



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

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

## **SB 357 - Support**

**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**

Chairperson 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 357 relating to the State Board of Morticians and Funeral Directors.

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 357 would allow inspections of funeral establishments to be made by members or employees of the State Board of Morticians and Funeral Directors, would require immediate access to all parts of the funeral establishment for inspections, and would require inspection reports to be given to licensees within 24 hours after the completion of inspections.

This bill is intended to address difficulties that Board members or staff now face during inspections of funeral establishments in our state. For example, funeral establishment employees sometimes refuse to allow a Board member or employee to enter a preparation room while a body is being prepared, or say no mortician or funeral director is available to accompany a Board member or employee then, so the inspection needs to occur at another time. The Board estimates they don't get immediate access to inspect all parts of funeral establishments about 30 percent of the time.

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The importance of inspections to uncover problems at funeral establishments is demonstrated by the fact that the majority of serious violations of law are uncovered during an inspection vs. first being reported in a complaint, according to an examination of the Public Orders posted on the Board of Morticians' website.

An inspection that is not immediate and that does not include access to all parts of an establishment is not likely to catch problems or any inappropriate activities underway. If there's nothing to hide, why be against immediate access for inspections? Any delays in beginning an inspection, however brief, can allow problems to be quickly cleaned up and incriminating evidence to be washed away or otherwise removed.

Even restaurants and day care centers must give immediate access to inspectors. Is making sure a restaurant serves what its menu promises more important than ensuring the bodies of our loved ones are being cared for properly and in the manner prescribed by law?

SB 357 would give a Board member or employee immediate access to funeral establishments for inspection, including access to the preparation and body storage areas. This would allow a Board member or employee to carry out their legally-mandated obligation to thoroughly inspect the establishment premises to ensure regulations are being followed and the public welfare is being protected.

The assertion by many funeral directors and supervising morticians that a licensee needs to accompany an inspector/investigator during an inspection ignores two fundamental facts. First, virtually everything being checked (eg., deceased bodies on the premises are being handled properly; required equipment is present and working properly; chemicals are stored properly; surfaces are clean and sanitary; required forms are available, etc.) either meets requirements or it doesn't. No explanation from a licensee will change what the inspector/investigator sees (or possibly smells).

Second, in most cases, when deficiencies or problems are identified by an inspector/investigator, the establishment is given sufficient time (usually several weeks or more) by the Board of Morticians to fix the problems since the Board believes compliance is a primary goal vs. disciplining minor violations. Evidence of one or more potentially serious violations an inspector/investigator may have found will be referred to the Board of Morticians (which reviews all inspection reports). Licensees will be given more than enough time later to provide an explanation for why things were as the inspector/investigator found them.

Since SB 357 says a licensee would no longer be required to accompany a Board member or employee during an inspection, the bill would require the results of an inspection to be provided to a licensee who directly supervises the

funeral establishment within 24 hours so he/she can learn what problems, if any, were found and what remedial actions, if any, might need to be taken.

Asserting that competitive advantage might be obtained by Board members allowed to see the prep rooms of other funeral establishments is not a valid claim. The assertion overlooks a practice in the past when Board members inspected funeral establishments nearby their own because no inspector was then on staff at the Board. There was no complaint from funeral establishments about losing competitive advantage then.

SB 357 is reasonable and appropriate, and addresses problems the Board and staff have faced in the past attempting to carry out their responsibilities to protect the public welfare.

SB 357 would increase consumer protection and deserves a favorable report from this committee.