

**MARYLAND BOARD OF MORTICIANS AND FUNERAL DIRECTORS**  
**OPEN SESSION MINUTES**  
**JANUARY 14, 2015**

The meeting was called to order at 11:30 am with a quorum by Victor C. March, Sr., President.

**BOARD MEMBERS PRESENT**

Victor C. March, President  
D. Lynn Newman, 1<sup>st</sup> Vice President  
Keith Downey, 2<sup>nd</sup> Vice President  
Vernon Strayhorn, Sr., Secretary  
Dr. Hari P. Close  
Dr. Ahmed Elzaree  
Gladys Sewell  
James Govoni  
Dr. Camille Bryan  
Wayne Cooper, Esquire

**BOARD MEMBERS ABSENT**

Renee Derketsch

**STAFF**

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

Mr. March called the meeting to order and approved November's minutes. Dr. Close made a motion and was seconded, that the December minutes be approved.

**ADMINISTRATIVE REPORT**

Ms. Arty reported it had been a busy and active month at the Board. Due to the holiday schedule the staff was out of the office a lot, and there was some frustration about reaching the Board. Please keep in mind, if no one answers the phone in the office, call the Board cell.

It was licensure month in November and licensure could have gone better. For those who believe if they didn't get the form, they were not responsible for renewal, it did not go well. The Board is required to send a notice, which was done electronically, we also

mailed postcards in October, which stated your license expires on November 30, 2014, please go to the Board's website, download the renewal form and mail it into us. There were more than a few funeral homes that did not apply for renewal at all and said if the Board does not send the form they do not have to renew. Those people paid the late fee. In the future, please keep in mind you will get notification, but will not get the actual form for two reasons. Number one, it is very expensive to mail in bulk and it is licensee monies, and number two, when we do mail the forms, people still call and say they don't have them and we mail out a second one. We lived through the renewal, everyone that wanted to be renewed is now renewed, with the exception of two firms that have fees to pay.

Also, the Board has now dealt with everyone that owed the Family Security Trust Fund from last licensure period, and everyone except two firms are up to date.

The Board understands that people are frustrated regarding the new Electronic Death Certificate filing. Dr. Isabelle Horon asks if the licensees treat our staff the way her staff is being treated and the answer is yes. People are often not courteous to our staff and are now doing the same thing to the Vital Statistics' staff. Please do not embarrass us as a profession and call and yell at them. Please be courteous, this is a huge project for Vital Statistics and they are trying very hard. In the long run it will be good for everyone. So please try when you call not to be so frustrated. It makes us all look bad.

Mr. March and Ruth Ann had a meeting with OCME and the Board is ready to begin to enforce the Mortuary Transportation Regulations. We will soon have permits out, and we will be getting the transporters out as their criminal histories are cleared, and the Board does their interviews. Darlene is working with IT and the State to get the data in to get the ID's out. Funeral homes are exempt from getting a permit, however, only if they are using their own employees who are trained, have been to OSHA, only then will you not need a permit or registration. Establishments, do however need a van with a sticker saying you passed inspection. The Board inspector will issue stickers as he comes around the State to do normal inspections. The stickers let everyone know that those vans are kept in good shape, inspected, and that you are professional and not an industry. In addition, the OCME is going to begin to provide the Board and Vital Statistics with an excel spreadsheet of every person who picks up a decedent at OCME. They will provide the name of the person who picked up and the firm that they picked up for. That would stop the unlicensed people from picking up. The OCME is not taking responsibility, we are. We will be checking the sheet twice a month and following through. Mr. Anderson will be checking to make sure the funeral homes are using their employees that have been OSHA trained. We will have red flags for those who are on there that are not funeral establishments and are not transport companies. The OCME is starting that on February

1, 2015, therefore the Board will get that list in the middle of the month. There will probably be a mortuary transport training in April after Session is over.

Due to the renovation of the conference rooms in February and March, Board meetings have to move. We constantly get feedback from licensees around the State that feel excluded if they are outside of Baltimore City, particularly if they live on the shore or on the mountain. We are listening to those licensees, and since we have to move the Board meetings in February and March anyway, the February Board meeting will be held on February 11, 2015 and hosted by Keith Downey at Holloway Funeral Home Fellowship Hall at 11:30 am. March's meeting will be hosted by D. Lynn Newman at Newman Funeral Home in Grantsville. All are welcome to attend. This will be an opportunity to see the funeral homes managed by Board members.

### **EXECUTIVE COMMITTEE REPORT**

No report.

### **FAMILY SECURITY TRUST FUND**

Gladys Sewell, Chair, reported there is currently \$831,958.07 in the fund.

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

D. Lynn Newman, Chair, reported inspections are showing that people are starting to get lax with their ownership in being named a beneficiary on insurance policies. Please be careful that you are not named as beneficiary on any policy. We are finding a few discrepancies in bank trust accounts in the deposits and actual accounting with individual accounts. Ms. Arty added what she thinks Mr. Newman was referring to is that some firms co-mingle accounts, and states their bank will not deposit them individually. The Pre-need Committee's response is you need another bank because it is illegal to co-mingle accounts. Please be aware that it has to show the total in the trust including interest for any consumer that wants to know.

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

Dr. Hari Close, Chair, allowed Board member Jim Govoni to Chair this committee. Mr. Govoni reported on the following establishments.

#### **Mortuary Transport**

The Burley/Matthews Transport for approval of Mortuary Transport Permit. A motion was made and approved.

J. J. Hartenstein Mortuary Inc. for approval of Mortuary Transport Permit. A motion was made and approved.

### Name Approval

Colt Black requested a name approval for his new establishment, Black's Mortuary & Cremation Service, P.A., restricted out of Fletcher Funeral & Cremation Services, P.A. A motion was made and approved for the name only.

### **LICENSURE COMMITTEE REPORT**

Keith Downey, Chair reported on the following applicants.

#### Apprentice

Mr. Downey moved for approval of Elizabeth White for apprenticeship. A motion was made and approved.

#### Courtesy Card

Mr. Downey moved for approval of Nanette Johnson for courtesy card. A motion was made and approved.

Mr. Downey moved for approval of Leslie Humbert for courtesy card. A motion was made and approved.

Mr. Downey moved for approval of the following crematory operators. A motion was made and approved.

#### Crematory Operators

David E. Perry

Surindar S. Gidda

George Kephart

Robert Karish

Rachel Greene

John Parker

Angelette Rawls-Bannister

William Pumphrey

### **OLD BUSINESS**

#### Mortuary Transport Inspections

Thomas Anderson, Inspector reported there were two dates left for mortuary transport inspections. One in Salisbury on January sixteenth and the next in Cumberland on January twentieth. If you need a vehicle inspected, please email Mr. Anderson and a time slot will be scheduled.

## Crematory Operators

It has come to the Board's attention that there is still some confusion in the matter of crematory programs certified for operator licensure. In the regulations, it states there are only three programs certified by the Board and the Office of Cemetery Oversight. They are NFDA, CANA & ICCFA. The Board has re-enforced this in every crematory regulation training. Matthews did, however, apply for approval and this Board does not have a problem with approving their program, however OCO did not approve it, and we must both approve it to be a certified program. Matthews spread the word that they applied to the Board for approval and people have taken it and there are people out there that don't have certification now because they went to an unapproved course. We will continue to work with OCO to see if there is a specific reason that Matthews is not approved for certification, but right now it is not approved by both bodies. NFDA will have another course in March to certify crematory operators.

## Clarification of Body Bag Use

MSFDA requested clarification of the use of body bags when the remains are being transferred to the funeral home. Under the current regulations, the Board does not require a funeral home to use a body bag for such transfers, however the Board feels it is best practice to do so. Under the transport regulations, the Board's interpretation says that a body bag is required for the transportation and transfer of human remains. If a licensed establishment uses a third party transporter then a body bag is required under the regulation. The question of who's responsible for the cost, that is between contracting parties.

## Family Security Trust Fund Advisory Committee Meeting

The Family Security Trust Fund Advisory Committee meeting will be rescheduled to February 3, 2015 at 1:00 pm. There will be two hearings that day as well.

With this being a new year, the Board took a moment of silence for our colleagues in the profession that has passed on.

## **LEGISLATIVE COMMITTEE REPORT**

Ms. Arty wanted to thank everyone who participated in the Transparency Meeting. We have not gotten any follow up to this date from anyone except SCI, who we did pay attention to and made some additions to our bills accordingly.

The Board did submit three Bills for this year's session, and all three bills are being sponsored by Senator Joan Carter Conway. They will be cross filed when the Board gets

a Delegate sponsor next week. There are also three Bills that have been introduced by Consumer Alliance that the Board will support with possible small amendments.

### **AJOURNMENT**

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