



Funeral Consumers Alliance of Maryland and Environs

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

HB 906 - Oppose

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

March 12, 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 906.

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 906 would undo a key component of the Handling Human Remains with Dignity Act of 2012 and allow resumption of past practices where bodies of veterans and other citizens from our state were transported to funeral establishments out of state where they were terribly mishandled while awaiting burial. The funeral establishments wouldn't even let Maryland regulators check on the condition of the bodies of Maryland residents that were in their establishments, even if the bodies were going to be returned to Maryland subsequently for services and/or burial.

The Handling Human Remains with Dignity Act was passed by this committee last year, and subsequently by the full General Assembly and signed into law by the Governor, in response to compelling testimony you received from a number of Maryland residents as well as a series of articles in The Washington Post detailing the abuse of more than 150 bodies at funeral establishments in Maryland and Virginia, including the bodies of many veterans awaiting burial in Arlington National Cemetery. A copy of some of those clippings is attached for your reference.

Funeral Consumers Alliance of Maryland & Environs (FCAME)

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HB 906 would require that the facility receiving the body of a decedent be “licensed by a state regulatory body” or “subject to inspection by an individual authorized by the state”. Such language would replace allowing an out of state facility to enter “into a written agreement with the State Board of Morticians and Funeral Directors or the Office of Cemetery Oversight to allow the State to make unannounced inspections of the facility.”

In other words, the proposed changes would take us back to what we had before when funeral establishments were licensed by a state and subject to inspection, but that wasn't enough to prevent the degrading abuse of all those veterans' bodies. The new language proposed in HB 906 is so weak that it would allow a funeral establishment receiving bodies from Maryland to fail its inspections by the state, and also to not even have had any inspection for years.

The mishandling of veterans' bodies first came to light not from an inspection, but because a funeral establishment employee in Virginia was so upset by what he saw that he took photos and informed the Virginia Board of Funeral Directors and Embalmers. After several months passed and the employee saw no changes, he shared his photos and story with The Washington Post to force some action. What happened in the past clearly demonstrates that being licensed or subject to inspection is not enough to prevent problems.

It's interesting to note that the Maryland State Funeral Directors Association is supporting HB 906 and saying that being licensed and subject to inspection is sufficient to avoid problems. However, that association opposes HB 313 that would allow immediate access to inspect all parts of a funeral establishment in Maryland. Why? Evidently because “being subject to inspection” sounds good, but not if means immediate access to inspect all parts of funeral establishments in Maryland (which would inevitably uncover more problems).

In summary, HB 906 would undo a key component of the Handling Human Remains with Dignity Act of 2012 and allow resumption of past practices where bodies of veterans and other citizens from our state were transported to funeral establishments out of state where they were terribly mishandled while awaiting burial. Maryland's Board of Morticians and Funeral Directors and its Office of Cemetery Oversight need to be allowed to continue helping prevent the abuse of bodies of Maryland residents transported out of state, especially if those bodies may be returned to Maryland for services and/or burial.

The Funeral Consumers Alliance of Maryland & Environs asks you to do what's best for the public welfare and consumers in our state. Please issue an unfavorable report on HB 906.