

MARYLAND BOARD OF MORTICIANS AND FUNERAL DIRECTORS
OPEN SESSION MINUTES
DECEMBER 9, 2015

The meeting was called to order at 1:09 pm with a quorum by Victor C. March, Sr., President.

BOARD MEMBERS PRESENT

Victor C. March, Sr., President
James Govoni, 2nd Vice President
Vernon Strayhorn, Sr., Secretary
Gladys Sewell
Wayne Cooper
Robert Bradshaw, Jr.
Mark Bailey
Lynn Shuppel

ABSENT BOARD MEMBERS

D. Lynn Newman, 1st Vice President
Dr. Ahmed Elzaree
Camille Bryan

STAFF

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

Victor C. March, President called the meeting to order. He wished everyone a blessed holiday. A motion was made and seconded to approve November's minutes.

ADMINISTRATIVE REPORT

Ms. Arty wished everyone a happy holiday. She reported the Family Security Trust Fund annual payment was due on November 30, 2015, and out of approximately 300 establishments, 48 did not pay. Mr. March asked Ms. Arty to make individual phone calls to the establishments that had not paid and it was done. Establishments were upset about the exorbitant late fee, however it was instituted as an incentive for firms to pay on time. The Family Security Trust is due every year on November 30th and it the same amount every year. It was created to protect the consumer and the funeral homes that are doing the right thing.

The irrevocable assignment is the legal way for people to spend down and be eligible for benefits. Ms. Arty received several phone calls this month from insurance companies that still want the funeral homes to become the owner or beneficiary of life insurance

policies. We have intervened on behalf of two establishments with the legal department of insurance companies. Both legal departments agreed that the funeral homes were doing the right thing. If a funeral home is having a problem with insurance companies and an irrevocable trust, please email Ms. Arty and she will help you get your consumer to be able to spend down and be eligible for Medicaid.

The next mortuary transportation class on the regulations and Human Dignity Act of 2012 is scheduled for December 30th at 12:30 pm. The class will be for three hours for three free CEU's from the Board.

A high percentage of the complaints that come in are on the right to final disposition issue, and it is becoming a great concern. Therefore, the Board is going to work on offering a free CEU. Until the class is offered, the Board suggests looking at the statute.

The Board cell phone was down for two months, and many people have Ms. Arty's personal cell number, as she returned all phone calls. The Board phone is now working. If you have Ms. Arty's personal cell phone number, please discontinue using it and call the Board cell. The number is 443-618-3040.

If you have vehicles that need inspection, please continue to email Tom Anderson at Thomas.anderson@maryland.gov to schedule your inspection.

Mr. March addressed the issue of the Family Security Trust application and payment. He stated that notice went out in multiple fashions, including newsletter and electronically, providing notice and the actual form. We will be notifying and communicating with licensees electronically, so please make sure you provide the Board with your email address whenever you are completing your applications for your M license and establishment license, therefore the Board will have a good way to communicate with you.

EXECUTIVE COMMITTEE REPORT

No report.

FAMILY SECURITY TRUST FUND ADVISORY COMMITTEE

Gladys Sewell, Chair reported there is currently \$938,158.07 in the fund. Ms. Arty asked when paying the late fee on the Family Security Trust Fund, please separate the checks. The late fee goes into a different account.

PRE-NEED COMMITTEE REPORT

In D. Lynn Newman's absence, Ms. Arty reported the Board spent a lot of time discussing the trust funded pre-needs that are still co-mingled accounts in either the name of a funeral home or a funeral home owner. We do not want to again be in the position of where a funeral home owner dies and all the money goes to the estate.

FUNERAL ESTABLISHMENT / INSPECTION COMMITTEE REPORT

James Govoni, Chair, reported on the following establishments.

Closings

R. Bowman Horton Funeral Service will be closing its establishment located at 4445 Crain Highway, White Plains, Maryland 20695 as of December 31, 2015. A Motion was made and approved.

New Establishment

J. B. Jenkins Funeral Home, Inc. requests a new establishment license at 4445 Crain Highway, White Plains, Maryland in conjunction with Heaven Bound Crematory. A motion was made and approved pending forms.

Michelle Wiseman of Wiseman Funeral Home, P.A. will be moving from her location at 7527 Old Alexander Ferry Road, Clinton, Maryland 20735 to 7529 Old Alexander Ferry Road, Clinton, Maryland 20735 and is requesting a full service establishment license. A motion was made and approved pending forms and inspection.

Craig Witzke is requesting a full service establishment license for Candlelight Funeral Home by Craig Witzke. A motion was made and approved.

Edward Sagel is requesting a full service establishment license for Sagel, Bloomfield, Danzansky, Goldberg Funeral Care, Inc. at 1091 Rockville Pike, Rockville, Maryland. A motion was made and approved.

LICENSURE COMMITTEE REPORT

James Govoni, Chair, reported on the following licensees.

Apprentice

Mr. Govoni moved for approval of Stephanie Lynn McNutt for apprenticeship at Myers-Durboraw Funeral Home, P.A. A motion was made and approved.

Mr. Govoni moved for approval of Tabatha Tully-Bishop for apprenticeship at Vaughn C. Greene Funeral Services P.A.. A motion was made and approved.

Mortician

Mr. Govoni moved for approval of Willis Harper for reinstatement of his mortician's license. A motion was made and approved.

Mr. Govoni moved for approval of Tondalear Fleming for mortician's license. A motion was made and approved.

Crematory Operators

Mr. Govoni moved for approval of John Sliger of Rose Hill Services for crematory operator. A motion was made and approved for a six month license pending crematory certification by the manufacturer.

Mr. Govoni moved for approval of Jeramiah Decker of Rose Hill Services for crematory operator. A motion was made and approved for a six month license pending crematory certification by the manufacturer.

Mr. Govoni moved for approval of Columbus Baublitz of Carroll Cremations Inc. for crematory operator. A motion was made and approved for a six month license pending crematory certification by the manufacturer.

Mortuary Transporters

Mr. Govoni moved for approval of Samuel Green of Alvin's Anointed Hands for registered transporter. A motion was made and approved.

CONTINUING EDUCATION UNITS

In Dr. Elzaree's absence, Ms. Arty reported under the advice of Anthony DeFranco, Board Counsel, we are going to process the CEU's that have been approved through Dr. Elzaree, so there is no hold up. There are several that came without dates and times that cannot be approved, however they will be put in next month's minutes.

OLD BUSINESS

No report.

NEW BUSINESS

Mr. March reported he was happy to announce the sanctioning guidelines and complaint regulations have been signed by the Secretary. They will be reviewed by legislative services for grammatical and form errors and then posted on the register for comment. The informal period is over now that they are signed, and the formal comments will start when they are posted.

The Board has been getting a lot of complaints about the rights of disposition. The Board feels this is an error that the Board needs to focus on with some additional training. The Board will be offering seminars on that subject matter.

It has come to the Board's attention that there were comments by a member of the legislature that the Board had created a new policy regarding probationary status. This Board has not created any new policies as it relates to probationary status. We only govern the statutes of mortuary science.

We have been getting phone calls from licensees that want the Board to direct them on issues that the Board should not be commenting on. The Board will not take position, and advises you seek legal counsel.

NFDA's newsletter was quoted saying DC's Board member Ms. Billie Watson was continuing to have trouble with the Maryland Board. Ms. Watson has since sent the Board a notice stating, "The comments in the newsletter were taken very much out of context, my remarks concerned the fact that DC funeral homes and directors were having difficulty in being in compliance with the newly established regulations. The comments I made have nothing to do with any conflict with the Maryland Board."

LEGISLATIVE UPDATE

Last month the Board noted the pre-need regulations were required to be in conformity with the pre-need statute. The Board felt the pre-need statute was so well written and detailed, we voted to repeal the current regulations for pre-needs. There are, however certain aspects of the pre-need regulations that are in our current regulations that we need to continue to have in place, and we are going to look at more limited regulatory changes as it relates to pre-need. Since we do need to have those regulations in place, Mr. March asked to Board to rescind the vote, and write new regulations to reflect changes in the new statute for pre-need. A motion to rescind the vote was made and approved.

AJOURNMENT

Pursuant to Maryland State Government Article, Annotated Code § 10-501 et. Seq., on a motion by Victor C. March, President, and Seconded, the Board unanimously voted to close its meeting.