

#2624

# The Philadelphia Alliance

Representing Community Providers for People with Mental Health, Mental-Retardation and Chemical Dependency Needs.

One Winding Drive, Monroe Bldg., Suite 201, Philadelphia, PA 19131 Tel 215.877.6400 • Fax 215.877.4748 • www.philalliance.org

RECEIVED  
NOV 15 PM 2:17

Jeffrey Wilush  
President

Denise Brown  
President-Elect

Michael Link  
Vice-President

Gerald Skillings  
Secretary

Paula Cullinan  
Treasurer

Sharon Kauffman  
Past President

Tim Wilson  
Executive Director

November 14, 2007

Fiona E. Wilmarth,  
Director of Regulatory Review  
Independent Regulatory Review Commission  
333 Market Street  
14th Floor  
Harrisburg, PA 17101

INDEPENDENT REGULATORY  
REVIEW COMMISSION

Re: Proposed Regulations  
**#16A-4815** (Pre-Need Funeral Arrangements); and  
**#16A-4816** (Pre-Need Activities of Unlicensed Employees)

Dear Ms. Wilmarth and Members of IRRC,

The Philadelphia Alliance of specialized agencies is a professional organization of 42 provider agencies in Philadelphia that serve more than 50,000 people in Pennsylvania with needs related to mental retardation, mental illness, and chemical dependency.

I am writing you today on behalf of our members to express our opposition to the regulations proposed by the State Board of Funeral Directors regarding Pre-Arranged Funerals and the use of unlicensed individuals for the sale of prearranged services. The regulations, as proposed, threaten to eliminate the willingness of funeral directors to provide pre-planned services and restrict the ability of consumers to obtain affordable prearranged funerals.

The proposed regulations would:

- (1) Require a licensed funeral director to conduct all related activities personally;
- (2) Burden the funeral director with time consuming and costly quarterly reporting;
- (3) Force the funeral director to allow all contracts be transferable at the discretion of the consumer without addressing the irrevocable nature of such arrangements, [Maintaining the irrevocability of pre-need funds is very important for income and asset determinations in Social Security or MA programs.]; and
- (4) Require notification of every customer regarding the ability to transfer the contract in the event of a change in ownership. By placing these unnecessary burdens on funeral directors, you would be devaluing pre-need funeral planning, which a significant segment of the population wants and values.

- Barber National Institute
- CareLink Community Support Services
- Carson Valley School
- Catholic Social Services
- Center for Autistic Children
- Children's Crisis Treatment Center
- Children's Services, Inc.
- Community Integrated Services
- Devereux Community Services of Phila.
- Elwyn, Inc.
- EMAN Community Living, Inc.
- Gaudenzia, Inc.
- Horizon House, Inc.
- Intercultural Family Services, Inc.
- JEVS Human Services
- KenCCID
- Ken-Crest Services
- Lynch Community Homes
- Mental Health Assoc. of SE PA
- NorthEast Treatment Centers
- Northern Home for Children & Family
- PDDC / ARC
- Pennsylvania Mentor
- Philadelphia Consultation Center
- Philadelphia Health Management Corp.
- Philadelphia Mental Health Center
- Philadelphia OIC
- Programs Employing People
- Quality Progressions
- Resources for Human Development
- Self-Help Movement, Inc.
- Special People in Northeast, Inc.
- St John's Community Services
- Step-by-Step
- Tabor Children's Services
- The Association for Independent Growth
- The Salvation Army
- United Cerebral Palsy of Philadelphia
- Walker Memorial Training Center
- Wedge Medical Center
- Wordsworth Academy

As service providers for individuals with disabilities, our goal is to provide independence and dignity during the lifetime of such individuals. Additionally, there is a moral obligation to these people and those who care for them to provide the same dignity upon their death. Through prearrangement plans an individual's team, along with the individual with disabilities and their families, are able to plan the service that they want. Through the pre-payment plans, what was once impossible for the people we support is now a reality.

As the Executive Director of the Philadelphia Alliance, I am deeply concerned about the insensitivity regarding how individuals with disabilities (often uninsurable) will be laid to rest under these regulatory changes. As a potential customer, whose parents have prearranged their funerals, I am also alarmed that the Board would propose regulations that would limit my ability to do the same.

The members of The Philadelphia Alliance are puzzled why the State Board of Funeral Directors would propose regulations that would restrict access to prearranged funerals. It is difficult to see how these regulations protect the public. One has to wonder if the State Board of Funeral Directors is simply pursuing some self-serving agenda, since they have not described the need for the proposed regulatory changes.

I thank you for reviewing our concerns. I have read the IRRC comments on these proposed regulations; and I see that we are in agreement on many points related to the questionable need for and the effect of these proposed regulations. Please continue to protect the public by allowing free competition and the ability to make informed, unemotional decisions. I am happy to discuss the concerns expressed here at public hearings on the regulations or at your convenience.

Sincerely,



Tim Wilson  
Executive Director

Cc: John H. Jewett, Regulatory Analyst, IRRC  
Heather Wimbush Emery, Assistant Counsel, IRRC

Honorable P. Michael Sturla, Chairman, House Professional Licensure Committee,  
333 Main Capitol Building, PO Box 202096, Harrisburg, PA 17120-2096  
Marlene Tremmel, Executive Director, House Professional Licensure Committee  
Christine Line, Counsel, House Professional Licensure Committee

RECEIVED

2007 NOV 15 PM 2:17

INDEPENDENT REGULATORY  
REVIEW COMMISSION

**Gelnett, Wanda B.**

**From:** Jewett, John H.  
**Sent:** Thursday, November 15, 2007 1:35 PM  
**To:** Gelnett, Wanda B.  
**Cc:** Wilmarth, Fiona E.  
**Subject:** FW: Letter re Proposed Regulations for Pre-Need Funeral Planning

P.S. They also be stored in the same folder for #2627. Thanks!

-----Original Message-----

**From:** Jewett, John H.  
**Sent:** Thursday, November 15, 2007 1:34 PM  
**To:** Gelnett, Wanda B.  
**Cc:** Wilmarth, Fiona E.  
**Subject:** FW: Letter re Proposed Regulations for Pre-Need Funeral Planning

This email and the attached letter should be added to the "proposed comments" folder for #2639.

Thanks!

-----Original Message-----

**From:** Tim Wilson [mailto:tim@philalliance.net]  
**Sent:** Thursday, November 15, 2007 1:31 PM  
**To:** Wilmarth, Fiona E.; Jewett, John H.; Emery, Heather; msturula@pahouse.net; mtremmel@pahouse.net; cline@pahousegop.com  
**Subject:** Letter re Proposed Regulations for Pre-Need Funeral Planning

Dear Ms. Wilmarth, John Jewett, Heather Wimbush Emery, and the Honorable P. Michael Sturla, Chairman, House Professional Licensure Committee, and Marlene Tremmel, Executive Director, and Christine Line, Counsel,

Please see the **attached e-letter** regarding the reaction of The Philadelphia Alliance of specialized agencies about the proposed regulation changes that would impact and threaten pre-planning and pre-payment for funerals.

A paper copy of the letter has been mailed to you. Please feel free to contact me with any questions or clarification. Thank you for your consideration of our comments. Tim Wilson

**ADDRESS & PHONE**

Tim Wilson  
Executive Director  
The Philadelphia Alliance  
One Winding Drive  
Monroe Building, Suite 201  
Philadelphia, PA 19131  
Phone: 215-877-6400

FAX: 215-877-4748

**[www.philalliance.org](http://www.philalliance.org)**