



# HEFFNER

Funeral Chapel & Crematory, Inc.

PHONE 717-767-1551  
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C. Frederick Koller, Supervisor  
Ernie Heffner, President  
John Katora, Vice-President  
Scott Mahkovec, CPA, Controller

2004 JUN -2 11 09 10

REVIEW COMMISSION

May 25, 2004

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Roberts

Office of Income Maintenance  
Bureau of Policy

MAY 28 2004

REFER TO: \_\_\_\_\_

Mr. Robert E. Nyce  
Executive Director  
[IRRC@IRRC.State.PA.US](mailto:IRRC@IRRC.State.PA.US)

RE: Proposed Regulation #14-481 D.P.W.

Dear Mr. Nyce,

I am writing as a follow-up to a letter from Sam Saxton, written on behalf of the Pennsylvania Cemetery Funeral Association ("PCFA") of which I am Vice President, and as a follow-up to my conversation this morning with John Jewett. Mr. Jewett asked me to put my comments in writing. In case you are interested in my background, I have also attached my bio to this email.

For the record, I do not have a financial interest in the end result of Proposed Regulation #14-481 D.P.W. because my firms have not been nor at this time do I intend they shall become registered providers.

I have two reasons for offering my sincere comments. First is to assist I.R.R.C. in establishing a regulation that truly is in the best interest of Commonwealth consumers and second, to fulfill my responsibility as an officer of PCFA.

I will address payment of proceeds and what I perceive to be a glaring problem with the current language in its discrimination against consumers, certain religions and certain providers to the self serving benefit of a select group of providers. Please keep in mind that none of my firms are providers so I really have no financial interest in what the I.R.R.C. ultimately decides. However, here are my thoughts.

**PAYMENT OF PROCEEDS**

1. Proceeds should NOT be restricted to a funeral director or funeral home.
2. Proceeds should be payable to any party who either (i) incurred expense or (ii) extended credit, i.e. any provider or (iii) actually paid for the services rendered in connection with the disposition of a qualified deceased person.
3. WHY IS THIS PAYMENT OF PROCEEDS IMPORTANT?
4. In Pennsylvania, without the involvement of any licensed funeral director, a family member may handle the disposition of a relative.
5. Note the signature line 22 a. of a Certificate of Death (Commonwealth of PA Dept. of Health - Vital Records) which is signed to procure a burial or cremation permit from a local registrar as well as to order certified copies of the death certificate.
6. This signature lines reads, "SIGNATURE OF FUNERAL SERVICE LICENSEE OR PERSON ACTING AS SUCH." It does NOT require that only a licensed funeral director sign the certificate.

1551 Kenneth Rd., York, PA 17404

7. This enables certain religions and those who may wish to care for their own dead to do so and deal directly with Vital Statistics without ever involving a licensed funeral director.
8. A consumer should not be denied their option of choice and instead be forced to incur unnecessary expense by being required to engage the services of a middle-man-licensed funeral director rather than, if the consumer so chooses, dealing directly and more economically with the a provider cemetery or crematory.
9. In the case where a consumer chooses to deal directly with a provider other than a licensed funeral director, subsequent payment for goods and/or services rendered should be made payable directly to the party that extended credit to the consumer.

## **DISCRIMINATION AGAINST CONSUMERS**

### **STATEMENT:**

In my opinion, the current language screams of discrimination against Commonwealth consumers and certain religions wherein individuals who, for personal or religious reasons, would choose or prefer cremation over burial.

### **FACTS:**

1. Each year, more than 1000 Commonwealth consumers from the Maryland line to the State of New York allow us the privilege of serving them when there is a death in their family. Their choices last year are as follows.
2. 37% of these consumers in 2003 selected cremation over burial.
3. Further and more significantly telling for the future, in excess of 50% of the individuals who preplanned with us last year selected cremation over burial!
4. We fully anticipate that the cremation rate our company will be experiencing in 10-15 years will indeed be 50% based on the pre-arranged contracts which represent future consumer choice.

### **PROBLEM**

The very title of the proposed regulation: *TITLE 55. PUBLIC WELFARE PART II. PUBLIC ASSISTANCE MANUAL Subpart I. OTHER INCOME MAINTENANCE PROGRAMS CHAPTER 285. PAYMENT FOR BURIAL GENERAL PROVISIONS § 285.3. Requirements. (c) Standards for burial* seems to ignore cremation oriented consumers and those religions that would choose cremation over burial. In fact, cremation receives barely a token reference.

### **SOLUTION SUGGESTED**


Any place that the following words appear, insert the suggested replacement.

<b><u>Replace</u></b>	<b><u>Suggested Replacement</u></b>
Funeral	funeral or cremation
Burial	Burial or Cremation or simply insert Disposition
Interment	Interment or Cremation or simply insert Disposition
Funeral Director	Provider
Funeral Home	Provider
Cemetery	Provider
Crematory	Provider

Mr. Nyce, too many in funeral service continue to give cremation consumers the bum's rush. I believe that any individual or organization that encourages the elimination, minimization or ignoring of the subject of cremation is only doing so for personal gain. I hope that the I.R.R.C. would see through this as nothing more than a transparent effort to line the coffers of certain anti-competitive funeral directors and funeral homes.

I will be happy to answer any questions you might have. My email is [ernieheffner@hotmail.com](mailto:ernieheffner@hotmail.com) or you are welcome to call my office. Thank you for considering my suggestions

Sincerely,



Ernie Heffner

Cc: Via U.S. Mail  
D.P.W.  
Office of Income Maintenance  
Edward J. Zogby  
Bureau of Policy,  
Room 431 Health & Welfare Building  
Harrisburg, PA 17120

Via Email  
John Jewett  
Sam Saxton & The PCFA Board of Directors

May 26, 2004 - Bio to Mr. Robert E. Nyce, Executive Director, [IRRC@IRRC.State.PA.US](mailto:IRRC@IRRC.State.PA.US)

## **Ernie Heffner**

**1551 Kenneth Road, York, PA 17404**

Phone 717-767-1551 Fax 717-764-9919 Email: [ernieheffner@hotmail.com](mailto:ernieheffner@hotmail.com)

Graduated March 1974 from Pittsburgh Institute of Mortuary Science, Pittsburgh, PA after attending York College, York, PA. Served internship in the family business and became a Pennsylvania licensed funeral director in 1975 at which time the family operated three locations that served 130 families per year.

Heffner is a second-generation funeral director who operates thirteen funeral home facilities and a crematory distanced up to 200 miles apart. Twelve locations are in Pennsylvania and one in the State of New York. Since March 1991, Heffner and his wife are the sole shareholders of the family business. The firm is currently staffed with approximately 120 associates including full and part-time and annually serves over 1100 families. Heffner has owned and operated other related industry businesses including a monument company, which was sold in 1987, as well as two memorial park cemeteries, which were sold in 1989.

Heffner has received national recognition and has been a featured speaker on numerous occasions for a variety of state and national industry organizations, related industry organizations as well as his local public speaking engagements for community education.

Heffner testified in Washington, D.C. at the Federal Trade Commission hearings in favor of the Funeral Rule, a national law that protects consumers. This was done at a time when the industry was spending a fortune to avoid this regulation, which included the requirement of itemized pricing, telephone price disclosure, authorization for embalming and other reasonable protection for the public. Heffner has also testified at both Senate and House of Representatives hearings in Harrisburg, Pennsylvania regarding pending legislation.

Since the mid '80's in one capacity or another, Heffner has been a member of the Cemetery Association of Pennsylvania (CAP) and active in educational efforts on behalf of CAP. On November 12th, 1996, Heffner had the honor of an appointment to become the first funeral director to serve on the Board of Directors of the re-named Pennsylvania Cemetery Funeral Association (PCFA) and currently serves as 1<sup>st</sup> V.P.

Heffner has served on the committee and participated in re-writing the testing requirements for interns seeking licensure in the Commonwealth of Pennsylvania.

The success of the Heffner family business is the result of exceptional people working with a sincere commitment to providing quality, innovative service to the public. In 1989, the firm became the first funeral home in Pennsylvania to offer an unconditional written guarantee to clients, *"If you are not completely satisfied with any of our professional services or facilities, you will not be charged for that service."*

In September 1996, Heffner was appointed to serve on the Board of Directors of the International Cemetery & Funeral Association, an organization with 6000 member firms. Heffner became the first funeral director, not affiliated with a public company, to serve on the ICFA Board. Heffner served as a V.P. of ICFA from March 2000 to March 2001 and has recently been elected to continue serving on the Board of Directors.

Heffner has a diverse background in the operation of both funeral homes and related businesses. His personal experience covers over 40 ownership transitions including, funeral homes, cemeteries, a monument company plus 10 funeral business relocations and 5 new replacement facility constructions. The company has consolidated these transactions into 15 locations.

In conjunction with continued growth, the company has successfully maintained a focus on introducing customer service enhancements. The firm has received national recognition as an industry leader. By invitation, Ernie Heffner is a frequent contributor to a variety of national industry publications.

COMMONWEALTH OF PENNSYLVANIA • DEPARTMENT OF HEALTH • VITAL RECORDS  
CERTIFICATE OF DEATH

TYPE/PRINT  
IN  
PERMANENT  
BLACK INK

STATE FILE NUMBER

1. NAME OF DECEDENT (First, Middle, Last)				2. SEX	3. SOCIAL SECURITY NUMBER	4. DATE OF DEATH (Month, Day, Year)		
5. AGE (Last Birthday)	UNDER 1 YEAR		UNDER 1 DAY		6. DATE OF BIRTH (Month, Day, Year)			7. BIRTHPLACE (City and State or Foreign Country)
	Months	Days	Hours	Minutes				
8. COUNTY OF DEATH				9. CITY, BORO, TWP OF DEATH		10. FACILITY NAME (If not institution, give street and number)		
11a. DECEDENT'S USUAL OCCUPATION (Give kind of work done during most of working life; do not use retired.)				11b. KIND OF BUSINESS/INDUSTRY		12. WAS DECEDENT EVER IN U.S. ARMED FORCES? Yes <input type="checkbox"/> No <input type="checkbox"/>		
13. DECEDENT'S EDUCATION (Specify only highest grade completed) Elementary/Secondary (0-12) College (1-4 or 5+)				14. MARITAL STATUS - Married Never Married, Widowed, Divorced (Specify)		15. SURVIVING SPOUSE (If wife, give maiden name)		
16. DECEDENT'S MAILING ADDRESS (Street, City/Town, State, Zip Code)				17a. State		17b. County		
18. FATHER'S NAME (First, Middle, Last)				19. MOTHER'S NAME (First, Middle, Maiden Surname)				
20a. METHOD OF DISPOSITION Donation <input type="checkbox"/> Burial <input type="checkbox"/> Cremation <input type="checkbox"/> Removal from State <input type="checkbox"/> Other (Specify) _____				20b. DATE OF DISPOSITION (Month, Day, Year)		20c. PLACE OF DISPOSITION - Name of Cemetery, Crematory or Other Place		
21a. SIGNATURE OF FUNERAL SERVICE LICENSEE OR PERSON ACTING AS SUCH				21b. LICENSE NUMBER		21c. NAME AND ADDRESS OF FACILITY		
22a. Complete items 23a-c only when certifying physician is not available at time of death to certify cause of death.				22b. To the best of my knowledge, death occurred at the time, date and place stated. (Signature and Title)		22c. LICENSE NUMBER		
23a. TIME OF DEATH				23b. DATE PRONOUNCED DEAD (Month, Day, Year)		23c. DATE SIGNED (Month, Day, Year)		
24. M.				25. WAS CASE REFERRED TO MEDICAL EXAMINER/CORONER? Yes <input type="checkbox"/> No <input type="checkbox"/>		26. Approximate interval between onset and death		
27. PART I: Enter the diseases, injuries or complications which caused the death. Do not enter the mode of dying, such as cardiac or respiratory arrest, shock or heart failure. List only one cause on each line.				PART II: Other significant conditions contributing to death, but not resulting in the underlying cause given in PART I.				
IMMEDIATE CAUSE (Final disease or condition resulting in death) →				a. DUE TO (OR AS A CONSEQUENCE OF):				
Sequentially list conditions if any, leading to immediate cause. Enter UNDERLYING CAUSE (Disease or injury that initiated events resulting in death) LAST				b. DUE TO (OR AS A CONSEQUENCE OF):				
c. DUE TO (OR AS A CONSEQUENCE OF):				d. DUE TO (OR AS A CONSEQUENCE OF):				
28a. WAS AN AUTOPSY PERFORMED? Yes <input type="checkbox"/> No <input type="checkbox"/>	28b. WERE AUTOPSY FINDINGS AVAILABLE PRIOR TO COMPLETION OF CAUSE OF DEATH? Yes <input type="checkbox"/> No <input type="checkbox"/>	29. MANNER OF DEATH Natural <input type="checkbox"/> Accident <input type="checkbox"/> Suicide <input type="checkbox"/> Homicide <input type="checkbox"/> Pending investigation <input type="checkbox"/> Could not be determined <input type="checkbox"/>		30a. DATE OF INJURY (Month, Day, Year)	30b. TIME OF INJURY	30c. INJURY AT WORK? Yes <input type="checkbox"/> No <input type="checkbox"/>	30d. DESCRIBE HOW INJURY OCCURRED.	
31a. CERTIFIER (Check only one) *CERTIFYING PHYSICIAN (Physician certifying cause of death when another physician has pronounced death and completed item 23) To the best of my knowledge, death occurred due to the cause(s) and manner as stated.				31b. SIGNATURE AND TITLE OF CERTIFIER		31c. LICENSE NUMBER		
*PRONOUNCING AND CERTIFYING PHYSICIAN (Physician both pronouncing death and certifying to cause of death) To the best of my knowledge, death occurred at the time, date, and place, and due to the cause(s) and manner as stated.				31d. DATE SIGNED (Month, Day, Year)		31e. NAME AND ADDRESS OF PERSON WHO COMPLETED CAUSE OF DEATH (Item 27) Type or Print		
*MEDICAL EXAMINER/CORONER On the basis of examination and/or investigation, in my opinion, death occurred at the time, date, and place, and due to the cause(s) and manner as stated.				32. SIGNATURE AND TITLE OF CERTIFIER		33. REGISTRAR'S SIGNATURE AND NUMBER		
33. REGISTRAR'S SIGNATURE AND NUMBER				34. DATE FILED (Month, Day, Year)				

ALIAS USED

PRONOUNCING  
PHYSICIAN ONLY  
(See definitions  
on other side)

CAUSE OF DEATH  
(See instructions on other side)

CERTIFIER  
(See definitions  
on other side)

NAME OF DECEDENT

### INSTRUCTIONS FOR SELECTED ITEMS

**ITEM 8 — Place of Death**

If the death was pronounced in a hospital, check the box indicating the decedent's status at the institution (inpatient, emergency room/outpatient, or dead on arrival (DOA)). If death was pronounced elsewhere, check the box indicating whether pronouncement occurred at a nursing home, residence, or other location. If other is checked, specify where death was legally pronounced, such as a physician's office, the place where the accident occurred, or at work.

**Items 17 a-d — Residence of Decedent**

Residence of the decedent is the state, county and minor civil division where he or she actually resided. This may not be the same as the mailing address, especially if the decedent resided in a township. Never enter a temporary residence such as one used during a visit, business trip, or a vacation. Place of residence during a tour of military duty or during attendance at college is not considered as temporary and should be considered as the place of residence.

If a decedent had been living in a facility where an individual usually resides for a long period of time, such as a group home, mental institution, nursing home, penitentiary, or hospital for the chronically ill, report the location of that facility in items 17a through 17d.

If the decedent was an infant who never resided at home, the place of residence is that of the parent(s) or legal guardian. Do not use an acute care hospital's location as the place of residence for any infant.

**Items 23 and 31 — Medical Certification**

The PRONOUNCING PHYSICIAN is the person who determines that the decedent is legally dead but who was not in charge of the patient's care for the illness or condition which resulted in death. Items 23a through 23c are to be completed only when the physician responsible for completing the medical certification of cause of death (Item 27) is not available at time of death to certify cause of death. The pronouncing physician is responsible for completing only items 23 through 28.

The CERTIFYING PHYSICIAN is the person who determines the cause of death (Item 27). This box should be checked only in those cases when the person who is completing the medical certification of cause of death is not the person who pronounced death (Item 23). The certifying physician is responsible for completing items 27 through 32.

The PRONOUNCING AND CERTIFYING PHYSICIAN box should be checked when the same person is responsible for completing Items 24 through 32, that is, when the same physician has both pronounced death and certified the cause of death. If this box is checked, items 23a through 23c should be left blank.

The MEDICAL EXAMINER/CORONER box should be checked when investigation is required and the cause of death is completed by a medical examiner or coroner. The Medical Examiner/Coroner is responsible for completing items 24 through 32.

**Item 27 — Cause of Death**

The cause of death means the disease, abnormality, injury, or poisoning that caused the death, not the mode of dying, such as cardiac or respiratory arrest, shock, or heart failure.

In Part I, the immediate cause of death is reported on line (a). Antecedent conditions, if any, which gave rise to the cause are reported on lines (b), (c), and (d). The underlying cause, should be reported on the last line used in Part I. No entry is necessary on lines (b), (c), and (d) if the immediate cause of death on line (a) describes completely the train of events. ONLY ONE CAUSE SHOULD BE ENTERED ON A LINE. Additional lines may be added if necessary. Provide the best estimate of the interval between the onset of each condition and death. Do not leave the interval blank; if unknown, so specify.

In Part II, enter other important diseases or conditions that may have contributed to death but did not result in the underlying cause of death given in Part I.

See examples below.

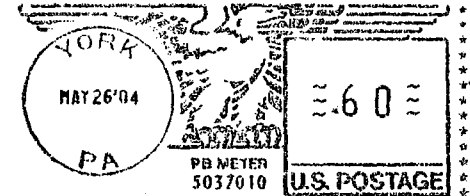
<b>CAUSE OF DEATH</b> <small>(See instructions on other side)</small>	27. PART I: Enter the diseases, injuries or complications that caused the death. Do not enter the mode of dying, such as cardiac or respiratory arrest, shock or heart failure. List only one cause on each line.						Approximate Interval Between Onset and Death	PART II: Other significant conditions contributing to death, but not resulting in the underlying cause given in PART I.	
	IMMEDIATE CAUSE (Final disease or condition resulting in death) →	a. Rupture of myocardium DUE TO (OR AS A CONSEQUENCE OF):					Mins.	Diabetes, Chronic obstructive	
	Sequentially list conditions if any, leading to immediate cause. Enter UNDERLYING CAUSE (Disease or injury that initiated events resulting in death) LAST	b. Acute myocardial infarction DUE TO (OR AS A CONSEQUENCE OF):					6 days	pulmonary disease, smoking	
		c. Chronic ischemic heart disease DUE TO (OR AS A CONSEQUENCE OF):					5 years		
	d.								
28a. WAS AN AUTOPSY PERFORMED? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	28b. WERE AUTOPSY FINDINGS AVAILABLE PRIOR TO COMPLETION OF CAUSE OF DEATH? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	29. MANNER OF DEATH Natural <input checked="" type="checkbox"/> Homicide <input type="checkbox"/> Accident <input type="checkbox"/> Pending Investigation <input type="checkbox"/> Suicide <input type="checkbox"/> Could not be determined <input type="checkbox"/>		DATE OF INJURY (Month, Day, Year) 30a.	TIME OF INJURY 30b. M. 30c.	INJURY AT WORK? Yes <input type="checkbox"/> No <input type="checkbox"/>		DESCRIBE HOW INJURY OCCURRED. 30d.	
PLACE OF INJURY - At home, farm, street, factory, office building, etc. (Specify) 30e.						LOCATION (Street, City/Town, State) 30f.			

<b>CAUSE OF DEATH</b> <small>(See instructions on other side)</small>	27. PART I: Enter the diseases, injuries or complications that caused the death. Do not enter the mode of dying, such as cardiac or respiratory arrest, shock or heart failure. List only one cause on each line.						Approximate Interval Between Onset and Death	PART II: Other significant conditions contributing to death, but not resulting in the underlying cause given in PART I.	
	IMMEDIATE CAUSE (Final disease or condition resulting in death) →	a. Cerebral laceration DUE TO (OR AS A CONSEQUENCE OF):					10 mins.		
	Sequentially list conditions if any, leading to immediate cause. Enter UNDERLYING CAUSE (Disease or injury that initiated events resulting in death) LAST	b. Open skull fracture DUE TO (OR AS A CONSEQUENCE OF):					10 mins.		
		c. Automobile accident DUE TO (OR AS A CONSEQUENCE OF):					10 mins.		
	d.								
28a. WAS AN AUTOPSY PERFORMED? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	28b. WERE AUTOPSY FINDINGS AVAILABLE PRIOR TO COMPLETION OF CAUSE OF DEATH? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	29. MANNER OF DEATH Natural <input type="checkbox"/> Homicide <input type="checkbox"/> Accident <input checked="" type="checkbox"/> Pending Investigation <input type="checkbox"/> Suicide <input type="checkbox"/> Could not be determined <input type="checkbox"/>		DATE OF INJURY (Month, Day, Year) 30a. 11/17/85	TIME OF INJURY 30b. 1 P. M. 30c.	INJURY AT WORK? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		DESCRIBE HOW INJURY OCCURRED. 30d. 2-car collision-driver	
PLACE OF INJURY - At home, farm, street, factory, office building, etc. (Specify) 30e. Street						LOCATION (Street, City/Town, State) 30f. Route 1, Oxford, Pa.			




**HEFFNER**

1551 Kenneth Road, York, PA 17404



D.P.W.  
Office of Income Maintenance  
Mr. Edward J. Zogby  
Bureau of Policy,  
Room 431 Health & Welfare Building  
Harrisburg, PA 17120

17120/0032 



RECEIVED

2004 APR 22 AM 9:03

REVIEW COMMISSION

Original: 2395

April 14, 2004

Edward Zogby, Director  
Bureau of Policy  
Department of Public Welfare  
P.O. Box 2675  
Harrisburg, PA 17105

Re: Proposed Rulemaking, 55 Pa. Code Ch. 285

Dear Mr. Zogby:

Our association is writing to request changes in the above referenced proposed rulemaking.

As you may recall, we wrote to you in December, 2001 to express our concern that the regulation as it exists includes a laundry list of required items that may not always be needed or wanted in a funeral. Unfortunately, the proposed regulation maintains the requirement for all of these items with the exception of a "wooden" outer burial case.

Our position of December, 2001 has not changed. We still strongly advocate the need to eliminate the specific requirements in favor of allowing the families and funeral director the discretion to pick and choose depending upon the need of the family and the circumstances. It does not make any sense, for example, to require payment for "preparation of remains" if the family wishes an immediate cremation.



We would appreciate a reconsideration of the proposed regulation and would be happy to meet with you or other Department of Welfare representatives in order to explain our position further.

Very truly yours,



John W. Eirkson,  
Executive Director

cc: Hon. Robert Tomlinson  
Fran Cleaver, Esquire

cc: Independent Regulatory Review Commission

Welfare corr

Original: 2395



1424 Chestnut Street, Philadelphia, PA 19102-2505

Phone: 215.981.3700, Fax: 215.981.0434

Web Address: [www.clsphila.org](http://www.clsphila.org)

Edward Zogby

Director, Bureau of Policy, OIM, DPW  
Health and Welfare Bldg.  
Harrisburg, PA 17105

2004 MAY 13 10:10:10

REVIEW COMMISSION

RE: DPW Proposed Regulation #14-481 (#2395), Payment for Burial

Dear Ed,

Thank you for affording us the opportunity to comment on DPW's new policy on funeral expenses. We have reviewed the regulation and believe it to be a much needed reform. We strongly endorse its adoption as soon as possible.

Very truly yours,

Richard P. Weishaupt

Cc: IRRC ✓

ORIGINAL: 2395



*Harris Funeral Home, Inc.*  
 500 Cherry Lane (Richland)  
 Johnstown, Pa 15904-2647  
 Phone Number: 814-269-3333  
 William G. Harris, Owner/ Supv.  
 Timothy S. Layton, Funeral Dir.

*Baker-Harris Funeral Chapel*  
 229-231 First Street Conemaugh Pa 15909  
 Phone Number: 814-535-4151  
 Branch of Harris Funeral Home, Inc.  
 Daniel Kovacs, Supv.

May 3, 2004

Edward J. Zobgy, Director  
 Bureau of Policy  
 Room 431  
 Health and Welfare Building  
 Harrisburg, PA 17120

Re: Proposed Amendment to Regulation Sec. 285  
 Payment for Burial Expenses

Dear Sir:

I would like to join in supporting proposed changes being sought by the Pennsylvania Funeral Directors. My firm believes that the consuming public would benefit if the specific requirements for a casket, a standard "wooden outer case", among other requirements, were lifted. Instead the family and funeral directors should be allowed discretion in choosing what is needed. For example, not all cemeteries require the use of an outer container, yet that requirement exists in the proposed regulations.

The increase in the amount of payment to funeral directors will help reduce the uncompensated costs for burial goods and services that are incurred by funeral directors. It should be noted that the costs for a typical funeral, even one that is considered very low cost, are still considerably higher than the \$750 allowance.

Sincerely,

William G. Harris

Office of Income Maintenance  
 Bureau of Policy

MAY 7 2004

REFER TO: \_\_\_\_\_

Original: 2395

RECEIVED

2004 MAY -5 PM 2:06

REVIEW COMMISSION

**Grontkowski Funeral Home P.C.**

51-53 West Green St.  
Nanticoke, Penna.18634

John F. Grontkowski, Fd

Katherine Malig ,Supv.

April 29, 2004

Edward J. Zobgy, Director  
Bureau of Policy  
Room 431  
Health & Welfare Building  
Harrisburg, Pa. 17120

Dear Sir:

I am a practicing Funeral Director in the City of Nanticoke, Penna. My concern is for the proper burial of human remains. What has been described in the letter indicating what is mandated under the law is adequate, with one exception. The use of wooden outer container is not consistent with what the cemeteries require to make grave surfaces safe for trespassing. What has caused this is their concern that cemeteries can be sued for not maintaining the intergrity of grave surfaces, resulting from unsafe underpinning. They require cave proof outer containers. for the interment of human remains.

Further I think it would be much better to allow the families to choose what they want. In many cases it might not be what the law specevies, thus the freedom to of choice could better satisfy them and not let them feel they must accept what is jammed down their throats.They may want a simpler arrangement; thus less expended cash. There is another problem, handling heavily obese people, may impact the cost. We need a casket that can handle the stress caused by the heavy weight. Therefore some accommodation is needed.

In the final analysis, the only thing ,is the need of a proper outer container and freedom of choice.

Office of Income Maintenance  
Bureau of Policy

Yours truly,

MAY 4 2004

*John F. Grontkowski*

REFER TO: \_\_\_\_\_

RECEIVED  
2004 MAY -5 PM 2:06  
REVIEW COMMISSION

April 26, 2004

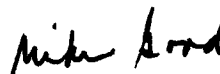
TO: Mr. Edward J. Zobgy, Director  
Bureau of Policy  
Room 431  
Health and Welfare Bldg  
Harrisburg, PA 17120

RE: Sec. 285 Dept. of Welfare Code Proposed Amendment

FROM:

A proposed amendment change sought by the PFDA was to do away with the specific requirement for a casket, standard wooden case, suitable clothing, preparation, transportation of remains, transportation of funeral party and usual professional services. According to the Pennsylvania Bulletin, the proposed rule eliminates only the need for a wood outer container. I feel the PFDA's request would be beneficial to the consumer and would ask that you reconsider this aspect of the rule and eliminate the list of specific requirements in paragraph one. Thank you.

Sincerely,



Michael P. Good  
License FD 013281L

Office of Income Maintenance  
Bureau of Policy

MAY 3 2004

REFER TO: \_\_\_\_\_

RECEIVED

2004 MAY -5 PM 2:06

REVIEW COMMISSION

April 25, 2004

Mr. Edward J. Zobgy, Director  
Bureau of Policy  
Room 431  
Health and Welfare Bldg  
Harrisburg, PA 17120

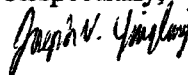
Dear Mr. Zobgy

**REGARDS: *Proposed Amendment Sec. 285, Department of Welfare Code***

It is my understanding that the proposed amendment was to exclude a listing of required items in paragraph one. Per the April 3, 2004, Pennsylvania Bulletin, the rule eliminates only a "wooden outer container". I believe in order to better serve the public consumer, specific requirements should be eliminated so the funeral director and family have more flexibility and choice.

Please consider this a request to eliminate the listed items as casket, suitable clothing, preparation, etc. in paragraph one. Thank you for your consideration.

Respectfully,



Joseph V. Yingling  
FD - 013620 - L

Office of Income Maintenance  
Bureau of Policy

MAY 3 2004

REFER TO: \_\_\_\_\_

68  
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REVIEW COMMISSION

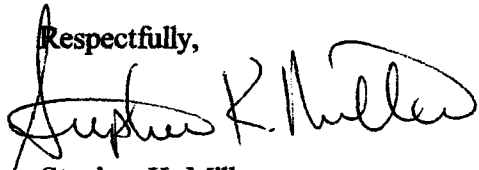
April 24, 2004

Mr. Edward J. Zobgy, Director  
Bureau of Policy  
Room 431  
Health and Welfare Building  
Harrisburg, PA 17120

Dear Mr. Zobgy:

This is in regards to the proposed amendment to regulation Sec. 285 of the Department of the Welfare Code.

I seriously believe there is a need to eliminate a list of specific requirements, such as casket, standard wooden outer case, suitable clothing, etc., as stated in paragraph one so that the family and funeral director can choose what is suitable at the time of need. Please amend the proposed rule to exclude this listing. Thank you.

Respectfully,  
  
Stephen K. Miller  
Lic. #FD012723L

Office of Income Maintenance  
Bureau of Policy

MAY 3 2004

REFER TO: \_\_\_\_\_

Original: 2395



Pennsylvania Cemetery  
Funeral Association

14-481-12  
Office of Income Maintenance  
Bureau of Policy

APR 20 2004

RECEIVED

2004 MAY -3 PM 3:03

REVIEW COMMISSION

REFER TO: \_\_\_\_\_

April 23, 2004

Department of Public Welfare  
Office of Income Maintenance  
Attention Edward J. Zogby, Director Bureau of Policy  
Room 431, Health and Welfare Building  
Harrisburg, PA 17120

Dear Mr. Zogby:

Thank you for your instruction on the telephone.

It has now come to the attention of the cemetery companies located throughout the Commonwealth of Pennsylvania that there is a proposed rule change being submitted relating to the Department of Public Welfare [55 PA Code CH. 285] Payment for burial.

This is being submitted on behalf of the cemeteries and the Pennsylvania Cemetery and Funeral Association (unrelated to and often times at odds with the Pennsylvania Funeral Directors Association) representing cemeteries and funeral homes in the Commonwealth. We commend and agree with the basic changes relating to longstanding sorely inadequate funding for welfare recipients covered by this code.

Cemeteries and crematoriums are directly affected by these changes in that the remains of every decedent are cremated or laid to rest in a cemetery facility.

Even with the new payment schedule proposed, the funeral director and the cemetery will have to continue to make monetary concessions because of the many years of cost increases that the new fees do not meet.

This is an area where the funeral providers both funeral directors and cemeteries have contributed to the public good since the beginning of time. I assure you that this practice will continue. This necessary increase will ease the burden on those that accept and provide the service.

Having said the above the PA Cemetery and Funeral Association on behalf of the cemeteries and funeral directors it represents request certain reconsiderations and changes. We concur that the "wooden outer case" is outdated by many years, but should be replaced by a "suitable outer container or vault" not dropped from the wording. We also request that this proposed rulemaking benefit the public by stating both funeral directors and cemeteries provide these services.

We also see no rational, infact we see a great disadvantage, to the following statement: "The Department also proposes to delete the requirement for interment charges, cave proof containers and transportation since the payment for burial goods and services is now an unrestricted payment of \$750." We oppose the removal of the underlined because it skews the process by taking away the transparency and allocation necessary to provide the complete burial process.

PLEASE RESPOND TO SAMUEL B. SAXTON

CEDAR HILL MEMORIAL PARK 1700 AIRPORT ROAD ALLENTOWN PENNA 18109



# PROPOSED RULEMAKING

## DEPARTMENT OF PUBLIC WELFARE

[55 PA. CODE CH. 285]

### Payment for Burial

The Department of Public Welfare (Department), under the authority of sections 201(2) and 403(b) of the Public Welfare Code (62 P. S. §§ 201(2) and 403(b)), proposes to amend Chapter 285 (relating to payment for burial) to read as set forth in Annex A.

#### Purpose

The purpose of this proposed rulemaking is to codify the notice of rule change (NORC) published at 30 Pa.B. 2957 (June 10, 2000). The NORC increased the payment to funeral directors for burial services to \$750 for all eligible individuals. Prior to the NORC, payments were \$350 for an individual 10 years of age or older, \$250 for an individual under 10 years of age and \$85 for a stillborn child. The NORC also increased the maximum level of contributions made by an agency or individual from \$180 to \$750.

Additionally, the proposed rulemaking eliminates the separation of payments for goods and services and for interment and removes the requirement for a wooden outer case to provide a choice in determining the type of outer case.

#### Need for Proposed Rulemaking

The maximum allowance for burial services in Chapter 285 is inadequate and does not reflect the prevailing costs to provide basic burial services. The costs for transportation and preparation of the body, memorial services, gratuities to clergy and cemetery procedures have increased considerably in the last 25 years. Regulations governing maximum payment amounts for burial were adopted at 7 Pa.B. 2180 (August 5, 1977). The proposed rulemaking is necessary to update the regulations to provide a more adequate payment for basic burial services.

The proposed rulemaking to eliminate the separation of payment amounts and the requirement for a wooden outer case is necessary to allow an individual arranging the burial services and the funeral director more flexibility and choice in planning for goods and burial services.

#### Requirements

Following is a summary of specific proposed rulemaking:

The Department proposes to eliminate the restriction to provide a wooden outer case in § 285.3(c)(1)(ii) (relating to requirements). The Pennsylvania Funeral Director's Association indicates that a wooden outer case is not necessary and may be more expensive than an outer case of other materials, such as metal. Removing this restriction allows an individual arranging the burial services and the funeral director more flexibility and choice in planning for burial goods and services.

The Department proposes to amend § 285.3(d) to increase the maximum payment to funeral directors to \$750 for burial goods and services and interment for a deceased individual of any age who was receiving, or was eligible for and authorized to receive, cash assistance at

the time of death. Under current regulations, the maximum payment to funeral directors is \$350 for an individual 10 years of age or older, \$250 for an individual under 10 years of age and \$85 for a stillborn child. The Department also proposes to eliminate the separation of payment amounts for goods and services and for interment. The proposed rulemaking allows greater flexibility and choice in planning for burial goods and services.

The Department proposes to amend § 285.3(e)(1)(i) to increase the maximum level of contributions made by an agency or individual from \$180 to \$750. The Department also proposes to delete the requirements for interment charges, cave-proof containers and transportation since the payment for burial goods and services is now an unrestricted payment of \$750.

The Department proposes that contributions in excess of \$750 will reduce the Department's payment by the difference between \$750 and the value of the contribution. The proposed amendment to § 285.3(e)(1)(ii) is necessary for consistency in the allowable amounts for contributions as proposed in § 285.3(e)(1)(i).

#### Affected Individuals and Organizations

The proposed rulemaking affects an individual acting on behalf of a deceased individual of any age who was eligible and authorized for or was receiving cash assistance at the time of death. The proposed rulemaking allows an individual arranging the burial more flexibility and choice in planning for burial goods and services.

Funeral directors who are enrolled providers are the beneficiaries of increased burial payments. The proposed rulemaking allows increased payments to funeral directors that will more adequately cover the actual cost of burial goods and services.

#### Accomplishments and Benefits

The proposed rulemaking will benefit individuals acting on behalf of a deceased individual by allowing more flexibility and choice in the planning for burial goods and services.

The proposed rulemaking will benefit funeral directors by providing for increased payments that will more adequately cover the actual costs of burial goods and services. The proposed rulemaking will reduce the uncompensated costs for burial goods and services that are incurred by funeral directors.

#### Fiscal Impact

##### Public Sector

**Commonwealth:** The Department estimates an increase in annual expenditures of \$1.118 million. This amount represents the increase in payments to funeral directors for burial goods and services rendered at the new maximum rate of \$750.

**Political Subdivisions:** There will be no costs or savings for political subdivisions.

##### Private Sector

The proposed rulemaking will reduce the uncompensated costs for services that are incurred by funeral directors.

**General Public:** There will be no costs or savings for the general public.

ADDITIONAL  
NORC IN  
NORC IN

OR CREMATION

Do Not  
TAKE  
OUT

**Paperwork Requirements**

This proposed rulemaking does not increase paperwork requirements.

**Effective Date**

The amendments to § 285.3(d) regarding the maximum payment amount for all eligible individuals and § 285.3(e) regarding resources that do not reduce payment are effective retroactive to July 3, 2000, to coincide with the effective date of the NORC.

The proposed amendments to § 285.3(c)(1)(ii) regarding standard outer case and § 285.3(d) regarding separation of payments for goods and services and for interment are effective upon publication in the *Pennsylvania Bulletin* as a final-form rulemaking.

**Sunset Date**

There is no sunset date. The Department will review compliance with the regulation through its quality control and corrective action review process, which is monitored by the Federal Department of Health and Human Services.

**Regulatory Review**

Under section 5(a) of the Regulatory Review Act (71 P. S. § 746.5(a)), on March 23, 2004, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Health and Human Services and the Senate Committee on Public Health and Welfare. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections shall specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Department, the General Assembly and the Governor of comments, recommendations or objections raised.

**Public Comment**

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking within 30 calendar days after the date of publication of this notice in the *Pennsylvania Bulletin* to the Department of Public Welfare, Office of Income Maintenance, Edward J. Zogby, Director, Bureau of Policy, Room 431 Health and Welfare Building, Harrisburg, PA 17120, (717) 787-4081. Comments received within 30 calendar days will be reviewed and considered in the preparation of the final-form rulemaking. Comments received after the 30-day comment period will be considered for subsequent revisions of the regulation.

Persons with a disability may use the AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,  
Secretary

**Fiscal Note:** 14-481. (1) General Fund; (2) Implementing Year 2003-04 is \$1,116,000; (3) 1st Succeeding Year 2004-05 is \$1,116,000; 2nd Succeeding Year 2005-06 is \$1,116,000; 3rd Succeeding Year 2006-07 is \$1,116,000; 4th Succeeding Year 2007-08 is \$1,116,000; 5th Succeeding Year 2008-09 is \$1,116,000; (4) 2002-03 Program—

\$668,832,000; 2001-02 Program—\$706,750,000; 2000-01 Program—\$668,586,000; (7) Medical Assistance—Outpatient; (8) recommends adoption. This regulatory action codifies existing policy. The payment rates for burial services have been in effect since the beginning of Fiscal Year 2000-01.

**Annex A**

**TITLE 55. PUBLIC WELFARE**

**PART II. PUBLIC ASSISTANCE MANUAL**

**Subpart I. OTHER INCOME MAINTENANCE PROGRAMS**

**CHAPTER 285. PAYMENT FOR BURIAL**

**GENERAL PROVISIONS**

**§ 285.3. Requirements.**

\* \* \* \* \*

(c) *Standards for burial.* The standards for burial are as follows:

(1) Payment of goods and services, and interment. The minimum requirements for goods and services, unless the remains are cremated, are as follows:

\* \* \* \* \*

(ii) Standard [ wooden ] outer case, unless a cave-proof container is contributed, or unless an outer case is contrary to custom or cemetery regulations.

\* \* \* \* \*

(d) *Department payment schedule.* The Department's total payment for burial [ , if there are no resources to reduce the payment, are as follows: ] is \$750 for goods and services and for interment charges. The Department will make a total payment not to exceed \$750 for a deceased individual of any age who was receiving or was eligible and authorized to receive cash assistance at the time of death.

[ Client	Description	Amount (in dollars)
Adult or child 10 years of age	Goods and services	280
	Interment, actual charges	70
	but not over	350 maximum
Child under 10 years of age	Goods and services	180
	Interment, actual charges	70
	but not over	250 maximum
Child born dead	Goods and services	50
	Interment, actual charges	35
	but not over	85 maximum ]

(e) *Resources that do not reduce Department payment.* If a person or agency makes small contributions, such as articles of clothing, the use of cars to carry the funeral party, newspaper advertising, flowers, religious services, and the like, they are not considered in determining the amount of the Department payment.

(1) *Resources for special burial costs.* Resources for special burial costs are as follows:

(i) The Department burial payments are based on a minimum standard for burial. To recognize certain circumstances that the minimum standard does not include, the following resources do not reduce the Department payment: contributions in money, goods or services by an

Because of the trend today and the fact that many of these decedent are now being cremated we are requesting the words "or cremation" be added so the rule would now read "for burial or cremation services" where stated.


We respectfully request that these changes and or additions be made to reflect the cemetery position as being part of the process.

We also hereby request a hearing before the (IRRC) Independent Regulatory Review Commission to further the explanation of why these changes are necessary.

Thank you for your consideration.

I remain,

Sincerely yours,

A handwritten signature in cursive script that reads "Samuel B. Saxton".

Samuel B. Saxton, CCE  
Past President International Cemetery and Funeral Association  
Past President PA Cemetery and Funeral Association  
Past Chair State Real Estate Commission (Governing Cemeteries)

Copies: Greg Strom President PCFA  
Board of Directors PCFA  
Morgan Plant  
Bob Stewart

Enclosure

Original: 2395

14-481-17  
WETZEL FUNERAL HOME, INC.

Warren F. Miller, Supervisor  
549 Carlisle Street  
HANOVER, PENNSYLVANIA 17331  
717-632-1242

RECEIVED  
2004 MAY -5 PM 2:06

REVIEW COMMISSION

April 23, 2003

**To: Edward J. Zobgy, Director  
Bureau of Policy  
Room 431  
Health and Welfare Bldg  
Harrisburg, PA 17120**

**From: Warren F. Miller**

**RE: AMENDMENT TO SEC. 285, DEPT. OF WELFARE CODE**

It has come to my attention that in the PA Bulletin (4/3/04) the proposed amendment rule eliminated only the need for a wood outer container. We believe that, to be fair to the public consumer, specific requirements for items as listed in paragraph one should be eliminated thereby giving more flexibility to the consumer.

Please reconsider the proposed amendment and eliminate the specific requirements.



Office of Income Maintenance  
Bureau of Policy

MAY 4 2004

REFER TO: \_\_\_\_\_



JEFFREY A.

Naugle

FUNERAL HOME

20 NORTH AMBLER STREET, QUAKERTOWN, PA 18951

A FULL SERVICE FUNERAL HOME SERVING INDIVIDUAL NEEDS

Original: 2395

April 22, 2004

Edward J. Zobgy, Director  
Bureau of Policy  
Room 431  
Health and Welfare Building  
Harrisburg, PA 17120

Office of Income Maintenance  
Bureau of Policy

APR 26 2004

REFERTO: \_\_\_\_\_

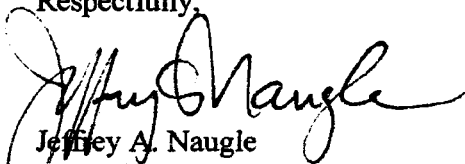
Dear Director Zobgy,

I am writing in reference to the proposed amendment to regulation Sec. 285 of the Department of Welfare Code. I was disappointed to see that the welfare recipient family and the funeral provider are not given the freedom to personalize the goods and services that would be provided to meet their expectations. The consuming public in general expects and demands this freedom, so why should it be any different for a welfare family.

As funeral providers, we realize that there will be limited monies made available to us when serving a welfare family. Personal freedom will allow us to better serve them if specific merchandise **is not** mandated in the Code. Dignity and respect through the services of a licensed funeral director should not be contingent on the specific type or quantity of funeral merchandise supplied.

For years, it has been difficult for Pennsylvania licensed funeral directors in general to provide a quality service for welfare recipient because of Code mandates, the laborious process of filing, and the extremely limited funding. I sincerely wish that their would be some more thought given to how Pennsylvania funeral directors and the Dept. of Welfare can work together to serve those of greater need.

Respectfully,

  
Jeffrey A. Naugle  
Funeral Director

Cc. Honorable Robert C. Wonderling  
Honorable Paul I. Clymer  
PFDA  
File

RECEIVED  
2004 APR 28 PM 3:48  
REVIEW COMMISSION

Original: 2395

14-481-4

# Striffler Shaughnessy

600 Market Street  
McKeesport, PA 15132-2728  
(412) 678-6191  
FAX (412) 673-6822

THE PEOPLE WHO CARE ... MORE  
AREA'S LARGEST FUNERAL SERVICE FIRM

April 15, 2004

Edward J. Zobgy, Director  
Bureau of Policy  
Room 431  
Health and Welfare Building  
Harrisburg, PA 17120

Dear Mr. Zobgy:

I am writing you today in order to gain your support for additional changes to the Department of Welfare Code, regulation Sec. 285.

Although the change recently enacted was a step in the right direction it does not go far enough.

The consumer public deserves the right to decide, even if they are receiving Government assistance, what type of services and merchandise are appropriate for their needs.

I sincerely hope you will consider additional revisions.

Cordially,

Gregory J. Havrilla  
General Manager

/gjh

Office of the Bureau of Policy  
April 15, 2004

Hunter-Edmundson-Striffler Co., Inc.; Charles A. Danforth, Supv.  
Striffler's of Dravosburg/West Mifflin, Inc.; Frank S. Striffler, Supv.  
Striffler's of Port Vue, Inc.; E. Striffler, Supv.  
Striffler's of White Oak Cremation & Mortuary Services, Inc.; Sue Ann Striffler, Supv.  
M. J. Shaughnessy, Inc.; H. P. Connelly, Supv.

MEMBER OF:  
NATIONAL FUNERAL DIRECTORS ASSOCIATION  
SELECTED INDEPENDENT FUNERAL HOMES  
ORDER OF THE GOLDEN RULE  
MONUMENT BUILDERS OF NORTH AMERICA  
INTERNATIONAL CEMETERY AND FUNERAL ASSOCIATION  
PENNSYLVANIA PRE-NEED FUNERAL TRUST ASSOCIATION  
ACCREDITED BY THE NATIONAL COUNCIL ON FUNERAL TRUSTS  
REVIEW COMMISSION  
APR 20 PM 2:30

14-481-8

Original: 2395

# SPERLING

## FUNERAL HOME, Inc.

Jarett D. Sperling, Supervisor  
408 Cedar Avenue Pittsburgh, PA 15212  
412-321-2022

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2004 APR 22 PM 3:05  
REVIEW COMMISSION

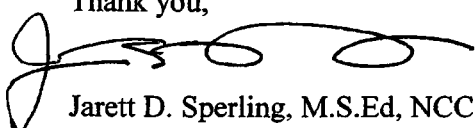
April 15, 2004

Edward J. Zobgy, Director  
Bureau of Policy, Room 431  
Health and Welfare Building  
Harrisburg, PA 17120

Dear Director Zobgy,

I am writing today to comment on Section 285 of the Department of Welfare Code that was published in the April 3, 2004 Pennsylvania Bulletin concerning funerals. It has been brought to my attention that certain specific requirements (Casket, standard outer case, preparation, etc.) will still exist that continue to make it difficult for families with limited means to have a meaningful funeral. In today's funeral environment families and funeral directors should have a more flexible choice in planning the funeral of a loved one. I feel this would be very beneficial to the consuming public for this department to adopt more flexible measures.

Thank you,



Jarett D. Sperling, M.S.Ed, NCC  
Funeral Supervisor

Office of Income Maintenance  
Bureau of Policy

APR 20 2004

REFER TO: \_\_\_\_\_



www.sperlingfuneral.com

Original 2395

14-481-3

# SPERLING

## FUNERAL HOME

Walter J. Sperling, Jr. Funeral Director/Owner  
123 North Avenue Millvale, PA 15209  
412-821-6500

OFFICE OF THE DIRECTOR OF THE  
BUREAU OF POLICY

APR 19 2004

Office

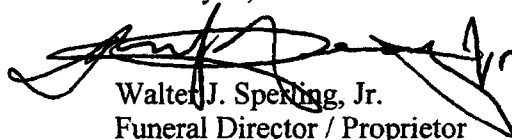
April 15, 2004

Edward J. Zobgy, Director  
Bureau of Policy, Room 431  
Health and Welfare Building  
Harrisburg, PA 17120

Dear Director Zobgy,

I am writing today to comment on Section 285 of the Department of Welfare Code that was published in the April 3, 2004 Pennsylvania Bulletin concerning funerals. It has been brought to my attention that certain specific requirements (Casket, standard outer case, preparation, etc.) will still exist that continue to make it difficult for families with limited means to have a meaningful funeral. In today's funeral environment families and funeral directors should have a more flexible choice in planning the funeral of a loved one. I feel this would be very beneficial to the consuming public for this department to adopt more flexible measures.

Thank you,



Walter J. Sperling, Jr.  
Funeral Director / Proprietor

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2004 APR 20 PM 2:30  
REVIEW COMMISSION



www.sperlingfuneral.com



Original : 2395

14-481-5

RECEIVED

2004 APR 20 PM 2:30

REVIEW COMMISSION

April 15, 2004



Edward J. Zogby, Director  
Bureau of Policy  
Room 431  
Health and Welfare Building  
Harrisburg, PA 17120

Department of Public Welfare  
Bureau of Policy

APR 19 2004

Dear Mr. Zogby:

This letter is in reference to the proposed amendment to regulation Sec. 285 of the Department of Welfare Code which was published in the April 3, 2004, PA Bulletin.

As a funeral director in the state of Pennsylvania, I would respectfully request the suggestions of the PA Funeral Directors be considered before the final amendment is adopted. Those suggestions eliminated specific requirements for a casket, a standard wooden outer case, suitable clothing, preparation, transportation of remains, transportation of the funeral party and usual professional services. It was suggested to allow the families and the funeral director discretion in choosing what is suitable depending on the family needs.

Both the funeral director and the consuming public would benefit by the flexibility that would result by amending this regulation.

Thank you for your consideration.

Sincerely,

F. Glenn Fleming

cc: John Eirkson, Ex. Dir.  
PFDA



F. GLENN FLEMING, SUPERVISOR  
2401 SOUTH ATHERTON STREET, STATE COLLEGE, PA 16801  
(814) 237-2712 • FAX: (814) 238-0482



SELECTED  
Independent  
FUNERAL HOMES  
Member by Invitation

Original 2395

14-481-2



# Oliver R. Shifler Funeral Home, Inc.

OLIVER R. SHIFLER - SUPERVISOR  
94 NORTH MAIN ST., CARBONDALE, PA 18407  
Phone 570-282-1400

Office of Income Maintenance  
Bureau of Policy

APR 19

REFER TO: \_\_\_\_\_

April 15, 2004

Mr. Edward J. Zobgy, Director  
Bureau of Policy  
Room 431  
Health & Welfare Building  
Harrisburg, Pa 17120

Dear Mr. Zobgy,

In regard to the Welfare Regulation for burial expenses, we are in favor of options that allow the families (consumer) to make choices. Current language can at times cause unwanted items or hardship to families who are bereaved.

We support consumer rights to make their own choices.

Thank you.

Sincerely,

Oliver R. Shifler

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2004 APR 20 PM 2:30  
REVIEW COMMISSION

(8)



14-481-11

Original: 2395

Office of Income Maintenance  
Bureau of Policy

APR 27 2004

April 15, 2004

REFER TO: \_\_\_\_\_

Edward J. Zobgy, Director  
Bureau of Policy  
Room 431  
Health and Welfare Building  
Harrisburg, Pa. 17121

Re: Proposed amendment to regulation Sec. 285 of the Dept. of Welfare Code

Dear Mr. Zobgy,

**New Freedom**  
J.J. Hartenstein, Supervisor  
24 Second Street  
Post Office Box 96  
New Freedom, PA 17349  
717.235.3857 *Voice*  
800.235.3857 *Toll Free*  
717.235.6688 *Fax*

The proposed amendment only eliminates the need for a "wooden outer container". This is not adequate to meet today's needs of funeral directors and the public they serve. Greater flexibility in terms of a choice must be offered in allowing the funeral director to better accommodate the families they serve. Therefore it is advantageous that the deletion of requirements for a casket, standard wood outer case, suitable clothing, preparation, transportation of remains, transportation of funeral party and usual professional services be left to the discretion of the families and the funeral director. Your recognition of this need to better serve the Welfare Public with more alternatives will be appreciated.

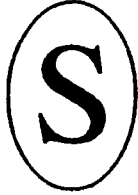
**Stewartstown**  
Charles T. Bowen, Supervisor  
19 South Main Street  
Post Office Box 325  
Stewartstown, PA 17363  
717.993.2307 *Voice*  
877.993.2307 *Toll Free*  
717.993.3522 *Fax*

Sincerely,

Charles T. Bowen  
Funeral Director  
District Governor Pennsylvania Funeral Director Association

cc: John Eirkson, Executive Director, Pennsylvania Funeral Directors Association

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2004 APR 28 PM 3:48  
REVIEW COMMISSION



**JOSEPH W. SCOTCHLAS FUNERAL HOME INC.**

Joseph W. Scotchlas - Funeral Supervisor  
621-629 Main Street Simpson, Pennsylvania 18407  
570-282-3090

RECEIVED  
2004 APR 22 PM 3:05  
INVESTIGATION DIVISION

April 15, 2004

Mr. Edward J. Zobgy, Director  
Bureau of Policy  
Room 431  
Health & Welfare Building  
Harrisburg, Pa 17120

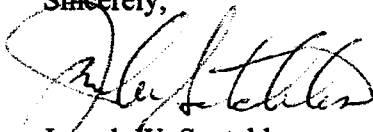
Dear Mr. Zobgy,

In regard to the Welfare Regulation for burial expenses , we are in favor of options that allow the families (consumer) to make choices. Current language can at times cause unwanted items or hardship to families who are bereaved.

We support consumer rights to make their own choices.

Thank you.

Sincerely,

  
Joseph W. Scotchlas

Office of Income Maintenance  
Bureau of Policy

APR 20 2004

REFER TO: \_\_\_\_\_

Original: 2395

14-481-6

**Dusckas Funeral Home, Inc.**

Main Office: 2607 Buffalo Road  
Erie, Pa. 16510 (814) 899-7656

Branch: 536 West Tenth Street  
Erie, Pa. 16502 (814) 452-2456

Nancy E. Dusckas, F.D.  
Supervisor

Gary J. Cumming, F.D.  
Supervisor

~~Office of Product Certification~~  
~~Department of Policy~~

APR 19 2004

DEPARTMENT OF WELFARE

April 15, 2004

Edward J. Zobgy, Director  
Bureau of Police  
Room 431  
Health and Welfare Building  
Harrisburg, Pa. 17120

Dear Mr. Zobgy,

I am writing concerning the proposed amendment change to regulation Sec. 285 of the Department of Welfare Code. I would agree that the regulations required under the code need to be removed. There are so many variations to a funeral today. It would be best if the state would allow the family and the funeral director to best decided what services would meet the family's need.

Thank you for your consideration.

Sincerely,

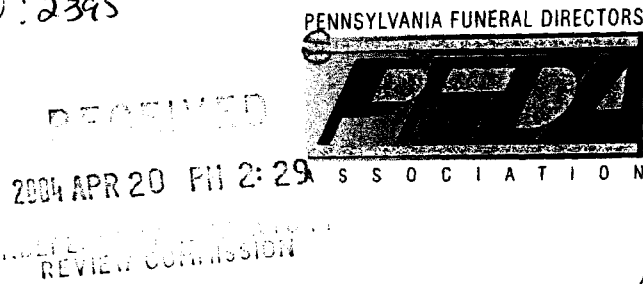
*Nancy Dusckas*  
Nancy Dusckas

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2004 APR 20 PM 2:30  
REVIEW COMMISSION

69

Original: 2395

14-481-1



TO:  
K. Aldridge

April 14, 2004

Edward Zogby, Director  
Bureau of Policy  
Department of Public Welfare  
P.O. Box 2675  
Harrisburg, PA 17105

Office of Income Maintenance  
Bureau of Policy

APR 15 2004

REFER TO: \_\_\_\_\_

Re: Proposed Rulemaking, 55 Pa. Code Ch. 285

Dear Mr. Zogby:

Our association is writing to request changes in the above referenced proposed rulemaking.

As you may recall, we wrote to you in December, 2001 to express our concern that the regulation as it exists includes a laundry list of required items that may not always be needed or wanted in a funeral. Unfortunately, the proposed regulation maintains the requirement for all of these items with the exception of a "wooden" outer burial case.

Our position of December, 2001 has not changed. We still strongly advocate the need to eliminate the specific requirements in favor of allowing the families and funeral director the discretion to pick and choose depending upon the need of the family and the circumstances. It does not make any sense, for example, to require payment for "preparation of remains" if the family wishes an immediate cremation.

We would appreciate a reconsideration of the proposed regulation and would be happy to meet with you or other Department of Welfare representatives in order to explain our position further.

Very truly yours,



John W. Eirkson,  
Executive Director

cc: Hon. Robert Tomlinson  
Fran Cleaver, Esquire

Welfare corr