



Funeral Consumers Alliance of Maryland and Environs

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

HB 1221 - Oppose

Testimony for the Committee on Health and Government Operations Of the Maryland General Assembly

March 6, 2013

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

Chairman Hammen, Vice Chair Pendergrass and Members of the Committee:

Thank you for the opportunity to provide testimony from the Funeral Consumers Alliance of Maryland and Environs (FCAME) in opposition to House Bill 1221.

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.

House Bill 1221 would allow a licensee of the State Board of Morticians and Funeral Directors to practice mortuary science under a name other than the name that appears on that person's license, which is contrary to current law.

This would mean that funeral establishments in the state could hide from the public who actually owns an establishment, thus misleading if not actually deceiving the public.

The end result would be, for example, that when a funeral establishment was purchased (but the name of the establishment stayed the same), consumers would likely use that establishment again in the future if they had in the past in the belief that nothing had changed. That's clearly what the funeral industry wants to happen. However, if the name of the establishment was changed to reflect new ownership, the consumer would know to not assume everything was as it used to be, and would undertake more due diligence before deciding whether or not to give that funeral establishment his/her business again.

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Here's another example. HB 1221 would allow a funeral establishment that had developed a bad reputation from providing poor service to change its name to give the impression the establishment was under new ownership. The only way the unsuspecting public would learn that just a name change had occurred would be to use the establishment's services again and be poorly served again. Clearly the public would have been deceived.

The importance of funeral establishment names also can be illustrated with a real-life example. Last year, this committee heard the heart-wrenching testimony of Mrs. Lewis Allison whose late husband, formerly a Lt. Colonel in the U.S. Air Force, had his body terribly mishandled while awaiting burial at Arlington National Cemetery. She said her family, which is Jewish, had chosen the Danzansky-Goldberg Memorial Chapel in Rockville, MD, to handle the body believing it was still a locally-owned Jewish funeral establishment.

However, unbeknownst to Mrs. Allison, that establishment had been purchased by a large corporation that kept the former establishment's name but evidently not its practices respecting Jewish traditions, as the Public Order issued against the supervising mortician at that establishment showed.

In the retail world, the name of the owner of a business is often not reflected in the establishment's name. However, it makes sense for a different standard to apply to funeral establishments because they are different than other retail businesses in a number of ways.

Funeral establishments and the practitioners working within them are explicitly required to protect the public welfare in their activities, and fall under the regulatory purview of the State Department of Health and Mental Hygiene.

Consumers may entrust thousands of dollars in preneed funds to a funeral establishment for each funeral planned. With a typical funeral costing more than \$6,000 today, not including the cost of burial, which typically adds another \$5,000 or more to the total amount, funerals represent significant financial transactions for the public that stand apart from other consumer purchases.

Although families will have other occasions to spend a lot of money, such as when buying a car, they can see what they are getting and take their time to shop around before deciding where to buy the car. However, when they purchase funeral services, they have to trust that things will be done well since the actual process is not out in the open for them to see. It is only after the fact, at the end of a series of actions that cannot be redone, returned or repurchased elsewhere that the family will learn whether its wishes have been carried out as they had hoped. These elements of trust and vulnerability are unique to the interaction between a funeral establishment and the family it serves.

Unlike retail businesses that only sell products or offer services of an impersonal nature, a funeral establishment provides services of a high personal nature to families at a time of great personal need. Often these families contract with a particular funeral establishment relying upon the reputation for integrity it has earned over the course of many years in the community. When a new owner takes over what often was a family-owned establishment and imposes its own policies, that establishment is no longer what it was. Retaining the original name without adding to it any indication that ownership has changed would amount to deceiving the public.

Families in need of funeral services trust that funeral establishments are who they say they are and, by extension, can be relied on to provide a level and service and care that they have come to depend on from past experience or because of the establishment's reputation.

The State Board of Morticians and Funeral Directors (and FCAME) believes consumers have the right to know who owns a funeral establishment. Accordingly, the Board requires that the name of the owner of a funeral establishment be reflected somewhere in the trade name of the establishment. For example, if "John Paul Jones Cremation and Funeral Services" were to be purchased by Smith Associates, the name of the establishment could remain "John Paul Jones Cremation and Funeral Services" if the new owner wanted that, as long as "by Smith Associates" was added at the end of the establishment's name.

In summary, the Board of Morticians' requirement that funeral establishment names reflect current ownership seems quite reasonable so consumers are better able to make informed decisions. It recognizes the unique role that funeral establishments play in our society that sets them apart from other retail businesses.

HB 1221 would allow the owners of funeral establishments to hide from the public who actually owns the company, which clearly is an attempt to mislead, if not actually deceive the public.

The Funeral Consumers Alliance of Maryland & Environs joins with the State Board of Morticians and Funeral Directors in asking you to do what's best for the public welfare and consumers in our state. Please issue an unfavorable report on HB 1221.