
- Embalming
- Viewing of body
- Use of a hearse or limo
- Services at a funeral home or cemetery. Instead, have a memorial service later at a location of your choosing.