



Funeral Consumers Alliance of Maryland and Environs

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

HB 193 - Oppose

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

March 5, 2015

Testimony 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 193 which would authorize the Secretary of Health and Mental Hygiene, instead of the State Board of Morticians and Funeral Directors, to designate the Executive Director of that Board. The bill also would prohibit the Executive Director from conducting investigations or inspections on behalf of the Board.

HB 193 would involve the Secretary of Health and Mental Hygiene in the operations of the Board of Morticians in a totally unprecedented manner that would be unlike what happens with any other Board housed in the Department of Health. It would violate the independence of health occupation boards that are supposed to operate in an autonomous manner totally separated from the State political system. Also, for the Board of Morticians to function effectively, it is critically important that it be able to hire and direct its staff to carry out the Board's responsibilities.

Only two of the health occupation boards that are under the direction of the Department of Health and Mental Hygiene have establishments to inspect. The Board of Morticians has about 300 funeral homes and 35 crematories in the state that it is required by law to inspect at least every other year and more frequently if necessary. On occasion in recent years, the positions of inspector and investigator have been vacant because of staff departures. To prohibit the Executive Director from stepping in to help with inspections and investigations as needed would sometimes prevent required inspections and investigations from occurring at all.

The current executive director of the Board of Morticians served as the Board's inspector prior to being hired to fill her current position less than four years ago. That means she has historical knowledge of problems at individual establishments, and also has a thorough understanding of state law and regulations. To prevent the Board from taking advantage of the expertise and capabilities of every member of its staff would be foolish and counterproductive.

Those who think their establishments are inspected too frequently need to understand that the Board (and not the staff of the Board) decides when to lift probation -- only when there are no more on-going concerns.

Near the beginning of the Maryland Morticians and Funeral Directors Act it states, "The purpose of this title is to protect the health and welfare of the public." HB 193 would help turn the clock back to when the Board of Morticians was a captive of the industry it was supposed to regulate, and many believed the unstated purpose of the Board was to protect the health and welfare of the funeral industry.

The Funeral Consumers Alliance of Maryland & Environs strongly encourages this committee to issue an unfavorable report on HB 193.

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