



Funeral Consumers Alliance of Maryland and Environs

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

HB 70 - Support

Testimony for the House Committee on Health & Government Operations of the Maryland General Assembly

January 26, 2012

Submitted by Brian E. Ditzler, Vice President,
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Chairman Hammen and Members of the Committee:

Thank you for the opportunity to provide comments here today from the Funeral Consumers Alliance of Maryland and Environs in support of House Bill 70. HB 70 would provide the Maryland State Board of Morticians and Funeral Directors with the power to require licensees and applicants to submit to a mental or physical examination if reasonable question has been raised concerning their competence to serve the public as a mortician or funeral director in the state.

Our organization 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. I am vice president of the local chapter, which has several hundred members across the state, plus many more in DC and Delaware, who take an active interest in matters relating to the after death care of loved ones.

I must confess that my consumer organization traditionally viewed Maryland's Board of Morticians and Funeral Directors the way consumer advocacy organizations view many regulatory boards – with some suspicion. We had many reasons for this viewpoint.

First, the majority of the members of the Board, including its president, are practicing professionals in the fields they are supposed to regulate.

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Second, the Board and its staff acknowledge a central goal is to help licensees understand the law and comply with it versus their seeking to penalize those who violate the law. For example, when the Board determines a violation has occurred, the individual or establishment often receives only an “education letter” or non-public reprimand from the Board if it’s the first instance of a problem.

And finally, when a Board inspector uncovers violations or allegations are made that warrant investigation, the public is excluded from all committee and board sessions where complaints, evidence and allegations are discussed and potential resolutions are explored. In other words, the Board views confidentiality of all proceedings to be more important than ensuring “sunshine” on and public awareness of what the Board and its committees discuss and how decisions are reached.

However, having interacted with Maryland’s Board of Morticians and Funeral Directors in recent years, and particularly with its current executive director, I have gained a better understanding of and respect for how they now operate. Their actions display genuine interest in ensuring: all morticians and funeral directors have the proper training and credentials, their establishments have the proper equipment and facilities, and they all operate in a responsible and legal manner to protect the public’s health and welfare.

While the Board’s actions inevitably help maintain the reputation and profitability of their industry, that does not take away from all the time and effort Board members, both practitioners and consumer members, as well as Board staff, devote to handling the many important responsibilities of the Board.

This brings me back to the need for HB 70. As mentioned earlier, the Board is inclined to educate vs. penalize as much as possible, so when they say there is a problem that needs to be addressed to protect the public health and welfare, we must take their concern - and the remedy they propose - very seriously.

I personally know of an instance where an elderly funeral director was, based on his comments and actions, evidently showing signs of dementia. However, he was still at his funeral home interacting with the public and accepting their funds for services to be rendered. Unquestionably, the Board and staff have faced the need to respond to similar instances where, while reviewing license applications, conducting inspections or investigating allegations, the mental or physical health of some morticians or funeral directors became suspect.

HB 70 would give the Board of Morticians and Funeral Directors the authority needed to require applicants and licensees to have a mental or physical examination by a health care professional designated by the Board to ensure the individual is competent to practice mortuary science or funeral direction in the state.

The Board is understandably concerned that incompetent practitioners may not be able to carry out their responsibilities as they should, including properly managing preneed funds they have received and for which they have a fiduciary responsibility.

Most professions licensed by the state have similar requirements for mental and physical examinations to ensure the competency of their practitioners.

Amending HB 70 to have the Board pay for the mental or physical examination of licensees, as well as reimburse for the examinations of applicants found to be competent, seems appropriate and would be consistent with the intent of the bill.

HB 70 would impose a reasonable and important requirement on applicants and licensees, and is very much needed. The bill has the support of the Funeral Consumers Alliance of Maryland & Environs, and we encourage your support of it too.

In closing, let me mention one other problem area the Board has recognized the need to address with legislation - the gross mishandling of the remains of Maryland veterans awaiting burial in Arlington National Cemetery and other veterans cemeteries.

A bill titled "Handling Human Remains with Dignity Act of 2012" will be introduced shortly that has the strong backing of the Funeral Consumers Alliance of Maryland & Environs as well as the Board of Morticians and Funeral Directors. I look forward to discussing it with you in more detail in the near future.