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Pre-Need Family Services

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12 November 2009

Arthur Coccodrilli, Chairman
Independent Regulatory Review Committee
333 Market Street, 14th Floor
Harrisburg, PA 17101

RE: OPPOSITION to regulation 16A-4816

Dear Chairman Coccodrilli,

Thank you for this opportunity to voice my opposition to proposed regulation 16A-4816.

I have been involved as a member of the free enterprise system within this industry for over 24 years. During that tenure, it seems that battles have been waged from an old guard, let's-do-business-like-we-did-it-in-the-1950's, licensed funeral director side that repeatedly attempts to put limits on options Pennsylvania consumers have regarding their funeral planning. This is another one of those battles.

These regulations have been designed to respond to issues put forth by the federal court case Walker v. Flitton (2005). At best, the regulations so narrowly interpret the Judge's instructions as to virtually ignore them. Indeed, while the State Board of Funeral Directors held public hearings over the past four years in order to address the issues raised, virtually all input, suggestions, comments and concerns from those opposing the harsh and unwavering constricted interpretation of the Judge's opinion have been ignored.

This regulation will totally eliminate a funeral director's ability to use unlicensed employees (and agents) to honestly and effectively promote his or her business, will put a chilling effect on competition within this Commonwealth, and ultimately reduce consumer options.

Ironically, this regulation will make it necessary that only a licensed funeral director is able to make pre-need funeral arrangements, where the pressures and grief of death are most often totally absent. Meanwhile, as the absurdity continues, the Funeral Director Law maintains to allow any employee of a funeral director - a spouse, the secretary, a gardener - to make at-need arrangements, including decisions on embalming, refrigeration, visitation and burial dates, with grieving next-of-kin.

There is little doubt that a license funeral director should be involved in the funeral planning aspect of a consumer's decision making process. However, consumer options through honest competition and the dissemination of information should be enhanced, not stifled.

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For decades, my business was directly and indirectly involved with pre-need funeral arranging for funeral homes throughout the Commonwealth. Funeral directors hired both unlicensed and licensed employees to effectuate these arrangements with nary a consumer complaint. Indeed, as declared in Walker v. Flitton and through the absolute absence of data from the Funeral Board, no consumer complaint or critical outcry against non-licensed employees has made this regulation necessary. In fact, the record is absolutely void of demonstrative proof the regulation would serve the Pennsylvania consuming public at all.

This regulation should be rejected. I believe appropriate regulations could be designed to correctly address the issues highlighted in Walker v. Flitton while strengthening the profession of funeral directing and offering increased benefits to Pennsylvania consumers.

Most sincerely,

PRE-NEED FAMILY SERVICES

/s/ David A. Heisterkamp

David A. Heisterkamp
President

c: Thomas A. Blackburn, Esq.
State Board of Funeral Directors
PO Box 2649
Harrisburg, PA 17105

/DH

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From: DVDHEISTER@aol.com
Sent: Thursday, November 12, 2009 7:16 PM
To: IRRRC; Jewett, John H.
Subject: 16A-4816
Attachments: 16A-4816.rtf

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REVIEW COMMISSION

Attached are comments **opposing** 16A-4816.
Thank you.
Dave Heisterkamp
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Lancaster, PA