

Maryland State Board of Morticians

Spring, 2006

Message from the President

At this writing it is April 10, 2006 and has been a busy time for the board. We have introduced, for regulation change, a new definition in requirements for a "Supervising Mortician" and displaying of "Ownership Information". We have had dialogue, in the public session twice, and hopefully are nearing an

agreement to move forward. We also have been challenged by the legislature to propose "Crematory Regulations" and Pre need changes and requirements. They see this, along with the Board, as two areas that need attention. Please read 1st VP Mike Ruck's proposal, on pre need and Executive Director Laurie Sheffield-

James' report on the changes in the sunset review of the board by the legislature.

David L. Hovatter,
President



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Current Legislation and Regulations

As discussed in the Winter, 2006 newsletter, the Board underwent a preliminary sunset review evaluation. Based upon the review, the Department of Legislative Services recommended that legislation be enacted to reauthorize the Board until July, 2018. The recommendation went to both the House and the Senate in the form of a Bill.

Both the House and the Senate heard the Bill in March. While the Senate voted to approve the Bill with no changes, the House voted to approve the Bill with amendments. Consequently, a conference committee was called with three senators and three delegates to resolve the differences. Unfortu-

nately, because the conflict could not be resolved, there was no resolution and the bill died. This means that next year the Board will undergo a full Sunset Review.

Though the Sunset Bill was not passed, the Board is taking its recommendations very seriously.

One recommendation the preliminary evaluation included was for the Board to determine the appropriate length of an apprenticeship.

Many of you may know that the Board supported a proposed Bill this year which would require the number of apprenticeship hours to change from 1000 hours to 2000 hours. This Bill was sponsored by both funeral

associations. However, the Bill never made it out of the House.

The Sunset Review has required that the Board fully implement its complaint tracking system. Consequently, the Board has hired a database specialist whose job it will be to create a database that allows for the development of a tracking system for types of complaints received, outcome categories, length of time needed to resolve complaints and the number of complaints received each fiscal year. The Board will continue to use the same categories in future fiscal years.

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Board Members

David Hovatter
Board President

Michael Ruck, Sr.
1st Vice President

Gladys Sewell
2nd Vice President

Faye Peterson
Secretary

Members at Large

Donald Borgwardt

Michael Kruger

Marshall Jones, Jr.

Vernon Strayhorn, Sr.

Brian Haight

Robert Bradshaw, Jr.

Jeffrey Pope

Money Trust Pre-Need Proposal

The Board of Morticians has been asked by the legislative body to develop a plan to monitor licensees that receive pre-need funds, place pre-need funds in a trust or enter into pre-need contracts and to respond to the rising number of complaints concerning pre-need contracts. The Board, through its Statutory Review Committee and Preneed Review Committee, has already been intensively focused on developing regulations which will protect the consumer who has entered into a pre-need contract by implementing uniform procedures, forms, and penalties. In an effort to strengthen Maryland's pre-need regulations, the following pre-need proposal is being considered:

1. At completion of Pre-Paid Arrangement, give to the buyer a receipt for monies received, with completed contract forms signed and executed by the licensee and the buyer.
2. After deposit into FDIC insured ac-

count, separate from the operating accounts of the funeral home, send copy of deposit slip showing amount deposited into Escrow/Trust to the buyer (Deposit Confirmation)

3. No monies may be withdrawn from the Escrow/Trust Account unless:

A. The buyer, or legal representative of the buyer, forwards to the funeral home by way of a notarized statement, their wish to:

- (1) Cancel the pre-paid contract if revocable, or
- (2) Transfer the monies to a named substitute trustee if the prepaid contract is irrevocable.

This notarized statement must accompany the withdrawal request.

B. A funeral home presents a copy of a filed death certificate to the

banking institution holding this Escrow/Trust funds for payment of services provided under a pre-paid contract.

4. No fund may be transferred from a money-trust to an insurance-funded vehicle without the approval and signature on the insurance application of the buyer or legal representative of the Buyer.
5. Nothing in the above section shall prohibit a funeral home from their rights to transfer their Escrow/Trust Accounts from one banking institution to another and providing new FDIC insured Escrow/Trust deposit information to the buyer

The Board would be interested in hearing your opinions about these proposed regulations. Please call or email the staff office with your thoughts.

Maryland Criminal Injuries Compensation Board

Recognizing that many innocent persons suffer physical and psychological injury or death as a result of criminal acts, the Criminal Injuries Compensation Board (CICB) was created by the Maryland legislature in 1968. Maryland became the fourth state in the nation to establish a program to help victims and their families ease the financial burden of crime.

Individuals who are injured during a crime may be compensated for medical expenses, dependency, loss of earnings, counseling and crime scene clean up. In cases of homicide, funeral expenses and loss of support

may be compensated to survivors who qualify. CICB does not compensate for pain and suffering or loss of property.

CICB is, by law, the payer of last resort – all other resources must be used first. Only those expenses directly related to the injury and not covered by insurance or other sources (e.g., worker's compensation, death benefits, civil litigation, restitution and charity) will be considered.

CICB does not use taxpayer's money. It is funded through the Criminal Injuries Compensation Fund. Monies paid into the fund come from defendant paid fees

assessed by Circuit and District Courts.

In cases of homicide, the Board may award up to \$5000 to cover funeral expenses. The person responsible for the funeral (family member, friend or other third party) must file the claim with CICB. Along with the signed application, required documentation includes a detailed funeral bill, a copy of the death certificate (a certified copy is not required) and the police report with the name and phone number of the detective assigned to the case.

The claim may be denied if the victim was engaged in illegal conduct or sought out or failed to avoid a conflict. Life insurance proceeds exceeding \$25,000 will reduce our award.

We will be happy to provide claim forms that you may keep in your office or you may download the application at www.dpscs.state.md.us/cicb. If you have any questions, please feel free to call:

by **Robin Woolford**
Executive Director

Maryland Criminal Injuries Compensation Board

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Welcome

Pre-need Contacts; Who Can Sell Them

Apprentices

Carrisa D. Mccray-Cavanaugh
 Arlene Francis Robinson
 Dorota W. Marshall
 Melissa Ann Grap
 Stacey Martin
 Sabrina Celeste Leon
 Cynthia Howard Hall
 Henry Deaudrey Randall
 Lisa Marie Taylor
 Melanie Anne Tindale
 Kaitlin Zaffaroni
 Daphney Cornelius
 Justin Lee Brown

Morticians

Miayana S. Greene
 Talana D. Watson
 John Holmes
 Alexandria Bates
 Karen Pamela Claiborne
 Timothy N. Travella
 Shanequa Ann Thompson
 Scott Minnich

Reactivation

Taneha Ann Taylor
 Condrae McFadden
 Jeffrey Nigro

The Board of Morticians ("Board") has received numerous complaints concerning non-licensees who are selling pre-need contracts to consumers. The Board has discovered that some funeral homes rely on individuals who are only licensed insurance agents to make pre-need arrangements.

It is unlawful for anyone but a mortician, funeral director or surviving spouse to arrange or sell funeral goods and services on an at-need or pre-need basis.

The Board Policy is as follows:

A consumer must meet with a license mortician, funeral director or

surviving spouse to make or discuss any at-need or pre-need funeral arrangements. When discussing funding options for a pre-need contract, if an insurance policy is being considered, then a licensed insurance agent can only present the insurance funding options.

An individual licensed by this Board who is an insurance agent, may make pre-need arrangements and enter into an insurance funded contract.

On the Board's website, the question is asked: A funeral home hires an individual who is only licensed as an insurance agent; Can this individual make pre-arrangements, fund this pre-need contract through a life insurance

policy but have a licensed mortician, funeral director or surviving spouse sign the pre-need contract?

The answer is NO! In fact, if the above scenario were to occur, the mortician, funeral director or surviving spouse who signed the contract, but did not make the pre-arrangement with the family, along with the funeral establishment, would be guilty of aiding and abetting an unlicensed individual in the practice of mortuary science. Disciplinary actions will result from this activity. Do not jeopardize your license by allowing anyone but a licensee of this Board to make funeral arrangements.

Written by,
 Mike Ruck, Sr.
 1st Vice President

Current Legislation and Regulations continued from page 1

The Board believes, in keeping with the Sunset Review, that the promotion of more education and review in the area of preneed trusting is important to the Maryland public. Consequently, as noted in the article on page 2, the Board is considering adopting new regulations which would strengthen Maryland's existing law.

The Board will also be looking at other legislation this year. The issue of the regulation of Maryland crematories is of top priority to the Board.

The Board will also continue to work on the proposed regulation changes concerning signage to convey ownership

of the funeral establishment. The Board believes that the public should know upon entry into the funeral home with whom they are dealing.

The board also continues to advocate that the role of supervising mortician is one of accountability. The board believes that the supervising mortician at the funeral home should be the person who is responsible for all operations of the funeral home.

This year proves to be an exciting time for the board! Along with opportunities presented to the Board from the Sunset

Review process, the Board will be listening to you and to the public as it weaves it way into FY '2007.

Sincerely,

Laurie





STATE OF MARYLAND

Board of Morticians

DHMH

Maryland Department of Health and Mental Hygiene

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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

- The Board voted that a restricted establishment does not need to have a holding room if the license is for arrangements only. However, if there is a possibility of a deceased body being at the establishment, then there must be a holding room.
- The board is inviting the public to attend June's board meeting. At this special meeting the board will invite comments from the audience about Maryland's statutes and regulations.
- How much money can be put into an Irrevocable Trust? Funeral expenses shall be allowed in the discretion of the court according to the conditions and circumstances of the decedent. In no event may the allowance exceed \$10,000. The allowance may not exceed \$5,000 for a small estate.
- Effective April 1, 2006, the Office of the Chief Medical Examiner will be using an electronically generated Certificate of Death. This Certificate will not be a carbon-packed form. Forms generated by the Medical Examiner's office will be one hard copy and include the burial transit permit.
- Please make note of April 27, 2006 from 9:00 am—1:00 pm. Put that date on your calendar if you are an apprentice who is ready to take the state law exam and practicum. Applicants who are qualified for the exam will receive notice in the mail.
- The 2005 pre-need compliance report has been mailed to all funeral homes and establishments. This form is due back in the office by June 15, 2006. If you have any questions, or need the pre-need forms, please call the office.
- **There have been no Public Orders since January, 2006**
- The Board of Mortician's monthly meeting begins at **10:30 a.m.** the second Wednesday of every month.
- As of April 18, 2006 there were 687 morticians that renewed their morticians license and 195 morticians who still haven't returned their application. Your mortician's license expires on April 30, 2006. These numbers do not include Inactive Licenses. The next newsletter will list all inactive licensees. However, if you are planning to renew, please be aware that there will be a late fee imposed of \$300.00 which will be payable to the Board after May 15, 2006. If you select the US Postal Service to deliver your renewal application, you may want to use registered mail so that you can track your mail.