



Funeral Consumers Alliance of Maryland and Environs

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

HB 190 - Oppose

Testimony for the House Committee on Health and Government Operations

March 5, 2015

Submitted by Brian E. Ditzler, FCAME Vice President

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 190 which would prevent a licensee of the Board of Morticians and Funeral Directors or its equivalent with the Office of Cemetery Oversight (OCO) from having to pay any additional fee for issuance of a crematory permit or to be a crematory operator.

Currently, the Board of Morticians is responsible for regulating 35 crematories in the state and 150 crematory operators; the OCO is responsible for regulating 3 crematories and a small number of crematory operators. Both the Board and the OCO charge a \$350 fee (every two years) for issuance of a crematory permit and a \$300 fee (every two years) to be a registered crematory operator. Using these general numbers, the Board brings in about \$57,250 in fees from crematory permit holders and crematory operators every other year, which means the Board has about \$28,625 a year with which to regulate crematories.

The fees brought in need to cover the costs of licensing and renewals; initial training on the regulations; ensuring crematory operators maintain the necessary certification; maintaining files and a data system; responding to inquiries; staff time and travel expenses going to crematories all over the state as needed for periodic inspections, follow-up inspections when deficiencies were found, and complaint investigations; Board review of inspection reports and complaint investigations, as well as its handling of disciplinary actions; and general oversight.

Another expense when the regulations went into effect last year was having Board and OCO staff visit every crematory in the state two or three times to help them understand what was required to pass periodic inspection.

It's worth noting that the fees now in effect for crematory permits and registered crematory operators were contained in proposed crematory regulations from the Board and from the OCO that were first published in the Maryland Register in March of 2012 for public comment, and appeared in every version of the crematory regulations published in the Maryland Register since then.

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Few among us like paying fees that we don't believe are necessary. The question here is whether fees already paid to be a licensee of the Board or of the OCO provide sufficient funds to cover regulation of crematories. We believe the total amount of money brought in from crematory fees now paid barely covers the cost of crematory regulation, and are not aware of any pot of unused funds the Board could devote to this effort.

In summary, what HB 190 proposes is unrealistic and, if approved, would likely result in the Board being forced to cut back its efforts to effectively regulate crematories in our state. This would be contrary to what the Maryland General Assembly intended when it passed the authorizing legislation for crematory regulation in 2010.

The Funeral Consumers Alliance of Maryland & Environs respectfully requests this committee issue an unfavorable report on HB 190.

FCAME is the volunteer-run, regional chapter of the Funeral Consumers Alliance (FCA), the oldest and largest consumer protection organization focused solely on guarding 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.