



Funeral Consumers Alliance of Maryland and Environs

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

SB 160 - Support

Senate Committee on Education, Health and Environmental Affairs Of the Maryland General Assembly

March 4, 2015

Submitted by Brian E. Ditzler, FCAME Vice President

Madam Chair 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 160 which would provide the State Board of Morticians and Funeral Directors with the power to issue a cease and desist order or obtain injunctive relief for the unauthorized practice of mortuary science and for a number of fraudulent or deceptive practices listed under Title 7-316 of the Annotated Code of Maryland.

Individuals pretending to be licensed but who lack the necessary education and licensing is a problem that plagues many professions. That's why a number of the health occupation boards in our state already have been provided with cease and desist power including: Acupuncture, Audiologists, Hearing Aid Dispensers and Speech/Language Pathologists, Dietetic Practice, Nursing, Nursing Home Administrators, Optometry, Podiatry, and Professional Counselors and Therapists.

It is only logical to provide such a power to the Board of Morticians too since it routinely encounters unlicensed people functioning, for example, as morticians in funeral establishments performing embalming and other procedures on human remains. These unlicensed individuals often lack the required, most up-to-date training in areas such as infectious disease control, blood-borne pathogens, occupational safety and health, and handling human remains with dignity in the manner prescribed by Maryland law.

Unlicensed embalmers compete for jobs with licensed morticians who have all the required education and supervised practical experience in a laboratory setting that comes from earning a mortuary science degree. Licensed morticians also must do continuing education every year, and their credentials must be reviewed and approved by the Board of Morticians.

In addition to potentially causing public health problems or not treating human remains in the statutorily prescribed manner, unlicensed morticians can cause legal problems too. For example, more than 30 families who were mourning the death of a loved one last year were forced to deal with an unexpected problem when they learned the death certificates they had been provided by the hospital were not legally acceptable documents because they had been signed by a unlicensed mortician. One can imagine

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all the additional time and hassle this problem caused the affected families in the midst of everything else they were dealing with at the time.

Since unlicensed practice already is prohibited by law, it's reasonable to ask why the Board of Morticians needs cease and desist power too? The answer is that operating without a license is a misdemeanor, but local law enforcement usually focuses its time and resources handling far more serious offenses.

In summary, the Board of Morticians needs to be provided with the power to issue a cease and desist order or obtain injunctive relief so that it can better perform its legally mandated job of protecting the public welfare.

FCAME urges this committee to issue a favorable report on SB 160.

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.