

**MARYLAND STATE BOARD OF MORTICIANS AND FUNERAL DIRECTORS
OPEN SESSION MINUTES
JUNE 11, 2014**

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

BOARD MEMBERS PRESENT

Victor C. March, Sr. President,
D. Lynn Newman, 1st Vice President
Keith Downey, 2nd Vice President
Dr. Hari P. Close
Dr. Ahmed Elzaree
Gladys Sewell
Vernon L. Strayhorn, Sr
James Govoni
Dr. Camille Bryan
Wayne Cooper

ABSENT BOARD MEMBERS

Renee Derketsch

STAFF

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

The meeting was chaired by Victor March. A motion was made and seconded for the approval of May's Board minutes.

ADMINISTRATIVE REPORT

Ms. Arty began her report by saying the Board received very late notice that Michelle Huggins was leaving. The Board feels she is much more valuable than a hand clap, and will have accolades later. Ms. Arty then thanked the new Board members for tolerating the long sessions we have been having.

Ms. Arty wished all of the fathers and grandfathers in the room a Happy Father's Day.

Renewals are now done. When licensees have not met the requirements for their renewal applications, this Board is legally required to close the renewal period and send out cease and desist notices. The Board did this and in the process, there were some problems. Unfortunately, there were several errors that got in the word program that came from the AG's office, and the letters went out with the mistakes. Ms. Arty apologizes for the way the letter went, therefore a correct version along with an apology was sent out.

Another issue with the cease and desist notices was it called “heavy handed”, because licensees were told they could not practice. The Board does not generate those letters nor does the legal requirements for those letters come from this Board. They come on behalf of this Board for two reasons. The 1st is they are notice to licensees that a licensee must cease and desist until they are licensable. Secondly, they serve as notice to the Board. The cease and desist orders are not meant to be “heavy handed”, it was to exercise authority to let licensees know they cannot practice mortuary science without licensure.

The Board is doing a lot of training on the many law changes we have had this year. Those are not mandatory trainings, they are opportunities for CEU’s and for understanding of the Board’s interpretation of the new statutes and regulations.

The first change that will be implemented is the pre-need law change for guaranteed and non-guaranteed contracts which goes into effect July 1st. The rest of the Bills, which are now laws, will be implemented October 1st, and will be posted on the Board’s website.

Other trainings going on are on the new sets of regulations. The crematory regulations will be enforced as of September 1st. That is an agreement between OCO and The Board. The mandate in the crematory regulation is for the OCO and The Board, not for the licensee. The mandate states Marilyn Harris-Davis and Ruth Ann Arty get applications out within 90 days of the regulations going into effect. The applications are done and both Boards approve them and they will be uploaded on our website. There are three forms: the permit application, the registered crematory operator application and the designation form for the supervising crematory operator. Ms. Arty asked the Board for permission to use the same form Ms. Cline updated from the supervising mortician form to supervising crematory operator form. A motion was made and seconded to use the updated form.

The inspection form for OCO and the Board are identical as Ms. Arty and Ms. Harris-Davis worked on it together. Inspections will be carried out the same way, the form is the same and what we are inspecting for is the same. Ms. Arty and Ms. Harris-Davis have agreed that they would do the first 5 applications from the Board and OCO, and they would do those 10 inspections together to ensure consistency. The standards are going to be the same and the regulations will be carried out the same for permitting. There is one problem with that, the regulations state you cannot be permitted until you have had machinery operator training, as well as certification by NFDA, CANA or ICCFA, however to do machinery operator training a body must be cremated, which cannot be done if not permitted. A motion was made and seconded for an emergency regulation for the above issue.

The 1st training on the crematory regulations was held in Southern Maryland. Approximately 30 individuals came and Ms. Arty got very positive feedback. There was also a training held this week in Woodbine, which had a very lively discussion. These trainings don’t only effect crematories, it effects the way morticians and establishments send descendants to crematories.

There have been two mortuary transit service trainings. There will be another training on July 18th at The Anatomical Gift Registry, phone number 410-863-0491.

LICENSURE COMMITTEE REPORT

Keith Downey, Chair reported the following:

Apprenticeship

Steven East returned to change his embalming sponsor. The Committee met with his new sponsor and all was in order. A motion was made and approved to change his sponsor.

Mr. Downey moved for approval of Apprenticeship license for Ellen Bochanski. A motion was made and approved.

Morticians License

Mr. Downey moved for approval for a Mortician license for Margaret Edie. A motion was made and approved pending CEU's.

Courtesy Card

Mr. Downey moved for approval of Courtesy Card for Melody Galloway. A motion was made and approved.

CONTINUING EDUCATION COMMITTEE REPORT

Dr. Elzaree, Chair reported on the following CEU's.

Selected Independent Funeral Homes requested 7 CEU's for their 2014 Annual Meeting held on September 17-19, 2014. A motion was made and approved.

NFDA requested 6 CEU's for their certified crematory operator program to be held January, March, May and July 2014. A motion was made and approved.

NFDA requested 2 CEU's for their course Breadout by Office on July 14, 2014. A motion was made and approved.

NFDA requested 2.5 CEU's for their course Managing the Media-What you need to know NOW on July 15, 2014. A motion was made and approved.

NFDA requested 2 CEU's for their course Steps to Becoming a Great Board Member on July 15, 2014. A motion was made and approved.

NFDA requested 1.5 CEU's for their course Online Engagement: Tech Terms and Tools made easy on July 16, 2014. A motion was made and approved.

NFDA request 6 CEU's for their course Model Laws: How Does Your State Score on July 14, 2014. A motion was made and approved.

NFDA requested 6 CEU's for their course NFDA Certified Crematory Operators Program on August 6, 2014. A motion was made and approved.

NFDA requested 1.5 CEU's for their course Using Electronic Death Registration Systems on July 29, 2014. A motion was made and approved.

ICCFA requested 25 CEU hours x 7 programs for their course ICCFA University on July 18-23, 2014. A motion was made and approved.

MSFDA requested 1 CEU for their course What You Know About Maryland's Pre-need Law Statute? Online. A motion was made and approved.

MSFDA request 6 CEU's for their course Embalming Seminar on September 10, 2014. A motion was made and approved.

Delmarva Funeral Service Association request 2 CEU's for their course Cremation Regulations on June 19, 2014. A motion was made and approved.

Dignity University/ SCI Management request 25 CEU's for their course on July 18-23, 2014. A motion was made and approved.

Babylon Vault Company request 3 CEU's for their course How Vaults are Made and How we Can Serve You. Dates TBA. A motion was made and approved.

EXECUTIVE COMMITTEE REPORT

No report

FAMILY SECURITY TRUST FUND COMMITTEE

Gladys Sewell, Chair reported there is currently \$720,708.07 in the fund. The next Family Security Trust Fund Advisory Committee meeting will be held July 8, 2014.

LEGISLATIVE AND REGULATORY COMMITTEE

Ms. Arty reminded everyone that proposals are due. If there is anything that anyone would want considered, please e-mail her. Ms. Arty stated any proposal for consideration should be submitted to her in the July public session.

PRE-NEED COMMITTEE REPORT

Mr. Newman reported the pre-need audits have been going very well. With regards to the July 1st implementation of the guarantee versus non-guaranteed items the main statement that should be listed on all contracts is: **Not all charges that may be required to be paid at the time of**

need are listed on this contract. Dr. Close made a recommendation that the Board will accept stickers on an existing pre-need contract from July 1st – September 1st. A motion was made and approved.

ESTABLISHMENT COMMITTEE

Dr. Hari P. Close, reported on the following establishments:

Restricted Establishment

Mitchell-Wiedefeld Funeral Home, Inc. is applying for a restricted license out of Johnson-Fosbrink Funeral Home, P.A. A motion was made and approved pending new paperwork and inspection.

OLD BUSINESS

Ms. Arty reported last month there were five establishments that did not pay the Family Security Trust Fund. The Board does not sanction without input. The Board is trying to figure out what to do about that. We asked licensees for other suggestions other than the \$500.00 late fee and got no suggestions. At the very least, when establishment licenses expire in November, 2014 they will not be renewed.

Mortuary Transit Applications

Please email any questions regarding Mortuary Transit Regulations to the Board.

Cremation Forms

We have been asked if the Board can standardize the forms necessary for cremation. Some licensees like us to do it while others say don't tell us how to devise our form, which becomes a catch 22 for the Board and OCO. There are some forms that are required by law to be identical with OCO's and those forms will be mandatory, and we will give them to you. However, the forms that are not mandatory, can be devised from forms with the bare minimum requirements as a template for the necessary forms. That way an establishment can adapt and use it and/or add to it.

Pre-need Forms

Ms. Arty along with the Pre-need Committee will revise the pre-need forms. If an establishment wishes to put their information on it and make it their own, the Board is fine with that. An establishment can add to the form, but cannot take away from it.

Mr. March gave the new Board members a chance to introduce themselves.

BOARD COUNSEL REMARKS

Mr. Bloom reported the Board proposed amending its regulations dealing with eliminating floor drains in holding rooms. However the regulation died. Floor drains are still required in holding rooms. The Board will take another look at it and resubmit the legislation. The current requirement for holding rooms still exist in its entirety. A motion was made and approved to resubmit the holding room bill and that the Board does not enforce that requirement.

AJOURNMENT

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