



Funeral Consumers Alliance of Maryland and Environs

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

Proposed Regulation on Requirements for Apprenticeship by the Board of Morticians & Funeral Directors - Support

Testimony for the Joint Committee on Administrative, Executive and Legislative Review of the Maryland General Assembly

October 2, 2012

Submitted by Brian E. Ditzler, Vice President,
Funeral Consumers Alliance of Maryland & Environs

Chairman Pinsky, Chairman Healey 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 the proposed regulation clarifying educational requirements for apprenticeship in mortuary science in our state.

FCAME is the volunteer-run, regional chapter of the national non-profit Funeral Consumers Alliance (FCA). The 100 of so chapters across the country of the FCA are dedicated to helping consumers be more informed about after-death care options available to them, and protecting the public from fraud and abuse in cremation, funeral and burial transactions.

The fundamental issue raised by this proposed regulation is whether the Board of Morticians and Funeral Directors is allowed to carry out its current, statutory responsibility to protect the public from abuse.

Article 7-303 (a)(1) of the Annotated Code of Maryland reads, "The Board shall determine the qualifications necessary for an individual to lawfully engage in the practice of mortuary science or funeral direction and to operate a funeral establishment within this State."

Funeral Consumers Alliance of Maryland & Environs (FCAME)

<http://www.mdfunerals.org>

tel: 301-564-0006. email: info@mdfunerals.org.

9601 Cedar Lane, Bethesda, MD 20814

Article 7-306 (d)(1) of the Annotated Code of Maryland reads in part, "Prior to an individual appearing before the Board for approval of an apprentice license, the individual must complete two-thirds of the academic credits for a mortuary science program at a school accredited by the American Board of Funeral Service or approved by the Board."

The Board previously assumed the courses completed by mortuary science students before they sought apprentice licenses would include practice embalmings in a school laboratory setting (under the supervision of trained teaching professionals), as well as embalming theory and Occupational Safety and Health Administration (OSHA) training.

However, since that requirement was not spelled out in regulation before, some students who are pursuing mortuary science degrees online have been seeking to obtain their initial practical experience working on human remains in funeral establishments. This means they are starting to work on human remains before they learned proper embalming procedure and how to prevent health risk and the spread of disease.

The end result is that consumers are paying full price for embalming at funeral homes employing these students -- expecting the work is being done by experienced, licensed professionals. Instead, the procedure is actually being performed in whole or in part by students who are not sufficiently trained to perform that work. Said another way, loved ones are being used for student practice.

It is understandable why some funeral homes may prefer the present situation, as it allows them to use cheaper labor from students before they are licensed apprentices, while getting full price from the consumer for services performed. This approach may be financially advantageous for funeral homes, but it clearly doesn't make sense for consumers or the public welfare.

With the proposed regulatory clarification being discussed here today, the Board specifies that the required two thirds of the academic credits that individuals must complete before applying for an apprentice license need include embalming theory, embalming practical experience and an OSHA course.

After students receive an apprentice license, they then are required to obtain additional practical experience in a funeral home that builds on what they learned and practiced first in an academic setting.

Mortuary science students expecting to earn their degrees solely online before working in funeral homes may understandably feel they are being held back because of unforeseen circumstances. They are now finding they must attend at

least a small portion of their classes at an actual “bricks and mortar” school in order to get their apprentice licenses before working in a funeral home.

That is indeed unfortunate, but the blame for this situation primarily should be aimed at the online schools that evidently did not inform their prospective students about what may be reasonably required of them by state licensing boards.

Critics of this proposed regulatory clarification essentially want the Board of Morticians and Funeral Directors to “look the other way,” and ignore a problem the Board strongly feels needs to be addressed. However, the licensed funeral practitioners and consumer members on the Board all support this regulation because they realize its importance to protect consumers and the public welfare as well as the reputation of the funeral industry in this state.

The proposed regulation relating to requirements for apprenticeship is reasonable, justified and appropriate. It clearly falls within the statutory requirements of the Board of Morticians to determine the qualifications necessary to be licensed in Maryland in order to protect the public from abuse.

Furthermore, the Office of the Maryland Attorney General has reviewed the appropriateness of this specific proposed regulation and agrees it falls within the Board’s statutory responsibilities.

The proposed regulation also has the strong support of the non-profit, volunteer-run Funeral Consumers Alliance of Maryland, and we urge you to let the Board proceed with issuing this regulation.