

Maryland State Board of Morticians



Fall, 2006

Sunset Recommendations

Greetings,

The nights are getting cooler, days are darker, and I am reminded that the Legislative Session is just around the corner. In preparation for the Session, and specifically the Sunset Bill that is due to come before the General Assembly, the Board has outlined last year's recommendations of the Department of Legislative Services and the Board's accomplishments with respect to those recommendations.

1. Recommendation: Continuing Education May Be Needed on Preneed Contracts

The Board's newsletter contained articles on pre-need laws in the Fall 2005, Spring 2006, and Summer 2006 edition.

- Within the last year, the Board approved and promoted 6 Continuing Education classes sponsored by various organizations, all focusing on pre-needs.
- §7-205 (11) gives the Board the right to independently select and audit pre-need contracts. The Inspector chooses and reviews at least 2 pre-need contracts yearly.
- The Board's compliance rate for the Annual Pre-need Compliance Report for 2005 was 100%.
- The Board has developed and voted upon two new regulations.
 - a. Insurance Funded Pre-Need Regulations

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Are Licensing Fees Too High?

How much should the Board be charging for a mortician's license or an establishment license? The answer is **exactly** what it is charging. As you may know, the Board is special funded, which means that the Board is supported by fees collected from licenses and continuing education vendors.

The Board of Morticians is a small Board, made up of 860 morticians and 287 establishments. Because the Board is small, the fees which support the Board are higher than a Board that has numerous licensees. For example, the Board of Nursing only charges \$61.75 biennially because they have approximately 70,000 licensees supporting their budget.

In FY '07, the Board of Morticians projected expenditures totaling \$405,676. In FY '07 the Board will renew Funeral Establishments, Courtesy Cards, Surviving Spouse and Corporate licenses. New apprentices, morticians and funeral homes will also add additional revenue. The estimated revenue for FY '07 equals \$327,325. This, along with approximately \$2,000 in continuing education vendor fees, brings the revenue total to \$329,325, which leaves the Board with a deficit of \$76,351. However, in FY '08, the Board will make up the shortfall. Morticians will renew their licenses and there

will continue to be new licenses paid for and issued. The FY '08 estimated income is \$482,175 which, assuming expenditures remain similar, leaves the Board with an overage of \$76,499.

The deficit in FY '07 and surplus in FY '08 means the Board comes out just about even.

The reason I write this is to let you know that the Board is not making money off of your licensing fees. The Board, like you, is concerned with the "bottom line". Consequently, your licensure fees are set at the lowest amount possible with an eye toward maintaining an efficient, productive Board.

Laurie

Board Members

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Board President

Michael Ruck, Sr.
1st Vice President

Gladys Sewell
2nd Vice President

Faye Peterson
Secretary

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Donald Borgwardt

Michael Kruger

Marshall Jones, Jr.

Vernon Strayhorn, Sr.

Brian Haight

Robert Bradshaw, Jr.

NEEDED

2 Consumers

RECORD RETENTION

The Department of Health and Mental Hygiene proposes to adopt regulations under COMAR 10.01.16. The purpose of these regulations is to implement a legislative requirement to govern the maintenance and destruction of health records. Under this regulation, a health care provider includes a mortician.

A health care provider shall maintain records for all clients in the health care provider's care. Further, these records are the personal property of the health care provider or entity.

The health care provider is required to retain records for a minimum of five years after the last office visit (funeral). These records must be in a locked office or in locked filing cabinets.

When disposing of medical records, confidentiality is essential. Records may be destroyed by incineration or shredding. For elec-

tronic or magnetic media, such as computer disks, record disposal must completely obliterate the data content. For films, photos or compact discs, records must be destroyed with no possibility of recovery.

If a funeral establishment discontinues his/her practice or sells an establishment, the mortician must send out notices to all clients who have preneed contracts. In the notice, the morticians must detail three different choices that a consumer has. The consumer may:

1. Request a full refund, with interest (if preneed is revocable)
2. Request that the contract and money be transferred to another funeral establishment
3. Request that the preneed contract and money stay with the new owner.

If a funeral establishment is discontinued and has no preneed

contracts, that establishment may publish a notice in a daily newspaper that is circulated locally for 2 consecutive weeks, stating that the records will be destroyed or transferred and designating a location, date and time when the records can be retrieved, if wanted.

A health care provider who knowingly violates this regulation is liable for actual damages. The health care provider is subject to a fine not to exceed \$10,000 for all violations cited in a single day. Other administrative fines might also be levied.



Apprentices

Ashley McHenry
Julie Ann Kreutzer
Brent Francis
Michelle Wiseman
Logan Carl Lenhart
Donald Gray
Senta Folds
Justin Lee Brown
Eric Eichler

Bertram Adams
Amy Irons
Diana Elizabeth
Wilkerson
Brian Molinaro
Wynton Harris
Scotty A. Nuthall
Karen Howell-
McPherson
Michelle Sharp
Barbara Lynn Purdie
Keon Hayes
Andrew Evans Catlin
Danny McKinney
Brian Patrick McKee

Morticians

Sabrina Leon
Louis Fiorucci, Jr
Erin Christopher Wil-
liamson
Ryan Matthew Hughes
Melissa Ann Grap
Dorota W. Marshall



Reinstatements

Mark Stephen Branson
Patricia Latimore
Jamie Arthurs
William R. Buggs
Katherine Pritts-
Sweitzer

Reactivation

Charles Bell, Jr.
Matthew Brown
Jeffrey Nigro

Surviving Spouse

Susan Haight

Division of Vital Records

In an effort to work together effectively and maintain open communication, the Division of Vital Records distributed a letter on October 12, 2006. Highlights of this letter include the following:

1. Reinterment/Disinterment Permits

Both DVR and funeral directors acknowledge that the policies regarding reinterment and disinterment vary between jurisdictions within the state. Generally, a reinterment/disinterment permit is not required to move remains within the same cemetery. However, the cemetery may require a permit for its files or as part of its established policies and procedures. The same is true for local State's Attorney's offices. They have the right to require permits even if the law does not stipulate one is required.

2. Pending Death Certificates

Currently, DVR does not provide receipts for death certificates filed, pending or otherwise. Pending certificates are held separate from other certificates until notification is received from the medical examiner's office regarding the cause of death. Funeral homes have requested a receipt for any pending certificates filed. Rather than issue a receipt form, DVR staff will date and initial the list of certificates submitted acknowledging all listed have been received by DVR.

3. Late Certificates

Maryland law stipulates time frames for the filing of death certificates. To be considered timely, the certificate must be filed within 78 hours of the death. This 78-hour time frame does not include weekends or State holidays. Any certificates filed after that time must have a memorandum of explanation as to why that specific certificate is late. The explanation of lateness should address the specific case, and not be generic.

4. Ongoing problems with Physicians

Funeral homes continue to experience frustration with obtaining signatures of doctors particularly when the physician is on staff at one of the larger Baltimore area hospitals. Desiree Kroeger, Field Representative, is available to assist funeral homes in obtaining physician's signatures. Ms. Kroeger can be reached at 410-764-3072 or by email at dkroeger@dnhm.state.md.us

5. International Shipping of Cremains

Many consulates require a transit permit of some type for cremains. As Maryland does not have a specific form for this purpose, DVR is conferring with its legal department to determine if a document can be developed for this purpose.

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Sunset Recommendations

b. Money Trust Pre-Need Regulations

Both of these regulations will provide further protection to the consumer who has entered into a pre-need contract.

2. Recommendation: Revisit Length of Apprenticeship

The Board supported House Bill 1570 last year which would have required the number of apprenticeship hours to change from 1000 hours to 2000 hours. The bill was sponsored by both funeral associations but was not enacted into law.

3. Recommendation: Develop legislation that provides for the regulation of crematories

The Board of Morticians has submitted regulations which will require that crematory facilities on the grounds of a funeral home must be inspected annually.

4. Recommendation: Improve Complaint Tracking System

The Board hired a data entry programmer to develop a database which will record and track all daily functionalities of the Board, including complaints.

The year of 2006 has been a busy, productive year for the Board. Here's hoping that the year of 2007 will be purpose-filled and fruitful for both the Board and those the Board serves.



STATE OF MARYLAND

Board of Morticians

DHMH

Maryland Department of Health and Mental Hygiene

Robert L. Ehrlich, Jr., Governor – Michael S. Steele, Lt. Governor – S. Anthony McCann, Secretary

4201 Patterson Avenue
Room 116
Baltimore, Maryland 21215

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

Board Staff:

Laurie Sheffield-James
Executive Director

LouAnn Cox
Administrative Officer

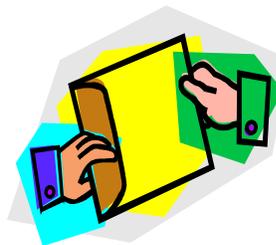
Larry Blickman
Health Occupations Investigator

Joan James
Office Secretary

Grant Gerber
Board Counsel, AG's Office

News and Information

- Brian Burke, the Program Director of the Mortuary Science Program at Catonsville Community College, announced at the September 13, 2006 Board meeting that the Mortuary Science Program is in need of teachers. Any mortician, with a B.A., who is interested in teaching students should contact Mr. Burke at 410-455-4924.
- The Board of Mortician's monthly meeting begins at **10:30 a.m.** the second Wednesday of every month.
- The Board needs Consumer members! If you know of anyone who is not in the funeral business, is able to volunteer at least one day a month and is interested in helping others, please have the interested party call the Board office.
- **There have been no Public Orders since November, 2006**
- New State Law books were sent to all licensees in May, 2006. However, if you misplace your book, all regulations and statutes are on the Web. Simply go to:
www.dhmh.state.md.us/bom and click on law and regulations. Also, please note that Public Session minutes and approved Continuing Education Units are also on the Web.



FINES LEVIED FOR THE LATE-FILING OF ANNUAL PRE-NEED REPORTS !

In an effort to bring all funeral homes into compliance with regard to the annual preneed report, the Board will be fining morticians who file their preneed report for 2006 later than June 15, 2007 a fee of \$1000.00. No Grace period will be allowed. If you filed the report late and did not use the Board's form, the fee will be \$2500.00.