

2627.

From: trt100@aol.com
Sent: Friday, October 16, 2009 2:57 PM
To: IRRC
Subject: Comment on PA Funeral Amendment
Attachments: Notes_on_Funeral_bill_PAR.doc

RECEIVED

2009 OCT 16 PM 4:04

INDEPENDENT REGULATORY
REVIEW COMMISSION

Dear Sir:

Attached are my comments on the Propose amendment to the Funeral Law.

Thank you.

Thomas R. Tirney, Ph.D.

2627

October 16, 2009

Kim Kaufman, Executive Director,
Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, PA 17101

Re: Final-Form Regulations - Preneed Funeral Arrangements

Dear Mr. Kaufman,

There are several areas that need to be clarified.

1. What is the definition of the term "funeral entity"? (Section 13.224 (a))
2. Section 13.224 paragraph two: "every preneed need contract must be in writing". Does this mean that contracts must be hand written? Why not use the current technology to have the contracts printed and signed by the Funeral Director? What objective does the "contract must be in writing" serve?
3. Additions to Section 13.227: "In addition, a preneed contract may not incorporate a contract with an unlicensed person or entity"

What is the intent of this statement? Does this preclude a customer contracting for merchandise separate from the funeral services? Why, as a customer, I cannot choice the merchandise from a separate entity. This is like only Eye Doctors can sell eye glasses. This is "Restriction of Trade".

Who is "an unlicensed person"? Is a cemetery a licensed person or entity?

This statement seems to take away the constitutional right of a person to select an entity to supply the merchandise for his/her funeral?

Is the intent of this statement to have the funeral industry in PA monopolize everything to do with funerals?

The amendment to 49 PA CODE CH 13 seems to place a tremendous amount of paperwork on the funeral director with out any consideration of re-imburement for this work.

See Section 13.224 "Under proposed subsection (b), a funeral director would be required to report to the Board all preneed accounts on a quarterly basis, including
..... must maintain copies of the report for 3 years.

The funeral director should be allowed a cancellation fee (say \$250) for all preneed contracts that are transferred to another funeral home.

There should also be a "Set up Fee" for all the work that the funeral director performs for preneed contract.

Section 13.227 prohibits the Funeral Director any compensation for all the work required by the Board in paperwork and the time expended in working with a customer in setting up a preneed contract. This Section should allow a set up fee and a cancellation fee. Also the funeral director has the right to waive these fees.

Section 13.224. This would restrict the customer from contracting for merchandise with a non-funeral director. In practice a customer could contract for merchandise with a non-funeral entity and set up services with a funeral director and have the funds placed in a trust account of the customer's choosing.

This seems to limit the ability of the customer to shop for the "best" merchandise prices.

Is this really the purpose of the amendment to the Pa 49 Code CH 13?

Thank you for considering my comments and recommendations.

Sincerely,

Dr. Thomas R. Tirney, President
Arlington Heritage Group