

MARYLAND STATE BOARD OF MORTICIANS AND FUNERAL DIRECTORS
OPEN SESSION MINUTES
APRIL 9, 2014

The meeting was called to order at 11:00 am with a quorum present by Victor C. March, Sr., President.

BOARD MEMBERS PRESENT

Victor C. March, Sr. President
Michelle H. Huggins, 1st Vice President
D. Lynn Newman, 2nd Vice President
Dr. Hari P. Close
Renee Derketsch
Dr. Ahmed Elzaree
Gladys Sewell
Vernon L. Strayhorn, Sr
Keith Downey

ABSENT BOARD MEMBERS

STAFF

Ruth Ann Arty, Executive Director
Darlene Cline, Licensing Chief
Edward Fox, Health Occupations Investigator
Thomas Anderson, Health Occupations Inspector
Marc Ware, Compliance Officer
Richard Bloom, Board Counsel

The meeting was called to order by Victor C. March, President. A motion was made and seconded to approve March's Open Session Minutes.

ADMINISTRATIVE REPORT

Ms. Arty welcomed everyone to the meeting, and passed out the list of all Health Care Bills including the cross files. There were many bills, Ms. Arty reviewed the Bills that passed.

Unannounced inspections and immediate access to the prep and storage areas is the law. The Board has always had unannounced inspections, but one of the issues the Board has had was when prep or storage rooms are locked. In regards to the Human Dignity Act, the Board is very concerned about conditions behind closed doors. The prep and storage areas are usually either locked by key or keypad. The Board was also concerned about employees the funeral home may not want in the prep/storage rooms. The way the law was passed, the Board will have immediate access if the Board has a valid open complaint or if the funeral establishment is on probationary status. Any trained inspector should have access by calling the supervising mortician if the location of the key or keypad code is not available. The only requirement is before the Board leaves, the establishment must have a copy of the complaint left with someone in the establishment.

The Association sponsored a Bill to clarify the cash advanced items as opposed to the Attorney General's Opinion stating if money was received for cash advance items, they must be guaranteed. No longer would the establishment have to guarantee cash advance items, however consumers will be able to add those cash advance items in their spend down. One of the Senators added an amendment that required there be 3 pre-need contracts. One that would be totally guaranteed, one that would be partially guaranteed with delineation with what funds are guaranteed and what funds are not, and one that is not guaranteed at all.

There was also a Bill that required vital records to establish an electronic system before January 1, 2015. The Board asked that they have a 3 prong system. They would have an electronic filing for the doctor and mortician, and the third filing would be the Burial Transit Permit. The Burial Transit Permit portion was not approved by the Senate, however, vital records is trying to get that portion built into the software.

The Mortuary Transport Service regulations were signed and are now in effect, however, the Board will not enforce them until we have a chance to educate on it and give out proper applications. Funeral establishments in the State of Maryland who have transport vehicles that are inspected by the Board are exempt from having a mortuary transport service. If you are an establishment with funeral homes in two states, all of the vehicles used in both states have to be inspected here in Maryland and then the transport service would also be exempt. However, if you are an out of state establishment with no establishment in the State, and you have no vehicles that have been inspected by the Board then a permit is required. In addition, there are permits required for transport companies who do nothing but removals for a living. The basic requirements for a permit are an application and a fee to the Board. A prerequisite 2 CEU's, which are a 1 hour course in the Human Dignity Act and OSHA/MOSHA training to include Blood Borne Pathogens and Infectious Disease. Transport services cannot apply for a permit until CEU's are complete. Additionally, you must register if you are the transporter. For each transporter there is a \$40.00 one-time fee, criminal background check and some other credentials. If registered transporters leave the company, the Board needs to be notified so they can be taken off the Board's registry. The training the Board has set up are on April 17, 2014 at the Delmarva Association Meeting, The second training will be held on April 22, 2014 at Scarpelli Funeral Home in Cresaptown. During these trainings, the trainer will go over the Human Dignity Act and the OCME's course on body handling and removal. On April 29th the 3rd training will take place at the OCME's office. This training will be a more intensive course, so it offers 4-6 CEU's. If the vehicle that is to be inspected is housed out of state, we will arrange locations on the borders of the two states.

The Cremation Regulations are signed and are in effect at OCO on April 1, 2014. DHMH has an extra step, so ours are effective April 14, 2014. Currently the Board will regulate 34 crematories, 6 will be regulated by OCO and 3 are undetermined. The regulations are substantially the same, except, if the crematory is regulated under OCO it can be a LLC. Our statutes are different in that regard and the legislature allowed that difference. The OCO crematories cannot make pre-arrangements. They may only sell a pre-need certificate for the process of cremation.

It is licensure time. We have received many calls stating licensees were trying to renew online and could not. Most often when it doesn't work, licensees are using O's instead of zero's.

Please keep this in mind when doing your renewals. There are a couple of people who have changed addresses and not notified the Board and thus did not receive their renewal application. They may go online and renew and change their address. As of last month, the only pre-need accepted by the Board is Maryland State Funeral Directors online program and any pre-need courses taught by the Board. CEU courses that were not approved by the Board previous to last fall, when the Board changed the procedure are still not approved by the Board. Classes taken before the procedure was put into place will be honored. A maximum of six can be done on line, six can be done in the classroom setting and one of them needs to be in the mandatory Maryland Pre-Need Law.

LICENSING COMMITTEE

Keith Downey reported on the following applicants for licensure.

Apprentice

Mr. Downey moved for approval of a split sponsorship for Steven East. A motion was made and approved.

Mr. Downey moved for approval of split sponsorship for Kyle Glen. A motion was made and approved.

Mr. Downey moved for approval of apprenticeship for Cori Jackson. A motion was made and approved.

Mr. Downey moved for approval of apprenticeship for Lori Howell. A motion was made and approved.

Mortician

Mr. Downey moved for approval of Mortician license for Christopher Brown. A motion was made and approved.

Mr. Downey moved for approval of Mortician license for Michael Demarest. A motion was made and approved.

Mr. Downey moved for approval of Mortician for Randal Powell via waiver of apprenticeship. A motion was made and approved pending CEU's.

CONTINUING EDUCATION COMMITTEE REPORT

Dr. Elzaree reported there were 58 courses for approval. Dr. Elzaree gave the total number of credits each vendor was approved for.

NFDA 33

Funeral CE's 12

International Order of the Golden Rule 3

Sol Levinson & Bros. 2
Earl Schley 1
Wiseman Funeral Home 1
The MSFDA 1
The Maryland Board of Morticians and Funeral Directors 2

EXECUTIVE COMMITTEE REPORT

No report.

FAMILY SECURITY TRUST FUND

Gladys Sewell, Chair reported there is currently \$719,083.07 in the fund. The next Family Security Trust Fund Advisory Committee Meeting will held June 10, 2014 at 1:00 p.m.

ESTABLISHMENT/INSPECTION COMMITTEE REPORT

Dr. Close reported on the following establishments.

Name Approval

Rapp Funeral and Cremation Services by Melanie Wilhelm- Dunaway, P.A. A motion was made and approved.

New Establishment

Wiley Funeral Home, P.A. 701 North Mount Street, Baltimore, Maryland 21217. Wiley Funeral Home on Gilmor Street will close April 29th when the new location opens. A motion was made and approved pending inspection of refrigeration.

Phillip Bell Sr. & Winona Morrissette-Johnson Funeral Service, P.A. operating out of Wiseman Funeral Home located at 7527 Old Alexandria Ferry Road for prep, viewings and arrangements. A motion was made and approved pending the name stated, and all paperwork that goes with it is complete.

Sol Levinson & Bros. Funeral Service, P.A. located at 5560 Sterrett Place, Suite 204, Columbia, Maryland operating out of Sol Levinson & Bros. located at 8900 Reisterstown Road for arrangements only.

LEGISLATIVE REPORT

No Report.

PRE-NEED COMMITTEE REPORT

Lynn Newman, Chair, reported inspections have been fine. We have reviewed for the past month and other than reminding everyone of the mandatory pre-need credit, everything is fine.

OLD BUSINESS

The Board will be moving forward with appropriate action on the establishments that have outstanding payments on the Family Security Trust Fund. Five establishments are delinquent in payment of fund or fees.

F.Y.I.

The licensee assigned to the Board has been chosen and vetted, but has not yet received the letter from the appointments office, therefore we will not announce the name. By the next meeting we should have 6 licensees on Board day. There is still a vacant consumer position.

BOARD COUNSEL

No report.

AJOURNMENT

Pursuant to Maryland State Government Article, Annotated Code § 10-501 et. seq., on a motion by Mr. March, President, seconded by Ms. Huggins, the Board unanimously voted to close its meeting.