



# ***Funeral Consumers Alliance of Maryland and Environs***

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

## **HB 540 - Support**

### **Testimony for the House Committee on Health and Government Operations of the Maryland General Assembly**

February 22, 2012

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

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 in support of House Bill 540, the Handling Human Remains with Dignity Act of 2012.

FCAME is the volunteer-run, regional chapter of the national non-profit Funeral Consumers Alliance (FCA). The 100 or so chapters across the country of the FCA are dedicated to helping the consumer 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. FCAME is who first requested that legislators in the House and Senate of the Maryland General Assembly sponsor this bill, and we were pleased to have the full support of the Maryland Board of Morticians and Funeral Directors in the drafting of this bill.

The headline of the lead story in *The Washington Post* on the first Sunday in April, 2009, read, "Dignity Was Denied the Dead as Bodies Were Stored and Handled Using 'Disturbing' Methods, Area Funeral Workers Say – 'I Never Could Have Imagined'."

The lengthy article – the first of six that the *Post* published on the problem - said four Washington area funeral homes, including one in Rockville, Maryland, were transporting the bodies of retired military officers awaiting burial at Arlington National Cemetery to another facility without the knowledge or approval of family members. At that facility, many corpses were left on makeshift gurneys in the garage, hallway and in a back room, unrefrigerated and leaking fluids onto the floor.

"It was disturbing and disrespectful and unethical. I never could have imagined what I saw there or the things we were asked to do. These are people's loved ones, and they never should have been treated this way," Steven Napper, a funeral director and embalmer formerly employed at the facility was quoted as saying.

Ronald Federici found out about the body storage facility by following a van that had just picked up the remains of his late father, a retired Army colonel, from the hospital.

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Federici had expected to escort the van containing his father's body to the funeral home where he had made arrangements. When a white garage door at the body storage facility was opened, "The stench was horrific. Bodies were laying buck naked all over the place. There was no dignity whatsoever. It was disgusting, degrading and humiliating," Federici was quoted as saying.

Lt. Colonel Lewis Allison was scheduled to be buried at Arlington National Cemetery with full military honors, but the burial could not take place immediately because of the number of veterans awaiting burial there. The family hired a funeral home in Rockville, Maryland, to handle and store the body during the waiting period. After reading the first article in *The Washington Post*, the family contacted the funeral home to determine if Col. Allison's remains had been taken without their knowledge to Virginia for storage. After several phone calls, the funeral home finally admitted they had transported the body to Virginia, and agreed to return it back to Rockville.

A few days later, Col. Allison's son-in-law, Chris Toven, decided to make an unannounced visit to the funeral home in Rockville to make sure that the transfer had actually occurred and to check on the condition of his father-in-law's body. Toven said funeral home employees were quite surprised to see him, and he had to wait more than 30 minutes before they opened the casket for him to view the body. Since Col. Allison had been Jewish, the funeral home had been instructed that the body was not to be embalmed, no make-up was to be applied, no other preparation was to occur and no chemicals were to be used on the body. Yet, when Toven viewed the body, a substantial amount of make-up had been applied to cover up the evident decomposition or mold that had been scraped off the face. "What they had done to his face made it surreal looking," Toven told me. Also, the body had been put in a different set of clothes and the American flag with the body had been replaced. Evidently the original clothes and the flag had been damaged by leaking fluids and likely smelled too. It was clear that industrial deodorant powder had been used extensively all over the body to cover the smell.

Almost three years have passed since the Allison family's experience and *The Washington Post* articles started appearing, but only now is Maryland's Board of Morticians and Funeral Directors finally near closure of a case against the morticians and the funeral home in Maryland that participated in the mishandling of human remains awaiting burial. According to Toven, the resolution to the case will amount to mere slaps on the wrist of the guilty parties. Why? Current state law is inadequate, according to both the Board of Morticians and the Assistant Attorney General of Maryland who works with the Board, Richard Bloom.

Virginia has already stepped up to the problem in their state. Two years ago, Delegate Kenneth Alexander of Norfolk, VA, who also is a funeral director, led the effort to get legislation on the handling and storage of human remains passed by the Virginia General Assembly and signed into law by the governor. Funeral directors in the state supported the legislation "to protect the public health and welfare, as well as our reputation and image," Delegate Alexander told me.

In the almost two years since the handling and storage of human remains law was enacted in Virginia, there has not been one complaint from any funeral home about the new law, according to Delegate Alexander who asked the state's Board of Funeral Directors and Embalmers to forward all complaints to him.

HB 540 is modeled after Virginia's law. It requires a funeral establishment or crematory to keep human remains in their custody covered except during embalming, preparation or viewing, to refrigerate unembalmed bodies after 72 hours, and to notify the family and Board of Morticians when and why a body is being transferred as well as the method of storage at the new location.

HB 540 prohibits embalming without the express permission of the person authorized to arrange for final disposition of the body, and requires that if a body is moved to a facility out of state that the facility agree to allow Maryland's Board of Morticians to make unannounced inspections of the facility.

In response to the concern that small funeral homes may not own refrigeration equipment, the answer is for those funeral homes to subcontract, when needed, to another licensed facility that has refrigeration. The cost of refrigeration wherever it is provided would be passed on to the customer. To suggest funeral homes wouldn't cooperate with one another when there's revenue at stake is foolish.

In response to the concern that some clients may not have the financial resources or want to pay for refrigeration of their loved one for an extended period while awaiting burial, the answer is for the funeral director to help the client understand their remaining choices are to either have the body embalmed or to be buried at a cemetery that can accommodate a burial in the very near future. People make choices all the time based on cost.

In response to the suggestion that embalming be required of all bodies not buried within 72 hours, such a rule would amount to religious discrimination as some religious customs, including Jewish and Muslim, forbid embalming and use of any chemicals.

HB 540 is strongly supported by Maryland's Board of Morticians and Funeral Directors as well as Ron Wade, the Director of the Maryland State Anatomy Board and the Anatomical Services Division of the University of Maryland School of Medicine. The bill also has the strong support of the American Legion in Maryland, the Joint Veterans Committee of Maryland, the Senate Veterans Caucus of the Maryland General Assembly, the Funeral Directors and Morticians Association of Maryland, as well as the Funeral Consumers Alliance of Maryland and Environs.

Letters of support for HB 540 have also been received from Delegate Kenneth Alexander of Virginia who sponsored similar legislation that is now the law in his state, as well as from Steven Napper, the funeral director and embalmer who witnessed the problems in Virginia and reported them first to state regulators and later to *The Washington Post* despite great risk to his career in the funeral industry.

In summary, HB 540 provides improved transparency including involvement of the consumer in decisions affecting their deceased loved ones, along with reasonable standards for funeral homes to ensure the public welfare is protected. These changes will greatly benefit the consumer, and we strongly encourage this committee to issue a favorable report on HB 540.