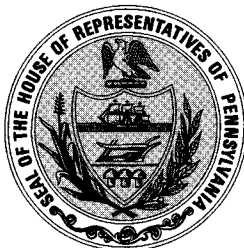


HARRY A. READSHAW, MEMBER

122 IRVIS OFFICE BUILDING  
P.O. BOX 202036  
HARRISBURG, PENNSYLVANIA 17120-2036  
PHONE: (717) 783-0411  
FAX: (717) 705-2007

1917 BROWNSVILLE ROAD  
PITTSBURGH, PENNSYLVANIA 15210  
PHONE: (412) 881-4208  
FAX: (412) 886-2077



COMMITTEES:

PROFESSIONAL LICENSURE  
CONSUMER AFFAIRS  
GAME AND FISHERIES

House of Representatives  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG  
November 6, 2009

2639

Arthur Coccodrilli, Chairman  
IRRC  
333 Market Street, 14<sup>th</sup> Floor  
Harrisburg, PA 17101

Dear Chairman Coccodrilli,

I am writing for your support for Regulation 16A-4816 which has been proposed by the PA State Board of Funeral Directors and is currently being reviewed by the Independent Regulatory Review Commission (IRRC).

The State Board of Funeral Directors, over a period of four years, held public meetings seeking input from all interested parties prior to promulgating this regulation. 16A-4816 is a regulation proposed by the State Board of Funeral Directors specifically to address the concerns raised in the federal court case, Walker v. Flitton (2005). At the court's suggestions, the regulation helps to define what activities by unlicensed employees are permissible in funeral homes. The federal court case of Walker<sup>1</sup> DID NOT overrule Pennsylvania statute or case law, which provides that only a licensed funeral director can sell or offer to sell preneed services and merchandise incidental thereto.

Pennsylvania state law has already been tested on the issue of unlicensed activity. It was upheld in the appellate courts that only a licensed funeral director can sell or offer to sell preneed funeral services and merchandise incidental thereto as well as cremation services.<sup>2</sup>

<sup>1</sup> Walker v. Flitton, 364 F Supp. 2d 503 (M.D. PA) 2005

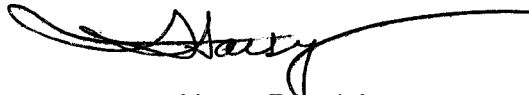
<sup>2</sup> Ferguson v. State Board of Funeral Directors, 768 A.2d 393 (Pa. Cmwlth. 2001) *appeal denied* 782 A.2d 549 (2001); and Cornerstone Family Services v. BPOA, 802 A.2d 37 (Pa. Cmwlth 2002)

RECEIVED  
2009 NOV 10 AM 9:31  
INDEPENDENT REGULATORY  
REVIEW COMMISSION

Consumers in two independent studies overwhelmingly supported the concept that only licensed funeral directors should be able to arrange preneed and at-need funeral services: 2005-77.2% and 2009-87.3%. (Copies of the full surveys are available from PFDA.) AARP, the largest senior group in Pennsylvania, supports Regulations 16A-4816 that only licensed funeral directors can prearrange and prefinance a funeral. Please approve Regulations 16A-4816.

If you have any questions, please feel free to call me.

Sincerely,

A handwritten signature in black ink, appearing to read "Harry", with a long, sweeping horizontal line extending to the right.

Harry Readshaw  
Member  
36th Legislative District

/mm

## **Talking Points On Regulation 16A-4816**

- 4816 is a regulation proposed by the State Board of Funeral Directors specifically to address the concerns raised in the federal court case, Walker v. Flitton, 2005.
- At the courts suggestion, the regulation helps to define what activities by unlicensed employees are permissible.
- The federal court case of Walker DID NOT overrule Pennsylvania statute or case law<sup>1</sup> which provides that only a licensed funeral director can sell or offer to sell preneed services and merchandise incidental thereto.
- The State Board of Funeral Directors, over a period of four years, held public meetings seeking input from all interested parties prior to promulgating this regulation.
- PA state law has already been tested on the issue of unlicensed activity and it was upheld in the appellate courts that only a licensed funeral director can sell or offer to sell preneed funeral services and merchandise incidental thereto as well as cremation services.<sup>2</sup>
- Consumers in two independent studies overwhelmingly supported the concept that only licensed funeral directors should be able to arrange pre-need and at-need funeral services:
  - 2005 - 77.2%
  - 2009 - 87.3%
- AARP, the largest senior group in PA supports regulation 4816 that only licensed funeral directors can prearrange and prefinance a funeral. (see attached memo)

---

<sup>1</sup> Ferguson v. State Board of Funeral Directors, 768 A.2d 393 (Pa. Cmwlth. 2001) *appeal denied* 782 A.2d 549 (2001)

<sup>2</sup> Cornerstone Family Services v. BPOA, 802 A.2d 37 (Pa. Cmwlth 2002)

PFDA vs. State Board 1985

State Board v. Ferguson and Morey 2001

Cornerstone 2002

Bean v. State Board 2004

Walker v. Flitton 2005

Pre-Need Family Services 2006