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INDEPENDENT REGULATORY
REVIEW COMMISSION

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Michelle T. Smey
Administrative Officer, State Board of Funeral Directors
P. O. Box 2649
Harrisburg, PA 17105-2649

August 28, 2007

Reference No. 16A-4815 (Preneed funeral arrangements)

Dear Ms. Smey,

I am an Elder Law attorney and President of the board of the Funeral Consumers Alliance of Greater Philadelphia, I want to state my support of Proposed § 13.228 which would govern customer transfers of preneed funds to another funeral director or funeral entity. **However, I presume that by "funeral entity" you mean an irrevocable burial account at a bank.** Some banks such as Bryn Mawr Trust Co. and United Bank offer those accounts, and many would be more willing to do so pending the change in this legislation.

I too would like to see the language modified to include all currently existing preneed / prepaid funeral arrangements, so that current Pennsylvania residents who have purchased preneed funerals will be free to move their contracts to another funeral director or to an irrevocable burial account at a bank.

I would not like to see a Pennsylvania resident be able to obtain a full refund of the pre-need contract because then they might be obligated to liquidate the account to

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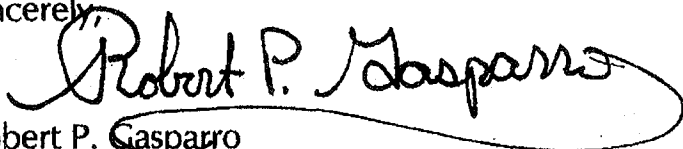
qualify for Medicaid if they maintain control of the funds. However, they should be permitted to transfer the funds to any other irrevocable burial account or another pre-need account, even after the death of the consumer who purchased the contract and before their funeral. Funeral directors should not mind this because most executors or family representatives will not do so unless there has been an unfair or major price increase by the funeral director between the time the funeral was arranged and the time of the funeral.

Residents may move within the state and desire a funeral director closer to their homes. They may change their minds about what sort of funeral they want, and decide they would like a cremation rather than burial. In either situation, the language of this bill should enable Pennsylvania residents to easily transfer their funds to any other funeral director or to an irrevocable burial account.

I consider contract provisions which are added in §13.227 to be contrary to the purpose and spirit of a prepaid / preneed contract. If a funeral is prepaid, and if it is indeed a contract, no additional charges should be allowed for those contracted services, regardless of what the funeral home's current rates have become since the contract.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Robert P. Gasparro". The signature is written in a cursive style with a large, sweeping flourish at the end.

Robert P. Gasparro

RPC/rg