



Funeral Consumers Alliance of Maryland and Environs

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

SB 70 - Support

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

March 4, 2015

Testimony by: Brian E. Ditzler, FCAME Vice President

Madam Chair and Members of the Committee:

Thank you for the opportunity to provide testimony in support of Senate Bill 70, which would prohibit a stay of an order of summary suspension by the State Board of Morticians and Funeral Directors.

When an order of summary suspension occurs, Maryland State Government Code Article 10-226(c)(2) provides that a respondent will be given an opportunity to be heard by the Board on the order. The Board of Morticians always has a hearing within 30 days of a suspension.

That same Article in State Government Code 226(c)(2) provides the basis for when a State Board issues a summary suspension of license -- when it "finds that the public health, safety or welfare imperatively requires emergency action."

A number of other State Boards also have a prohibition of stays in their statutes when a licensee is appealing a Board order of discipline because a stay poses a threat to health, safety or the public welfare. The Boards include: Audiologists, Hearing Aid Dispensers and Speech Language Pathologists, Dietetic Practice, Nursing, Nursing Home Administrators, Physicians, Professional Counselors and Therapists, and Psychology.

In response to any assertion that approval of SB 70 would prompt the Board of Morticians to issue more summary suspensions, it's important to know the Board has only issued four summary suspensions in the last eight years.

The last summary suspension the Board issued provides insight into what it takes for the Board to feel the public health, safety or welfare are threatened enough to warrant a summary suspension. In April of 2013, a Board inspector conducted an inspection of the Hodges and Edwards Funeral Home after seeing deficiencies during previous inspections. The inspector reported that there were holes in the walls of the preparation room, and the walls also had body fluids and other filth on them. There also were holes in the vinyl flooring and dirt on the floor, among other problems.

Also in the preparation room at that funeral establishment, there were three bodies piled on a countertop under a plastic sheet. On top was a clothed male "lying in what appeared to be dried body fluids" according to the Order for Summary Suspension. The middle body was an unclothed male, and the body on the bottom of the pile was an unclothed female who appeared to be in an advanced state of decay. It's worth noting that the inspector takes photos during an inspection to substantiate what they say the problem areas are. Also, the inspection report for this visit was discussed with and signed by Janice Edwards, who was the supervising mortician of the funeral establishment.

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Further investigation revealed the female body on the bottom of the pile had died more than three and a half months earlier (110 days), and the funeral establishment had not released the remains because the decedent's family owed a balance of \$2200 on the funeral bill. Holding a body that long in a preparation room at a funeral establishment, refusing to surrender custody of human remains to a person who is entitled to its custody, together with the many serious public health deficiencies and safety problems at the establishment provided the Board with more than enough reasons to decide the threat to public health, safety or welfare were severe enough to warrant issuing a summary suspension.

Despite all this evidence and without any hearing, the court issued a stay on the Hodges and Edwards Summary Suspension.

The Public Orders on Hodges and Edwards in 2013 (and all public orders by the Board) are available for viewing on the Board's website.

In summary, SB 70 deserves your support because summary suspensions by the Board are few and far between. Based on the number and severity of problems described in the last order for summary suspension, a stay of the suspension without any hearing should be prohibited.

The Funeral Consumers Alliance of Maryland & Environs joins with the Maryland Board of Morticians & Funeral Directors in strongly encouraging this committee to issue a favorable report on SB 70.

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.