



# ***Funeral Consumers Alliance of Maryland and Environs***

*Protecting a consumer's right to a meaningful, dignified, and affordable funeral.*

## **SB 372 - Support**

**Senate Committee on Education, Health and Environmental Affairs**  
Of the Maryland General Assembly

February 27, 2013

Submitted by Brian E. Ditzler, Vice President  
**Funeral Consumers Alliance of Maryland & Environs**

Chairman Conway and Members of the Committee:

Thank you for the opportunity to provide testimony from the Funeral Consumers Alliance of Maryland and Environs (FCAME) in support of Senate Bill 372.

FCAME is the volunteer-run, regional chapter of the Funeral Consumers Alliance (FCA), the oldest and largest non-profit watchdog organization protecting the rights (and wallets) of grieving consumers. FCA's many chapters across the country are dedicated to: helping consumers be more informed about death care options, and protecting the public from fraud and abuse in cremation, funeral and burial transactions. FCA and its chapters take no money from the death care industry or government, and act as a voice for consumer interests.

Senate Bill 372 would authorize health occupation boards in the state to adopt regulations requiring applicants for an initial license as well as a renewal or reinstatement of a lapsed license to have a criminal history records check and to submit fingerprints and fees to enable such a check.

Requiring a criminal history records check on a job applicant or individual seeking a license to interact with the public has become fairly prevalent today, especially for those seeking a position that requires trustworthiness and demonstrated good character, such as in schools, hospitals, financial institutions and government.

A criminal history records check of individuals seeking a license in a health occupation makes particular sense since most licensees routinely have one-on-one interaction with individual citizens who need to be able to rely on the trustworthiness of those with whom they interact for their own physical and/or mental health and wellbeing.

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Criminal history records checks are especially important for those in health professions involved with the dispensing of legally-restricted pharmaceuticals (including physicians and pharmacists), or who may handle large sums of money from clients (including funeral directors who manage preneed funds).

SB 372 contains important protections for the confidentiality of information obtained from criminal history records checks, and for applicants who are given a copy of their criminal history record and have the right to contest that which they believe is inaccurate if they choose to do so.

Equally important, the legislation does not specify how health occupation boards must use the information they receive in the criminal history records checks, thereby giving individual boards the discretion to decide what past offenses should or possibly might not be used to disqualify license applicants.

FCAME enthusiastically supports SB 372 because it would help eliminate from licensure those individuals who, based on their past experience, would pose a risk to the safety and wellbeing of the citizens of our state. It contains appropriate safeguards for the information collected, while allowing individuals access to information provided in the records checks and the right to contest it.

Speaking to FCAME's area of focus, fighting fraud and abuse in death care transactions, we believe it is critically important that the Board of Morticians and Funeral Directors be given the authority that SB 372 would provide to issue regulations calling for criminal background checks for every new apprentice, mortician and funeral director license applicant as well as license renewals for all those positions. The implementation of such background checks would hopefully lessen the likelihood of preneed funds theft, sale of bodies and body parts that were supposedly cremated, and other problems that have occurred in the past.