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**From:** Murphy, Mark [mmurphy@drnpa.org]  
**Sent:** Tuesday, November 17, 2009 9:24 AM  
**To:** IRRC  
**Cc:** 'rtomlinson@pasen.gov'; 'mmcgeeha@pahouse.gov'  
**Subject:** Comments on Proposed Pre-Need Regulations 16A-4816  
**Attachments:** 111609 irrc ltr re funeral reg comments.pdf

Please accept the attached comments regarding proposed pre-need regulations 16A-4816.

Thank you.

Mark Murphy  
Disability Rights Network of Pennsylvania

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2009 NOV 17 AM 10:22

INDEPENDENT REGULATORY  
COMMISSION

2639

# Disability Rights Network of Pennsylvania

A merger of PP&A and the  
Disabilities Law Project

Advancing the rights of people with disabilities

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**BY E-MAIL – irrc@irrc.state.pa.us**

November 16, 2009

Kim Kaufman  
Executive Director  
Independent Regulatory Review Commission  
333 Market Street, 14th Floor  
Harrisburg, PA 17101  
Fax: 717-783-2664

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INDEPENDENT REGULATORY  
REVIEW COMMISSION

Re: *Comments on Proposed Pre-need Regulations 16A-4816*

Dear Mr. Kaufman:

The Disability Rights Network of Pennsylvania (DRN) submits these comments on the Proposed Rulemaking on Pre-Need Activities of Unlicensed Employees. DRN is the organization designated by the Commonwealth pursuant to federal law to advocate for and protect the rights of Pennsylvanians with disabilities. Given the significant potential for negative impact on Pennsylvanians with disabilities, we ask that you consider DRN's comments prior to finalization of these regulations.

Most individuals with significant disabilities live on limited incomes and subsist on Supplemental Security Income (SSI) benefits. These individuals, as a result of their SSI eligibility, also are entitled to participate in the Medical Assistance (MA) program. The MA program is critical to provide individuals with significant disabilities with health care and support services they need to remain in their own homes and communities.

DRN is concerned that this proposed regulation governing pre-need planning could prove so burdensome that funeral entities will cease to engage in such planning so as to restrict the ability of individuals with disabilities to secure affordable, pre-arranged funerals and to have a choice of funeral entities that provide these services.

Proposed section 13.206(a) would require licensed funeral directors to enter into pre-need contracts, rather than allowing the use of unlicensed employees as does current law in certain circumstances. Individuals with disabilities may be unwilling and, in many cases, unable to travel to meet with the funeral director and, if they have already spoken with an

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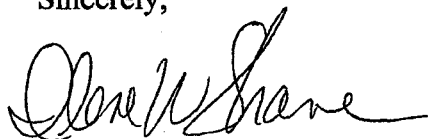
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Kim Kaufman  
November 16, 2009  
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unlicensed employee, they feel undue pressure if required to meet with the director. DRN thinks that the State Board should guarantee the right of an individual to meet with a funeral director before signing pre-need documents, but that the right can be waived by the individual or his/her legal representative. This can be accomplished by requiring a clear notice on documents signed by the individual or his legal representative that informs him of his right to meet in-person with the funeral director before signing, but that allows him or his representative to waive that right provided that clear information about the right is included on documents that the person must sign.

Thank you for considering DRN's comments and recommendations. If you have any questions, please do not hesitate to contact me.

Sincerely,



Ilene W. Shane  
Chief Executive Officer

cc: Sen. Robert M. Tomlinson, Chair, Senate Consumer Protection &  
Professional Licensure Committee (by e-mail [rtomlinson@pasen.gov](mailto:rtomlinson@pasen.gov))  
Rep. Michael P. McGeehan, Chair, House Professional Licensure  
Committee (by e-mail [mmcgeeha@pahouse.gov](mailto:mmcgeeha@pahouse.gov))