

Maryland State Board of Morticians and Funeral Directors

Fall, 2008

President's Message

In FY 08, the Board of Morticians and Funeral Directors saw three basic types of complaints. About one-third of all complaints had to do with preneed issues, one-third dealt with unlicensed individuals practicing mortuary science, and the final third centered around unprofessional behavior and scope of practice issues.

The Board takes all complaints seriously. A Complaint Committee reviews each complaint and decides whether an investigation is warranted. The Committee's recommendation goes before the full Board who ultimately decides the course of action for each complaint.

I am very fortunate to have been appointed by the Governor to serve on the Task Force on the Discipline of Health

Care Professionals and Improved Patient Care. The Task Force is charged with reviewing and recommending procedures regarding a variety of issues common to health occupation boards and including: board sanctions, legal issues, due process concerns, and the speedy resolution of cases.

As President of this Board I have been asked numerous questions on various topics. I always reply, "read the law." The law is our guide book. Whenever a complaint comes before the Board, the Board's first question is, "What does the law say?" As Maryland licensees, we should be familiar with the Mortician's Act. What does the law say? If you aren't sure, pick up the statutes and regulations and find out. *By Hari Close*

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Inspections by Ruth Ann Arty

I have had the pleasure of meeting many licensees, having now completed two months of inspections, since having the privilege of joining the Board staff on July 2, 2008. I look forward to meeting each of you.

Prior to my work here, I spent over four years as an investigator for the Board of Physicians. This experience has educated me on the administrative process of the Boards and I am working hard to master the funeral industry regulations. In addition, my background includes a degree in social work with a concentration in mental health and many years of criminal

investigation under the umbrella of the Maryland State Police.

I will be inspecting funeral establishments and also will function as the investigator of complaints the Board decides warrant investigation.

Very important to my present training was the welcoming and instruction from several Board members, who spent valuable time with me while touring their establishments, as they taught me what the expectations are according to the laws of the funeral industry.

I respect this industry. Consequently, I would

like you to know that as I inspect your funeral establishment, I do not wish to find violations. That is not why I believe laws are written. They are written to protect you as persons, to protect the health and safety of the public, and the integrity of the funeral business. It is my philosophy this year to "educate, not violate", whenever possible.

Not only are morticians accountable to the laws of the State, but also to the Federal Trade Commission's Funeral Rule. During inspections, I will be reviewing your paperwork for compliance with both Maryland state law and the FTC.

Board Members

Dr. Hari Close
Board President

Rev. Henry Green
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.

Donald Borgwardt

Lauri Cebula-Seaboch

Preneed

The Board receives numerous calls each year from consumers who have prepaid a funeral, but don't understand the prefunded agreement. For example, the purchaser may not appreciate the difference between guaranteed and non-guaranteed items. Comprehending irrevocable contracts, revocable contracts, trust fund requirements, preneed insurance products and more, can leave the public, and sometimes the mortician, confused.

The Board of Morticians and Funeral Directors has implemented regulations which help protect the public from the unscrupulous. The new regulations have appeared in past editions of this newsletter.

New legislation was implemented on July 1, 2008, which prohibits a banking institution from releasing preneed funds unless the seller provides the bank with a copy of the death certificate of the account holder who is deceased; or a notarized statement and withdrawal request from the buyer or the buyer's legal representative.

Another new law requires that on every preneed contract there must be a disclosure statement that informs the buyer that all funeral costs may not be covered under the preneed contract. This statement must list all funeral goods and services that are reasonably expected to be required at the time of need but are not included in the contract. (See Senate Bill 463).

Understanding the new regulations and new law can be confusing and that is why the Board voted to require all licensees to take a continuing education course on preneeds each renewal cycle.

Do you know the law? Take this short test and see if you answer correctly. If you miss some questions,

it is time to pull out your law book and the Funeral Rule and refresh your memory!

True or False

1. A funeral establishment may pass to the buyer any service charges from the Bank?
2. When a preneed account is closed, the funeral establishment is only required to return the principal to the buyer.
3. If a funeral home receives a rebate, commission or discount on a cash advance item, the seller must tell the buyer that their price is not the same as the buyer's cost.
4. You may charge a fee or surcharge to consumers who purchase a casket elsewhere.
5. If a consumer wants to see a GPL, can you show it to them without giving them a copy?
6. Preneed trust money must be deposited in:
 - a. An FDIC account
 - b. An FDIC insured Bank
 - c. A bank that is a member of the American Banking Association.
7. Within _____ money from a preneed must be deposited into an interest bearing escrow or trust account
 - a. 7 days
 - b. 10 days
 - c. 14 days
 - d. 30 days

8. If you purchase a funeral home owned by another mortician, you must:
 - a. Advertise in the paper that a change of ownership has taken place.
 - b. Invite all preneed holders to discuss their preneed accounts with the new owners
 - c. Write a letter to all preneed holders offering them an opportunity to keep the money at the funeral home, transfer the money to a new funeral home, or if revocable, reimburse their money with interest accrued.
9. A life insurance policy may:
 - a. list the funeral home as a beneficiary
 - b. assign benefits to the funeral establishment
 - c. list the mortician as the beneficiary
10. A seller must provide the following to the buyer:
 - a. Information concerning cancellation and refund rights
 - b. A receipt for all monies received and a copy of the completed forms.
 - c. A copy of the deposit slip showing the amount of the preneed funds deposited.
 - d. B & C
 - e. All of the Above

Answers

- | | |
|--------|----------|
| 10. e. | 5. False |
| 9. b. | 4. False |
| 8. c. | 3. True |
| 7. b. | 2. False |
| 6. a. | 1. False |

Public Orders



Leroy Dyett, M00944
 Order of Summary Suspension
 October 19, 2008

Bradley Stewart, M00558
 Order For Summary Suspension
 July 28, 2008

Order Continuing Summary Suspension
 August 18, 2008

Stewart Funeral Home, E00231
 Order For Summary Suspension
 July 28, 2008

Order Continuing Summary Suspension
 August 18, 2008

Michael Ruck, Sr. (center) receives a plaque of appreciation for his work on the Board as Board President and Complaint Chairperson. Donald Borgwardt (left) and Dr. Hari Close (right) look on.

Apprentices

- Susan Theresa Burleson
- Myron Nathaniel Davis
- Richard T. Thompson
- George Spears
- Mark Williams
- Undrea Way
- Wayne K. McNall
- Kenneth Phifer
- Alyson Kira Taylor
- Goerge Spears
- Lorraine Jones Brown
- Katrina Ferguson
- Rebecca Gross
- Sonya Rice
- Shannon Nicole Hawks

Morticians

- Todd Mielke
- Brittany Laruen Blint
- Merry C. Avant
- Debra Green-Davis
- Felix G. Green
- Vernon R. Lohn, III
- Jessica Salter
- Passion Bolden Tilghman
- John Raymond Barnhart
- Andrew Evans Catlin
- Wyrita Georgette Myster
- Alice Iser
- Jeffrey Testerman
- James Miles

Reactivation

- Rachelle Stout
- Cheris Congo

Reinstatement

- Terry Arnette Austin
- A. Alan Seitz
- Joseph R. Spewock
- Robert Lee Potterfield III
- Robert G. Gavin, Sr.
- Lewis Altman

Supervising Spouse

- Linda Shortall Hurley

Funeral Establishment License -

- Bast-Stauffer Funeral Home, P.A., 7606 Old National Pike, Boonsboro, Maryland 21713
- Terrance L. Johnson Funeral Service, P.A., 11041 Poundberry Camp Place, Waldorf, Maryland 20603
- McBean and Alston Funeral Service, 1713 Countrywood Court, Landover, Maryland 20785
- Briscoe-Tonic Funeral Home, P.A., 2294 Old Washington Road, Waldorf, Maryland 20601



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

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
Deputy Director

Ruth Ann Arty
Health Occupations Investigator

Sheryl McDonald
Office Secretary

Grant Gerber
Board Counsel, AG's Office

Did You Know?

CCBC

The Mortuary Science Program at the Community College of Baltimore County-Catonsville wants input on how to ensure that the graduates of the Program are meeting the changing needs of funeral service.

In the next week all funeral service establishments will be receiving a survey in the mail. Please fill the survey out and return it promptly. If you have any questions or thoughts, call Brain Burke, Program Director at 410-455-4925.

The Family

Security Trust Fund

All Funeral Establishments must pay \$375.00 annually to the Board. The fee is due at the same time as establishment renewals: November 30, 2008. Please check your renewal applications for further details. Call the Board office if you have any questions.

In an effort to save money this edition of the newsletter will be the last edition mailed to you. Look for future newsletters on our website.

Division of Vital Records Memo

The Board received a memo from the Division of Vital Records which stated that effective October 1, 2008, nurse practitioners will be allowed to complete and sign death certificates.

The memo went on to say, "A nurse practitioner is defined as an individual licensed to practice registered nursing in the State and who is certified as a nurse practitioner by the State Board of Nursing. Nurse practitioners are to complete the death certificate and give it to the funeral home within the same time frame as allowed a physician—24 hours. On the death certificate, the block in item 29a should be altered from *Certifying Physician to Certifying Nurse Practitioner* when applicable until death certificate forms are revised to reflect this change."

The memo states that anyone who has questions should contact Desiree Kroeger, Field Representative at 410-764-3072 or by email at DKroeger@dhmh.state.md.us.