

**MARYLAND BOARD OF MORTICIANS AND FUNERAL DIRECTORS
OPEN SESSION MINUTES
SEPTEMBER 11, 2013**

The meeting was called to order at 11:00 a.m. with a quorum by Victor C. March, Sr., President

BOARD MEMBERS PRESENT

Victor C. March, Sr., President
Michelle Huggins, 1st Vice President
D. Lynn Newman, 2nd Vice President
Lauri Cebula-Seaboch, Secretary
Dr. Hari P. Close
Keith Downey
Renee Derketsch
Dr. Ahmed Elzaree
Vernon Strayhorn, Sr.

STAFF

Ruth Ann Arty, Executive Director
Darlene Cline, Licensing Chief
Ed Fox, Health Occupations Investigator
Thomas Anderson, Health Occupations Inspector
Lisa Woods, Office Secretary III
Richard Bloom, Board Counsel

Mr. March called the meeting to order at 11:30 a.m. and apologized for the late start. A motion was made to approve the July minutes with one change. A motion was made and approved.

Mr. March also asked for a moment of silence to honor the victims of 9/11.

ADMINISTRATIVE REPORT

Ms. Arty stated the audience was missed during the month of August, as every year the Board takes a break from open session.

In August, Ms. Arty and Mr. March attended the CANA Convention in Washington, D.C. Ms. Arty has completed her CANA training and is certified for the next 5 years.

We have been asked to withdraw our cremation regulations. There was an advice asked for by the Attorney General's office regarding both sets of regulations, the Board's and The Office of Cemetery Oversight's, as they are not identical. A joint committee, members of OCO, crematory owners for OCO, crematory owners from the Board, both

Executives, both Board Presidents and both investigators had met several times and everyone agreed what should go into the regulations. Last fall, 2012, they were agreed to be identical, we had them sent down. After we sent them down, it was noted they were not identical. OCO's were not as agreed upon in the last Open Public Meeting where both Executives were present. The sections that were not identical were changes the committee agreed on, the open meeting agreed on, and the Board Advisory Council agreed on. There were some differences on the advice from the two Assistant Attorney Generals. Ms. Arty ask the original committee who drafted the regulations to come together to agree on the final language. Office of Cemetery Oversight wanted Ms. Arty to sign off on a set that was presented to the Board. Ms. Arty does not think we can do that as a Board with out going back to the Committee who made the agreements that were negotiated. The Board stated they did not want them signed off on.

Maryland was identified as one of the states that fit the definition of alkaline hydrolysis under the crematory statute. We do not currently have hydrolysis machines in the state, however there are a couple of morticians that are considering purchasing a machine. Our definition does fit, but our regulations do not, which would bring us back to a second drawing board of regulations if anyone should buy a machine. They would be the unregulated piece of the industry. Alkaline Hydrolysis is not in the regulations, but is in the definition by CANA's alkaline definition.

The transportation regulations have been withdrawn because of reference to the Human Dignity Act, HB 5-513.

Ms. Arty stated we should be fully staffed by November 1st. She introduced the new investigator Ed Fox. The other position that we have been approved for is the compliance position. Staff will be interviewing prospective candidates next week.

An article with all the proposed federal regulations that affect funeral directors was passed out and Ms. Arty encouraged everyone to read it.

CONTINUING EDUCATION COMMITTEE REPORT

Mr. Downey, Chair reported the CEU Committee met and had quite a few applications to go through. Hopefully, the approved courses will be on the website by the end of this week. There were a lot of applications that were not approved, as the applicant did not follow the policies of the Board. Ms. Arty notes the problem with a lot of the applicants is they did not pay attention to the 60 day notice. It is impossible for the Board to approve an educational program that is brand new if it comes in 10 days before the course is schedule to take place.

EXECUTIVE COMMITTEE REPORT

No Report

FAMILY SECURITY TRUST FUND COMMITTEE

Ms. Cebula-Seaboch, Chair reported there is currently \$607,458.07 in the fund. The Advisory Committee met yesterday. The discussion included working out how a claim would be paid out. Initially, we were not sure how a claim would be paid out. Ms. Cline now has that information. No payments have been made out of the fund at this time. There has been a lot of discussion on the exact definition of date of loss. The Committee decided to refer to the Assistant Attorney General's office and have them give a definition so that we are clear. Also, the Board decided to ask the Attorney General for an opinion on the interpretation of how much information on a death certificate can be given out to the public by a funeral home. A motion was made and seconded to ask the Attorney General for their opinion.

The next open meeting of the Family Security Trust Advisory Committee will be December 10, 2013 at 4:00 PM at the Board Office.

FUNERAL ESTABLISHMENT/INSPECTION COMMITTEE REPORT

Dr. Close, Chair reported on behalf of the Establishment Committee.

D. Lynn Newman requested a new full service establishment, Newman Funeral Homes, P.A. 1100 Memorial Drive, Oakland, Maryland 21550. Mr. Newman reclused himself from the vote. A motion was made and approved by the Board.

Chyrle Ross-Bluford is requesting a restricted establishment license, operating out of Wiseman Funeral Home, 7527 Old Alexander Ferry Road, Clinton, Maryland 20735. A motion was made and approved pending corrections to paperwork.

Carlton Douglass is requesting a restricted establishment license out of Howell Funeral Home West, 4600 Liberty Heights Avenue, Baltimore, Maryland 21207. A motion was made and approved pending the proper paperwork.

LEGISLATION AND REGULATION COMMITTEE REPORT

Mr. March, Chair reported the Board will be re-submitting 2 bills that had been previously voted on and approved by the Board. The first bill is the inspection bill. This bill will clarify the terms of inspection. The second bill is for licensed Executors and Pre-need Trustees. It allows public notification of death as it relates to sole proprietors of funeral establishments and the treatment of the pre-need accounts that relate to that firm.

Ms. Arty asked that we look at the transport regulations. We get multiple calls a month from transporters who want to be a registered transport service. A motion was made and seconded that the Transportation Regulations be resubmitted. Health Occupations 5-513 is mentioned in 5 places in the regulations. The first deals with having to take a CEU regarding familiarity with the Human Dignity Act, with the objective of understanding the proper treatment of remains with dignity. The Second regulation states there would not be inspections at out of state facilities. The out of state facilities, however, must comply with all other provisions in 5-513. A motion was made and seconded that the Board would acknowledge it would be submitting the regulations without some

regulations deleted. A motion was made and seconded to keep part 11A and to delete part 11B.

Ms. Arty stated Dr. Close requested the Attorney General opine on the cremation issue of the regulations not being exact. In particular the section that states the technician (button pusher) should have a high school diploma or its equivalent. OCO did not include this in their regulations because grave diggers do not need to read to dig graves. However, the Board feels the technician should be able to read, as special instructions are used, such as removal of metals. The second issue the Attorney Generals will need to resolve is the Maryland Board of Morticians' proposal which says the technician would be regulated, OCO's statute does not support a 2nd level of regulations.

Brian Ditzler, Vice President and Director of Communication, Legislative and Regulatory Affairs, submitted a bill to the Board that he would like to have sponsored on unclaimed remains.

PRE-NEED COMMITTEE REPORT

Mr. Newman, Chair, reported the Board has been getting phone calls from family members who held pre-needs with funeral homes, where the director has already died. We are attempting to help the consumers to get information on their pre-needs. There has been information that the pre-need monies are being held for safe keeping at the Board. This is not true and the Board is in the process of helping consumers figure out where their monies might be.

Mr. March reported the Board would give an interpretation on how the Board would handle the Attorney General's opinion regarding pre-need contracts. The Board interprets the Attorney General's opinion that contracts will be deemed guaranteed going forward. All contracts that include cash advance items whose funds are accepted are guaranteed. The effective date will be September 11, 2013. A motion was made and seconded.

APPRENTICE COMMITTEE REPORT

Mr. Downey, Chair interviewed the following applicants for apprenticeship.

Mr. Downey moved for approval of apprenticeship of Lori A. Wroten. A motion was made and approved.

Mr. Downey moved for approval of apprenticeship of Steven Slack. A motion was made and approved.

Mr. Downey moved for approval of apprenticeship of DeShawn Middleton. A motion was made and approved.

MORTICIANS LICENSE

Mr. Downey, moved for approval of Mortician's license for Amir Hakim. A motion was made and approved.

Mr. Downey moved for approval of Mortician's license for Clifton Greene. A motion was made and approved.

Mr. Downey moved for approval of Mortician's license for Edwin Jackson. A motion was made and approved.

REINSTATEMENT

Mr. Downey moved for approval of reinstatement for Javoke Terrell. A motion was made and approved.

Mr. Downey moved for approval of reinstatement for David Darnell Taylor. A motion was made and approved.

BOARD COUNSEL

No report.

AJOURNMENT

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