

MARYLAND BOARD OF MORTICIANS AND FUNERAL DIRECTORS
OPEN SESSION MINUTES
December 08, 2021

1. **CALL TO ORDER/GREETINGS:** Board President, Dr. Mark Bailey called the meeting to order at 01:03pm and welcomed everyone to the open session.

Board Members Present: Dr. Mark Bailey, President; Michele Kutta, 1st Vice President; Robert Lang, 2nd Vice President; Kirk Helfenbein, Secretary; Dr. James Kalshoven; Brandon Wylie; & Melanie Oppat.

Board Member Absent: Robert Bradshaw; Sheria Jennings; Suzanna Kuriadom, and Rev. Richard Mosley.

Board Staff Present: Christy Collins, Executive Director; Zakiyyah Holmes, Licensing Coordinator; Jessica Terry, Office Secretary; Deborah Donohue, Esq., Interim Board Counsel; & Lillian Reese, Legislative and Regulations Coordinator.

November Meeting Minutes: Dr. James Kalshoven made a motion, which was seconded by Brandon Wylie, and the Board unanimously approved the minutes as written.

2. **PRESIDENT'S REMARKS:** Dr. Bailey announced that the Maryland Department of Health has experienced a network security incident. Dr. Bailey shared that this incident has caused delays for licensees when working with Maryland Electronic Death Registration System (EDRS). Dr. Bailey read a bulletin, provided by the administrator of the Maryland Department of Health Division of Vital Records, which provided guidance for alternate procedures during the system outage. Dr. Bailey also mentioned the inclusion of the Office of Cemetery Oversight. Dr. Bailey expressed belated good wishes to all regarding the recent Thanksgiving holiday.
3. **ADMINISTRATIVE REPORT:** Executive Director Christy Collins reiterated that the Maryland Department of Health has experienced a network security incident, which will cause delays in licensing - specifically for actions being approved today. Executive Director Collins noted that the Board's office hours remain unchanged; however the office will close for all Maryland State holidays. Executive Director Collins reminded attendees that document drop-off remains available until 4:00 p.m. daily, but please call the office prior to ensure that a Board staff member is available. Executive Director Collins announced that the new Board website remains the best source of information for licensees, with information and updates posted frequently.
4. **COMMITTEE REPORTS:**
 - a. **Executive Committee:** Dr. Bailey reported the FY22 budget update: Fund Balance - \$8,551.01. Revenue - \$49,111. Expenditures - \$185,307.53. Dr. Bailey reported that the Board continues to work on the transition of Open Session Board

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Meetings from its current virtual format to the pre-COVID 19 pandemic in-person format. Dr. Bailey reminded licensees that an attestation of taking implicit bias training will be required for renewals on or after April 1, 2022.

b. **Family Security Trust Fund**: Chair Dr. James Kalshoven, reported that the Family Security Trust Fund balance is \$1,145,835.50. Dr. Kalshoven noted an increase of \$1125.00 from the previous month's report. Dr. Kalshoven shared that the Family Security Trust Fund Advisory Committee held an open meeting on December 08, 2021, at 12:00 pm. The next open meeting for the Advisory Committee will be held on May 11, 2022.

c. **Pre-Need Committee**: Dr. Bailey reported, on behalf of Chair Robert Bradshaw, that the committee has no report at this time.

d. **Establishment Committee**: Chair Kirk Helfenbein reported on the following:

Old Business: None.

New Business: Chair Kirk Helfenbein announced that Federal Trade Commission (FTC) sample document form resources from the Funeral Rule Handbook will be posted to the Board's website. These resources are being made available to licensees to help with adherence to COMAR 10.29.03.

New Establishment: Chair Kirk Helfenbein presented the following applications for approval:

1. Heaven Bound Mortuary Services; Supervising Mortician: Arlene Ricanek. Motion for approval was made by the committee, which was seconded by Dr. James Kalshoven, and the Board unanimously approved the application.

New Restricted Establishment: None.

Change of Ownership: Chair Kirk Helfenbein presented the following applications for approval:

1. Mattingley-Gardiner Crematory LLC. New owner - John Parker. Motion for approval was made by the committee, which was seconded by Michele Kutta, and the Board unanimously approved the application.
2. Mattingley-Gardiner Funeral Home and Cremation Services, PA. New owner - John Parker. Motion for approval was made by the committee, which was seconded by Dr. James Kalshoven, and the Board unanimously approved the

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application.

New Crematory: None.

Mortuary Transport Company Permit: Chair Kirk Helfenbein presented the following applications for approval:

1. Bells Transport. Owned by Eric Bell. Motion for approval was made by the committee, which was seconded by Dr. James Kalshoven, and the Board unanimously approved the application.
2. Murphy Mortuary Transportation LLC. Owned by Bernie Murphy, Jr. Motion for approval was made by the committee, which was seconded by Dr. James Kalshoven, and the Board unanimously approved the application.

Name Change Request: None.

e. Licensure Committee: Chair Michele Kutta reported on the following:

Old Business: None.

New Business: Chair Michele Kutta announced the jurisprudence exam will be held at the John M. Taylor Funeral Home on January 4, 2022. Michele Kutta reminded licensees of the Implicit Bias Training attestation requirement for the 2022 renewal period. Michele Kutta noted the Maryland Department of Health's security incident and the delays it will cause for this Board's licensees. Following the approvals of the Board of the following applicants, Michele Kutta made a motion to use December 08, 2021, as the effective date for all December 08, 2021 approved licensees, despite the network security incident causing delays for receipt of these licenses. Motion was seconded by Dr. James Kalshoven, and the Board unanimously approved the December 08, 2021 licensing effective date.

Apprentice: Chair Michele Kutta presented the following applicants for approval:

**denotes recusal by Kirk Helfenbein.

1. **Cade Helfenbein; Sponsor - Justin Britcher, Fellows, Helfenbein, and Newman Funeral Home. Motion for approval was made by the committee, which was seconded by Dr. James Kalshoven, and the Board unanimously approved the application.
2. Chelsea Thompson; Sponsor - Duane Bartley, Evans Funeral Chapel and

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Cremation Services. Motion for approval was made by the committee, which was seconded by Dr. James Kalshoven, and the Board unanimously approved the application.

Apprentice Change of Sponsor: Chair Michele Kutta presented the following applicants for approval:

1. Andrew Cropper; Sponsor - Kathleen Morton-Jones, Holloway Funeral Home. Motion for approval was made by the committee, which was seconded by Dr. James Kalshoven, and the Board unanimously approved the application.

Courtesy Card: None.

Crematory Operator: None.

Funeral Director: None.

Mortician: Chair Michele Kutta presented the following applicants for approval:

**denotes recusal by Kirk Helfenbein

1. **Karen Jones; Sponsor - Justin Britcher, Fellows, Helfenbein, Newnam Funeral Home. Motion for approval was made by the committee, which was seconded by Dr. James Kalshoven, and the Board unanimously approved the application.

Mortician Reinstatement/Reactivation: None.

Mortician by Waiver of Apprenticeship: Chair Michele Kutta presented the following applicants for approval:

1. Kasey Martin, Universal II Mortuary DC. Motion for approval was made by the committee, which was seconded by Dr. James Kalshoven, and the Board unanimously approved the application.

Personal Representative: None.

Registered Transporters: Chair Michele Kutta presented the following applicants for approval:

1. Eric Bell; Bells Transport. Motion for approval was made by the

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committee, which was seconded by Dr. James Kalshoven, and the Board unanimously approved the application.

2. Eron Bell; Bells Transport. Motion for approval was made by the committee, which was seconded by Dr. James Kalshoven, and the Board unanimously approved the application.
3. Shannon Burton; Platinum Sensation LLC. Motion for approval was made by the committee, which was seconded by Dr. James Kalshoven, and the Board unanimously approved the application.
4. Anthony Lloyd Sr.; Murphy Mortuary Transportation. Motion for approval was made by the committee, which was seconded by Dr. James Kalshoven, and the Board unanimously approved the application.
5. Bernie Murphy Jr.; Murphy Mortuary Transportation. Motion for approval was made by the committee, which was seconded by Dr. James Kalshoven, and the Board unanimously approved the application.
6. Jerome Perry; Murphy Mortuary Transportation. Motion for approval was made by the committee, which was seconded by Dr. James Kalshoven, and the Board unanimously approved the application.
7. Cherise Witherspoon; Murphy Mortuary Transportation. Motion for approval was made by the committee, which was seconded by Dr. James Kalshoven, and the Board unanimously approved the application.

Surviving Spouse: None.

- f. **Continuing Education Units Committee**: Chair Melanie Oppat reported on the following:

Old Business: Chair Melanie Oppat reminded all licensees if they would like to receive one CEU credit for attending today's virtual meeting to please email their name and license number to our Board Office at mdh.bomfd@maryland.gov.

New Business: None.

The following educational offerings are considered automatically approved pursuant to COMAR 10.29.05.03:

1. International Cemetery, Cremation & Funeral Association (ICCFA). DEAD Talks

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2022 (10 CEUs), 1/12-14/2022. Regulatory Support Services. 4 new courses.

2. OSHA Covering All the Bases with OSHA Workplace Safety (2 CEUs)
3. FTC/OSHA Common Compliance Problems and Solutions (1 CEU)
4. When Facing a Challenging Customer (1 CEU)
5. Post COVID Trends in the Workplace (1 CEU)

Requires Motion: Melanie Oppat presented the following continuing education credits for post approval:

1. Laying the Legal Building Blocks for Your Venture and Entrepreneurial Communication: Presence, Persuasiveness, and Negotiation (2 CEUs). Motion for approval was made by the committee, which was seconded by Dr. James Kalshoven, and the Board unanimously approved the course application.

g. **Legislative Committee**: Co-chair Brandon Wylie reported on the following:

Old Business: Brandon Wylie reported that COMAR 10.29.03 was published in the Maryland Register on November 19, 2021. Public comment period is until December 20, 2021.

New Business: Brandon Wylie presented COMAR 10.29.06 (pre-need), 10.29.09(apprenticeships), 10.29.12 (advertising) for final Board approval. No comments were received. Motion for approval of the proposed regulations as written was made by the committee, which was seconded by Dr. James Kalshoven, and the Board unanimously adopted the regulations as proposed.

5. **OLD BUSINESS**: None.
6. **NEW BUSINESS**: Dr Bailey reiterated his earlier remarks concerning the EDRS process and the Division of Vital Record guidelines.
7. **UPCOMING REMINDERS**: Dr. Bailey announced reminders of the following:
 - Next Open Session Board Meeting – Wednesday January 12, 2022, at 1pm, Location: virtually, Google Meet
 - Jurisprudence Exam – Tuesday January 4, 2022. Location: John M. Taylor Funeral Home

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8. **CLOSING STATEMENT**: At this time the Board, Board Counsel, ED, and staff will be moving to our Administrative and closed session on this day December 08, 2021, at 1:34p.m. The Board will discuss matters not subject to the Open Meetings requirements contained in the General Provisions Article, Section 3. In particular, the Board will be discussing:

- Disciplinary matters, application deficiencies, and complaints which are required to be kept confidential pursuant to Gen. Prov. 3-305(b)(2) which protects the privacy of individuals, and COMAR 10.31.01.05 which provides that Board investigations are confidential.
- Paperwork required to be filed by board members, which is an administrative function to which the Open Meetings Act doesn't apply, per Gen. Prov. 3-103(a)(1).

9. **ADJOURNMENT**: Dr. Bailey made a motion for adjournment, seconded by Dr. James Kalshoven, and with no objection, the meeting was adjourned at 1:34 p.m.