



Funeral Consumers Alliance of Maryland and Environs

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

SB 391 as amended and passed by the Senate - Support

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

April 7, 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 in support of Senate Bill 391 as amended and passed by the Senate, which would require applicants for a license, permit or registration issued by the State Board of Morticians and Funeral Directors to provide a criminal history records check for consideration by the Board.

This bill is needed because some applicants for licenses and permits issued by the Board in the past have been less than truthful about their criminal history. It is important that the Board have the opportunity to consider each applicant's criminal history before deciding whether to issue a license because, for example, there could be a problem if a convicted violent felon was licensed and sent into a citizen's home to pick up the body of a recently departed loved one. Families are especially vulnerable when the death of a love one has just occurred, and they must be able to trust those they interact with in the funeral trade.

The fact that an applicant has a criminal history would not prevent the applicant from being given a license by the Board. SB 391 specifies that after receipt of criminal history records information on an applicant, the Board shall consider a number of factors that could indicate the individual has redeemed him or herself and is deserving of a license including:

- the age at which the crime was committed,
- the circumstances surrounding the crime,
- the length of time that has passed since the crime,
- subsequent work history,
- employment and character references, and
- other evidence that demonstrates whether the applicant poses a threat to public health or safety.

SB 391 as amended also requires that criminal history records information received shall be kept confidential and used only for authorized licensing, permitting or registering purposes. Applicants who are the subject of a criminal history records check would be able to contest the contents of the printed criminal history records information.

Nine health occupation boards in the state currently require a criminal history records check including Chiropractic and Massage Therapy, Morticians and Funeral Directors (for mortuary transport service providers), Nursing, Pharmacy, Physical therapy, Professional Counselors and Therapists, Examiners of Psychologists, Residential Child Care Professionals, and Social Work Examiners.

This bill does not conflict with SB 526, the Maryland Second Chance Act of 2015 (which has passed the Senate) because a "shielded" court and police record of an individual (as that bill would allow) would still remain fully accessible to government licensing agencies and health

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occupation boards including the Board of Morticians. Both SB 526, the Second Chance Act, and SB 391 that would require a criminal history records check for applicants, reflect the belief that individuals with a criminal history can redeem themselves subsequently and be given the opportunity to be employed.

It's worth noting that SB 391 as passed by the Senate reflects amendments agreed to by the Board of Morticians, FCAME and Service Corporation International (SCI), which owns and operates 16 funeral homes in Maryland.

The Funeral Consumers Alliance of Maryland & Environs strongly encourages this committee to issue a favorable report on SB 391 as amended.

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.