



Funeral Consumers Alliance of Maryland and Environs

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

SB 463 - Support with an amendment

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

February 20, 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 463.

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 463 would clarify requirements regarding who can sponsor apprentice morticians and funeral directors, and it would specify requirements for apprentices and supervising morticians. As with SB 357 concerning inspections, this legislation would address problems the Board of Morticians and Funeral Directors has encountered in the past.

SB 463 would recognize the important role of the sponsor for an apprentice mortician or funeral director. The sponsor needs to be an experienced and licensed practitioner who is able to directly supervise and instruct an apprentice in the proper procedures to be followed. The sponsor needs to share professional insights and practices that guide the apprentice on how to correctly handle the job's many responsibilities, and enable the apprentice to gain needed practical experience in his/her chosen profession. Throughout the entire training program, a sponsor should be modeling proper behavior.

To ensure that each apprentice sponsor is a good example to follow, the bill would call for the Board of Morticians to actually approve each sponsor before an

Funeral Consumers Alliance of Maryland & Environs (FCAME)

<http://www.mdfunerals.org>

tel: 301-564-0006. email: info@mdfunerals.org.

9601 Cedar Lane, Bethesda, MD 20814

apprenticeship can begin. We think the requirements SB 463 specifies for approval of an apprentice's sponsor are quite reasonable. Individuals willing to serve as a sponsor must:

- appear before the Board with the apprentice applicant;
- be employed by the same funeral establishment that employs the apprentice;
- have practiced mortuary science as a licensed mortician or funeral director at least one year in Maryland immediately prior to accepting the applicant as an apprentice;
- have completed the application required by the Board;
- hold a current, valid mortician or funeral director license "that is in good standing with the Board" (meaning, for example, that license fees are current and the individual's payment of state taxes or child support are not in arrears, which are legal requirements); and
- have not been previously disciplined by the Board and who continue "to pose a risk to public welfare in the state."

In keeping with the previously mentioned requirements for sponsorship, SB 463 would require the Board to receive notice of termination of the sponsor-apprentice relationship in writing from both parties, along with evidence of the work completed during the sponsorship. The Board also must grant prior approval before a change in apprentice sponsorship may occur.

SB 463 also specifies reasonable requirements for supervising morticians including that they:

- hold a license in good standing in Maryland with the Board of Morticians,
- have completed the application required by the Board;
- have been approved by the Board to be a supervising mortician;
- have not been previously disciplined by the Board and do not pose a risk to public welfare in the State;
- be held responsible for all activities performed on behalf of a funeral establishment; and
- be limited to supervising one funeral establishment with an embalming facility, or two funeral establishments within close enough proximity to each other to allow for oversight of each funeral establishment.

In Title 7-310 (E)(5)(II), we recommend an amendment (as shown in all caps below) to make it clear that a supervising mortician should be limited to supervising "two funeral establishments that are within close proximity to each other IF ONLY ONE OF THE ESTABLISHMENTS HAS AN EMBALMING FACILITY to allow for oversight of each funeral establishment." This restriction would greatly lessen the likelihood problems might develop at either of the two funeral establishments.

The requirement that an interim supervising mortician be named by a funeral establishment when necessary who shall be held responsible for all activities

performed on behalf of the funeral home, and who can function until the Board can approve a new supervising mortician for the funeral establishment, also makes a lot of sense.

An amendment made to the cross-filed version of this bill (HB 529) in the House of Delegates would remove the restriction that a supervising mortician cannot have been previously disciplined by the Board of Morticians and who continues to pose a risk to the public welfare in the state. FCAME disagrees with removing this restriction because it is important to be able to exclude from sponsorship those individuals who have consistently demonstrated a disregard for the public welfare by violating state laws. How can these individuals be expected to serve as role models for apprentices and instruct them in proper practices and procedures when they themselves have shown either ignorance of or little concern with following the law? If this restriction is removed, for example, supervising licensees who currently are on probation for one or more serious violations would be able to serve as sponsors of apprentices.

All in all, SB 463 would make reasonable and pragmatic improvements, would help the Board address problems they have experienced in the past, and most importantly, would ensure the public welfare is better protected than is possible under current law.

The amendment we recommend be added to limit supervising morticians to supervising only one facility with an embalming room would provide needed clarity and ensure funeral home activities have proper supervision.

FCAME strongly encourages this committee to issue a favorable report on SB 463, ideally after including the amendment we suggest.