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2009 OCT 20 AM 8:50

"Advancing the Human Spirit"

INDEPENDENT REGULATORY
REVIEW COMMISSION

10/20/09

John Jewett
IRRC
333 Market St., 14th Floor
Harrisburg, PA 17101

Re: Preneed Funeral Arrangements
49 PA code 13.1, 13.224-13.13.229

Comment:

The proposed rulemaking clarifies language for Funeral Directors and increases protections for consumers related to contracts used by Funeral Directors and the portability of prepaid burial contracts. This is helpful for everyone concerned. A population that has used prepaid burial contracts for years are people who receive services through the Department of Public Welfare, and who must maintain certain financial asset limits. People who receive SSI and Medicaid are held to strict asset limits in order to maintain their eligibility for service. They have been able to purchase irrevocable prepaid burial plans in order to plan for and pay for end of life services.

Keystone Residence supports many people who have set up irrevocable contracts with Funeral Directors, and will continue to do so. Planning for and saving for a proper burial is the most important final and dignified activity people with disabilities can do. We actively encourage families and people we support to take care of these arrangements prior to death.

In reviewing the proposed rulemaking, there is no mention of language that preneed funeral contracts or preneed funds can be irrevocable. It was noted by the House Professional Licensure Committee that there should be verification that this proposed rulemaking does not run afoul of jeopardizing peoples Medicaid eligibility.

Without specific language in this regulation that addresses the issue of irrevocable funeral contracts, Funeral Directors will potentially put people at risk of losing their SSI and Medicaid eligibility.

I do not propose that all Funeral Directors must be required to set up and maintain irrevocable contracts nor be responsible for accepting an irrevocable contract from another Funeral Director. This would be an individual

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business decision. However if they do set up and maintain irrevocable contracts, they must insure that they remain irrevocable until the time the service is needed. I would request that the IRRC Board disapprove these proposed regulations and request clarification in any new regulation regarding the nature of irrevocable preneed funeral contracts/funds.

Thank you for your time and support.

Respectfully,

Michael L. Powanda
Executive Director

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From: Jewett, John H.
Sent: Tuesday, October 20, 2009 8:39 AM
To: Gelnett, Wanda B.; IRRRC; Cooper, Kathy; Wilmarth, Fiona E.; Johnson, Leslie A. Lewis
Subject: FW: preneed funeral arrangements comments
Attachments: Preneed funeral, IRRRC comments 20091020.doc

A "final comment" on #2627, 1

From: Powanda, Michael [mailto:Mpowanda@keystonehumanservices.org]
Sent: Tuesday, October 20, 2009 8:35 AM
To: Jewett, John H.
Cc: Gabrielle Sedor
Subject: preneed funeral arrangements comments

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FINANCIAL COMMISSION

John,
Thank you for your time yesterday, and informing us on the process regarding these proposed regulations, and the opportunity to present further comment. I have attached my comments that will hopefully be considered by the board. I do plan to attend the hearing on Thursday.

Michael L. Powanda

Executive Director
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