Maryland State Board of Morticians and Funeral Directors

Spring, 2008

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License Renewals

The Board and staff have been busy processing mortician's license renewals this Spring. At this writing, the Board has received over 980 active and inactive renewal applications. This is significant in that in FY '04 there were 890 license renewals and in FY '06 there were 982 renewals. It seems that our profession of mortician is growing and thriving in Maryland.

About 12% of you chose to renew your license online. Many of you also completed the evaluation form regarding the on-line system. The only problem cited was confusion over knowing what your password was. The majority of respondents stated that it took them 5 minutes or less to complete the online application.

A significant number of licensees stated that it took 15 minutes to renew and only one person said that it took 30 minutes.

Those of you who will be renewing your establishment license by October 31, 2008 might want to consider using the online system.

If you are interested in knowing who has renewed and who hasn't, please check the Board's website. Click on the Online Verification link and follow the directions. You will be privy to the licensure status, license number, licensure expiration date and date of original license of Maryland licensees.

Legislation passed in 2008

A number of important bills passed this legislative session. First and foremost, the State Board of Morticians and Funeral Directors Sunset Extension Program Evaluation passed with amendments.

The Board's termination date has been extended by 10 years to July 1, 2018. This is great news. For another 10 years the Board will continue to protect the consumers of Maryland!

The Sunset Bill changed the number of Board members on the Board along with the composition of the Board. The Board will consist of 11 members rather than 12 members, six of whom will be licensees and five of whom will be consumers.

This configuration will go into effect July 1, 2009. All Board members will be appointed by the Governor with the advice of the Secretary and the consent of the Senate.

The Sunset Extension Bill also includes new directives concerning preneeds. The Maryland Morticians Act, Md. Code Ann., Health Occ. ("H.O.") §7-405 (c)(1)(III) states:

A pre-need contract shall contain: A disclosure statement that clearly states that all funeral costs may not be covered under the pre-need contract; and lists all funeral goods and services that are reasonably expected to be required at the time of need but are not included in the contract.

The Board will review this new language and advise licensees accordingly.

The Sunset Review conducted by the Department of Legislative Services issued a number of recommendations which were reported in the Winter, 2008 Newsletter. The Board will also review those recommendations to determine what can and can not be implemented. Your comments and suggestions concerning the Sunset recommendations would be most appreciated.

House Bill 1090, State Board of Morticians—

Family Security Trust Fund and Pre-Need Contacts was passed this session.

Board Members

Don Borgwardt
Board President

Rev. Hari Close
1st Vice President

Gladys Sewell
2nd Vice President

David Hovatter
Secretary

Members at Large
Michael Kruger
Marshall Jones, Jr.
Vernon Strayhorn, Sr.
Robert Bradshaw, Jr.
Rev. Henry Green
Lauri Cebula-Seaboch

Legislation, 2008

Session. This bill is consumer friendly because it assures the protection of the citizens of Maryland if preneed funds are misappropriated. The creation of such a trust fund gives the Board of Morticians and Funeral Directors the authority to provide restitution to those individuals adversely affected by a licensee. This bill repeals the Board's annual preneed audit. (Please note that 2007 preneed audits are still due by June 15, 2008!) The bill authorizes the Board to assess an annual fee of $375.00 to licensed funeral establishments. Once the fund reaches the level of at least $1,000,000 the annual fee will no longer be imposed upon the funeral homes. However, if there is a withdrawal from the fund, the fee will be reinstated.

The fund will be used to reimburse losses to preneed customers due to the wrongdoing of licensees of the Board.

A Family Security Trust Fund Advisory Committee will be established which will provide counsel and advice to the Board on fund matters.

This bill also requires banks and saving and loan institutions where preneed funds are deposited to require the submission of either a copy of a certified copy of the death certificate, or a notarized request from the buyer or the buyer's representative, in order to release money.

Though the Board remained silent with regard to Senate Bill 566, Health Care Facility Visitation and Medical Decisions-Domestic Partners, this bill will impact licensees. This bill authorizes domestic partners to arrange the final disposition of the body of a decedent with a mortician under certain circumstances. The law prohibits the Department of Health and Mental Hygiene from denying a domestic partner the right to inspect a record, to permit a disinterment or reinterment of a body.

A domestic partner must be at least 18 years old, not married, not in a civil union or in a domestic partnership with another individual, and must agree to be in a relationship of mutual interdependence with their current partner.

Individuals who assert a domestic partnership may be required to provide an affidavit signed under penalty of perjury stating that they have established a domestic partnership; and proof of two of the following documents:

- Joint liability of the individual for a mortgage, lease or loan
- The designation of one of the individuals as the primary beneficiary under a life insurance policy
- Designation of the individual as the primary beneficiary of the will of the other individual
- Power of attorney by the one individual to the other individual
- Joint ownership or lease by the individual of a motor vehicle
- Joint checking account
- Joint renters or homeowners insurance policy
- Coverage on a health insurance policy of the partner
- Joint responsibility for child care
- A relationship or cohabitation contract

The domestic partner has the same rights as a spouse in representing the deceased individual. Therefore, in determining the next of kin, a spouse or a domestic partner is given priority unless the decedent has executed a document with contradicting directions.

A Proposal for a Task Force on the Discipline of Health Care Professionals and Improved Patient Care passed this session. The Task Force will study and make recommendations regarding the following:

- Practices and procedures supporting the fundamental goals and objectives of the Health Occupation Boards' disciplinary program;
- Potential changes to the Health Occupation Boards' current organizational structure and the relationship of all boards to the Department of Health and Mental Hygiene.
- Measures that will otherwise enhance the fair, consistent, and speedy resolution of reports concerning substandard, illegal, or unethical practices by health care professionals.

The Task Force will comprehensively examine these issues and submit a final report by December 1, 2008.

Lastly, The Board of Morticians and Funeral Directors extends a big thank you to Rev. Henry Green, Board Consumer, and Rev. Hari Close, 1st Vice President of the Board, for their tireless efforts on behalf of the Board in Annapolis. Their dedication and commitment helped make the 2008 legislative session a success.

Maryland Professional Volunteer Corps

The Maryland Professional Volunteer Corps (MPVC) is recruiting professionals as responders during declared disasters or emergencies. The MPVC is the state Medical Reserve Corps and has enlisted over 5,000 volunteers to date from medical, nursing, dental, pharmaceutical, veterinary and mental health professions. Recent natural and man-made disasters have highlighted the critical roles morticians and funeral directors play in these situations. Members of our profession responded in '05 when Katrina hit the southern mainland. However, disasters can strike locally or regionally requiring the same level of organized response.

To enroll as an MPVC volunteer:

- Go to the DHMH Web site, under the "quick links" menu click on bioterrorism
- Under the programs/tool kits menu, click on "volunteer registry"
- Click on "Application" and complete

Applications can be sent to cplummer@dhmh.state.md.us or fax to 410-333-5000 to Christina Vias-Plummer's attention. Questions should be directed to 410-767-7772 or 410-767-0959. Please consider this worthy endeavor to ensure a *Ready Maryland.*

Mark Bailey, Office of Preparedness and Response

Casket Price List

During funeral home inspections, the Board's investigator has found numerous Casket Price Lists which list the casket price and casket type. However, the Funeral Rule states the following:

"You must give enough descriptive information about each casket on the Casket Price List (CPL) to enable consumers to identify the specific casket or container and understand what they are buying. For example, the CPL could describe the exterior appearance (including the gauge of metal or type of wood), the exterior trim, and the interior fabric. You also may give any other information, such as a photograph or manufacturer name and model number. However, a photograph or model number alone is not a sufficient description under the Rule."

Clearly, a CPL must include more information than simply casket price and type. Please be sure to include a description of the casket in your CPL.

Public Orders

No Public Orders have been issued this quarter.

Apprentices

Jessica M. Amorose
Norman Northern
Brittany Lauren Blint
Amy Sibiski
Nicole Long
Rebecca Mitchell
A. Cedric Whitaker
Todd Higginson
Samuel H. Cooper, Jr.
Patricia Piwowar

Morticians

Allison Marie George
Tiffany Courrier Cohn
Valdus T. Lockhart
Aaron N. Charlton

Reinstatements

Joseph W. Misko, Jr.
Lewis T. Altman

Reactivation

Daphne Prince Waters

Funeral Establishment License - Howell Funeral Home of East Baltimore, P.A. at 3331 Brehms Lane, Baltimore

Restricted Funeral Establishment License:

Charisse Wood Funeral Service, P.A. - Operating out of Wesley Chavis, Jr. Funeral Home at Eastern Ave., Baltimore

Pridgen Funeral Service, P.A. - Operating out of Rendon-Hale Funeral Home, 9013 Annapolis Road, Lanham

STATE OF MARYLAND
Board of Morticians and Funeral Directors
DHMH
Maryland Department of Health and Mental Hygiene
Martin O'Malley, Governor – Anthony Brown, Lt. Governor – John Colmers, Secretary

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Hasler
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06/06/2008
Mailed From 21215
US POSTAGE

4201 Patterson Avenue
Room 116
Baltimore, Maryland 21215

Phone: 410-764-4792
Fax: 410-358-6571
Email: sheffiel@dhmh.state.md.us
Web address: www.dhmh.state.md.us/bom

Board Staff:

Laurie Sheffield-James
Executive Director

LouAnn Cox
Administrative Officer

Vacant
Health Occupations Investigator

Sheryl McDonald
Office Secretary

Grant Gerber
Board Counsel, AG's Office

Did You Know?

Do you know what is on our **website**?

The Board's website is: www.dhmh.state.md.us/bom

Visitors to this address will find a significant amount of information including:

- Online verifications
- Continuing Education Committee Reports
- Maryland statutes and regulations
- Open Session Meeting Minutes
- Newsletters
- Meeting Dates
- Members and Staff
- Continuing Education Forms
- Complaint Forms
- History of the Board
- Directions
- and more……

Please feel free to access this website. The staff would love your suggestions and comments.

PRENEED REPORTS ARE DUE JUNE 15, 2008! Late filers will be fined.

Wanted

* A Consumer member. If you know anyone who is not in the funeral business, is able to volunteer at least one day a month and enjoys helping others, please have the interested party call the Board office.

* A volunteer to input data for the Maryland Professional Volunteer Corps project. Morticians and funeral directors who apply to volunteer will be entered in a database.

Division of Vital Records

As of April 15, 2008, a government-issued photo identification must be presented by funeral home staff who are registering and/or requesting copies of death certificates in person at the Division of Vital Records or at local health departments. When registering death certificates by mail, a clear photocopy of the identification must be included. Acceptable photo identification includes a drivers license; state ID card or passport.