

Written Testimony of Stephen King, President

Connecticut Funeral Directors Association

Public Health Committee

Friday, March 14, 2014

**Senate Bill 435, An Act Concerning the Definition of Funeral Directing and the Disclosures of Funeral Service Costs**

Good Afternoon Senator Gerratana, Representative Johnson, Senator Welch, Representative Srinivasan, and the distinguished members of the Public Health Committee. My name is Stephen King. I am the President of the Connecticut Funeral Directors Association (CFDA) which represents 220 out of 290 licensed funeral homes in Connecticut. CFDA supports and thanks the committee for raising Senate Bill 435 An Act Concerning the Definition of Funeral Directing and Disclosures of Funeral Service Costs.

This bill effectively fills in the details of the duties of licensed funeral directors. This includes various aspects of funeral directing in order to provide for both burial and/or cremation services to families who call upon us in their time of need. The current statute is general and CFDA feels that there is an imminent need to address the full scope of funeral directing in the interest of the consumer. This bill provides the necessary descriptions and specific definitions of funeral directing. The language before you in Senate Bill 435 is modeled after Massachusetts' statute and will provide for greater consumer protections.

CFDA has found an increasing number of unlicensed Internet concierge services "memorial planners" encroaching upon the practice of funeral directing by offering funeral services and goods and preplanning services and goods without the necessary consumer protections. Funeral directors, not memorial planners, are highly regulated by the Departments of Consumer Protection and Public Health. These concierge services offer none of these consumer protections. In addition, CFDA is currently aware of an insurance company that has its agents sell insurance policies with funeral language in the contract. These insurance agents are not employees of funeral homes and are not licensed by the State as funeral directors. Furthermore, insurance contracts containing funeral language that is sold by these insurance agents will likely not be accepted for Medicaid (Title XIX) purposes since there is not a funeral services contract with a licensed funeral home. We feel that these individuals hold themselves out to be funeral providers and unknowing consumers may call upon them in their time of need.

The current licensing procedures and requirements are in place to create standards. To become licensed by the State Department of Public Health as a licensed embalmer or funeral director an individual must have a minimum of an Associate's degree in Mortuary Science, successfully passed a National Board Examination with not less than 75% in each subject area, serve a one year apprenticeship with a licensed funeral home under the direct supervision of a licensed embalmer or funeral director, pass a State exam that pertains to current state law and

public health code and in the licensure of an embalmer, embalm 50 bodies and be examined during a practical arterial embalming by a State appointed inspector. Once licensed as an embalmer or funeral director, that individual must maintain a minimum of six continuing education requirements annually.

Funeral directors are licensed for a reason. Unlicensed individuals diminish the credibility that licensed funeral directors, embalmers and funeral homes have worked generations in building. Unlicensed individuals who provide funeral services or sell funeral service contracts do not have the education, training and statutory obligations and compliance guidelines of a funeral director employed by a licensed funeral home. For example, these individuals are not obligated to provide a General Price List required by the Federal Trade Commission or, any disclosures regarding embalming, cremation or burial requirements. They are not required to comply with laws pertaining to owning and operating a funeral home with regulatory standards and annual inspections by the State. Compliance with all aspects of the Federal Trade Commission's Funeral Rule regarding pricelists, caskets, outer burial containers and cash advance items is good consumer policy. We believe that all sellers of funeral goods and/or services should be brought into compliance as funeral directors are.

We also ask for your support with compliance required by the Federal Trade Commission (FTC) regarding the billing of "cash advanced" items. This would allow funeral homes in Connecticut to be like others in states who comply with FTC regarding the disclosure of the option of a funeral home to receive a commission, discount or rebate on cash advanced items that a family arranges for through a funeral home. Cash advance items can include flowers, a post-funeral reception, obituary notices, monuments, etc. In many cases, the funeral home pays the cash advance items out of pocket to the appropriate vendors and will seek reimbursement from the family at a later date.

On behalf of CFDA, I appreciate the opportunity to speak to you and I thank you for any consideration in support of this bill. CFDA looks forward to an opportunity to work with the Public Health Committee with any concerns. I will address any questions at this time, thank you.