

**MARYLAND BOARD OF MORTICIANS AND FUNERAL DIRECTORS**  
**OPEN SESSION MINUTES**  
**April 13, 2016**

The meeting was called to order with a quorum at 1:08 PM by Victor C. March, Sr., President.

**BOARD MEMBERS PRESENT**

Victor C. March, Sr., President  
D. Lynn Newman, 1st Vice President  
James Govoni, 2nd Vice President  
Wayne Cooper  
Robert Bradshaw, Jr.  
Mark Bailey  
Lynn Shuppel  
Dr. Ahmed Elzaree  
Dr. Camille Bryan

**ABSENT BOARD MEMBERS**

Vernon Strayhorn, Sr., Secretary  
Gladys Sewell

**STAFF**

Ruth Ann Arty, Executive Director  
Darlene Cline, Licensing Chief  
Thomas Anderson, Health Occupations Inspector  
Anthony DeFranco, Board Counsel

The meeting was called to order at 1:08 PM. Mr. March made a motion to close the meeting under the Maryland Open Meetings Act, pursuant to Maryland Annotated Code General Provisions Article §3-305 b7 to consult our Board Counsel to obtain legal advice on a legal matter. A motion was made and approved to move the meeting into closed session.

Mr. March called the open session back to order and thanked everyone for their patience while the Board went into a closed session. A letter was sent to Delegate Krebs from SCI's counsel asking for her assistance in getting an opinion from the Attorney General's office as to whether or not an out of state licensed funeral establishment was exempt from the mortuary transport law, and whether or not it violated interstate commerce. Delegate Krebs made a request to the Attorney General's office asking for their interpretation and whether the Board has interpreted the law correctly. The Attorney General responded there is a courtesy card provision within the State that allows for an individual licensee the privilege of making a removal in the State of Maryland, signing death certificates, and providing a graveside service in Maryland. The Attorney General's office said out of state establishments are exempt from the mortuary transport law. This Board has always had the opinion and has stated there were two options; Courtesy Card, which is nontransferable, therefore only that individual has the privilege, or the Maryland Mortuary Transport Permit. If a firm chooses the option of a Mortuary Transport Permit, with three registered transporters, it would be \$470.00, versus the courtesy card \$600.00 per person, totaling

\$1800.00. Under the Attorney General's opinion, with which counsel concurs, an out of state firm still has two options and is not required to apply for a Maryland Transport permit, but may choose to go that route to legally be able to come into Maryland to make a removal. That does not give them the right to sign a death certificate. They would still either need a courtesy card or a Maryland mortician's license to sign the death certificate. Jim Doyle asked, "So, in other words if I were...say the decedant was at Ruck Funeral Home, and I sent not a licensee down, but two of my employees from a Pennsylvania funeral home, to come down to make the removal from Ruck. The opinion says the employees of the funeral home will be exempt from the removal permit requirement. So, I just want to understand what you are saying. Would those employees be able to come down and do a removal from the Maryland establishment...these are two non licensed employees, would they be able to come down and do the removal from the Maryland establishment, where there is a Maryland funeral director (obviously), and take the body back to Pennsylvania without having to obtain a removal permit or, since they couldn't obtain a courtesy card, since they aren't licensees, a courtesy card...Otherwise, in your interpretation, what you're saying, would that be allowed or not allowed...for them to come down and do that without a permit?" Anthony DeFranco, Board Counsel stated it is the Attorney General's opinion, that with respect to licensed funeral establishments, be they in Maryland or otherwise, whatever was in effect in 2010, whatever rules, regulations, statutes applied prior to 2012 apply today. Mr. Doyle repeated his question, and Mr. DeFranco stated for that one single purpose the answer was yes. Mark Bailey, Board Member, asked Mr. Doyle what specific place in the law he was referring to, and to reference the regulation. Mr. Doyle stated there was a section in the law that did not include employees of the funeral home, who are working under the direction of a licensed funeral director. Mr. Doyle explained, the rationale is the out of state funeral home comes to Maryland to make the removal and when they do that, a licensed funeral director is there, and a licensed funeral director would sign the death certificate, not the employee of the out of state funeral home. Mr. Doyle stated that was in the statute, and that is what out of state funeral homes had been doing prior to the passing of the law. Mr. Bailey, stated the one thing we were trying to clarify is the courtesy card and he wanted to make sure we resolved this issue. Tom Whiteford, Attorney for SCI, stated the provision we were looking for was Health Occupations 7-101 3, which essentially says the practice of mortuary science does not include the pick-up, removal or transportation of a dead body if the unlicensed individual was acting under the direction of a licensed mortician or funeral director, and what Mr. Doyle was saying, and what his client's position has always been is an out of state licensed funeral establishment that sends employees into Maryland to pick up remains are then working in conjunction with a Maryland licensed funeral director, then those employees from the out of state funeral home do not need a Maryland transport permit and aren't entitled to get a courtesy card. Mr. Whiteford stated we are looking for clarification and if in fact this is the Board's position. Mr. March asked for clarity on the question, if a Maryland establishment made the removal and is filing the death certificate can an out of state firm send unlicensed personnel into that Maryland establishment to transport the body back to its state establishment. The question was answered, yes. Mr. March then stated, based on the interpretation that would be allowable. What is not allowable is for an out of state firm to come into Maryland and make a removal, it has to be a Maryland licensed establishment that is making the removal. Mr. March said he wanted to make it clear, as Mr. Whiteford represents SCI who owns multiple firms around the United States, SCI would still have to use a Maryland establishment to make removals. Mr. Whiteford stated the clarification was in the Health Occupations 7-101, where it states acting under the supervision of a Maryland licensed funeral director. Mr. Bailey stated the one other clarification we need

to understand is that where the courtesy card is truly applicable is removals from nursing homes and hospitals, where there is no Maryland funeral establishment involved.

### **ADMINISTRATIVE REPORT**

Ms. Arty, Executive Director, reported the following. It is renewal time, and Ms. Arty hopes everyone got their email notification and were able to go to the web and get the appropriate forms. You have the option of renewing online with a credit card or sending in the hard application which was posted online. Some emails came back to us and in that case we sent out letters of notification. We have 465 licensees in this renewal cycle and we have approximately 200 back. There seems to be minimal problems, however there is always one recurring problem. Every renewal we get calls from licensees saying they cannot get into the online renewal. It is usually because they are using an O instead of a zero.

There have been multiple CEU trainings, by the Medical Examiner's Office, Community College of Baltimore County, and the Board for licensees who need CEU's.

### **EXECUTIVE COMMITTEE REPORT**

No report.

### **FAMILY SECURITY TRUST FUND ADVISORY COMMITTEE**

In Ms. Sewell's absence, Lynn Shuppel reported there is \$947,393.04 currently in the fund.

### **PRE-NEED COMMITTEE REPORT**

Lynn Newman, Chair reported there was some confusion on the Maryland Irrevocable Assignment form. The purpose of the form was mainly for spend down situations, not necessarily for every pre-need situation, for instance, when a family wanted to use an insurance policy to cover the cost of a funeral. The form follows state law with regards to allowing the benefits to be assigned to the funeral home while not allowing ownership or beneficiary to change to the funeral home and the family would not lose any rights or benefits because of an asset review by a state or federal agency. It was advised that the state form be used in the scenario for any insurance policy, but it is mainly only intended for spend downs.

### **FUNERAL ESTABLISHMENT/INSPECTION COMMITTEE REPORT**

James Govoni, Chair reported on the following applicants.

#### **Name Approval**

Mr. Govoni moved for Name approval of Blake Memorial Funeral and Cremation Service, P.A.. A motion was made and approved.

#### **Mortuary Transportation Permit**

Mr. Govoni moved for approval of EDASC, LLC for a mortuary transportation permit. A motion was made and approved.

## **LICENSURE COMMITTEE REPORT**

James Govoni, Chair, reported on the following applicants.

### **Apprentice**

Mr. Govoni moved for approval of M. Carson Bozman of Framptom Funeral Home. A motion was made and approved.

Mr. Govoni moved for approval of Erin Nicole Young of Witzke Funeral Homes, Inc.. A motion was made and approved.

### **MORTICIAN**

Mr. Govoni moved for approval of Stephanie Rinehart for mortician. A motion was made and approved.

### **REINSTATEMENT**

Mr. Govoni moved for approval of Douglas Menapace for reinstatement of his mortician license. A motion was made and approved.

### **REGISTERED TRANSPORTERS**

Mr. Govoni moved for approval of Chauncey Gorman of EDASC, LLC for mortuary transporter. A motion was made and approved.

Mr. Govoni moved for approval of Fernando Daniels IV of Drew Removal Services for mortuary transporter. A motion was made and approved.

Mr. Govoni moved for approval of Lashon Davis for mortuary transporter. A motion was made and approved.

### **OLD BUSINESS**

Mark Bailey, Board member, reported we are trying to get cooperation with the military for volunteers to help generate transporter ID's, so it won't be such an impact on the Board. We are trying to minimize cost by utilizing a logistics unit to get the 200 transporter ID's completed. The ID's will be completed pending the memorandum of understanding from the military.

All transportation companies needing an inspection, should email Thomas Anderson at [thomas.anderson@maryland.gov](mailto:thomas.anderson@maryland.gov).

### **AJOURNMENT**

Pursuant to Maryland State Government Article, Code § 10-501 et. Seq., on a motion by D. Lynn Newman, 1<sup>st</sup> Vice President, and seconded, the Board unanimously voted to close its meeting.