

P. MICHAEL STURLA, MEMBER
MAJORITY DEPUTY WHIP
333 MAIN CAPITOL BUILDING
P.O. BOX 202096
HARRISBURG, PENNSYLVANIA 17120-2096
PHONE: (717) 787-3555
FAX: (717) 705-1923

THE GRIEST BUILDING
8 NORTH QUEEN STREET
SUITE 1100
LANCASTER, PENNSYLVANIA 17603
PHONE: (717) 295-3157
FAX: (717) 295-7816



House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

COMMITTEES

PROFESSIONAL LICENSURE – MAJORITY CHAIRMAN
AGRICULTURE & RURAL AFFAIRS
FINANCE
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CAPITOL PRESERVATION

2627

October 3, 2007

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

RE: Proposed Regulation 16A-4815
State Board of Funeral Directors
Preneed Funeral Arrangements

Dear Mr. Kaufman:

The House Professional Licensure Committee on this date voted to take no formal action on Regulation 16A-4815 until final regulation is promulgated and submit the following comments:

1. The Committee suggests the inclusion of a definition for the term “rollover” used in §13.224(b).
2. The Committee asks if there is a need to include civil immunity for a purchaser of a preneed contract who then transfers the preneed contract to a different funeral director or funeral entity.
3. The Committee also suggests the use of a non-compete clause within a 50 mile radius to ensure the integrity of the contract and for consumer protection.
4. The Committee is aware of the requirements for a trust to be irrevocable for the purposes of spend-down for SSA or Medicaid benefits and would suggest that the board contact SSA and Medicaid to determine if the preneed contracts would still be considered irrevocable according to SSA and Medicaid if the proposed changes occur.
5. The Committee questions whether the proposed language should be clearer as to the fact that a preneed contract can be irrevocable but still transferable. The Committee notes that a revocable contract, under contract law, can be considered illusory and therefore, unenforceable.
6. The Committee would like further information on the regulations and/or laws pertaining to the portability of premed contract in other states.

Sincerely,

A handwritten signature in black ink, appearing to read "P. Michael Sturla".

P. Michael Sturla
Chairman, House Professional Licensure Committee

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