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Office of the Majority Whip
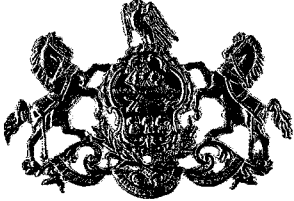
Senate of Pennsylvania

November 12, 2009

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

Dear. Mr. Coccodrilli:

As you know, the State Board of Funeral Director's Final-Form Regulation 16A-4816 (Preneed Activities of Unlicensed Employee) is currently before the Commission and scheduled for a vote on November 19, 2009.

For years, there have been varying legal opinions as to what constitutes prearranged funerals and who can perform the act of prearranging. A federal court case -- *Walker v. Flitton* -- directed the Board to delineate what conduct by unlicensed persons is permissible. This regulation defines such conduct. In general, an unlicensed employee is permitted to provide general information -- such as price lists -- but cannot consummate a sale or hold himself out as a funeral director.

Pennsylvania law is clear that consumers are protected through the licensure of funeral directors -- who can be fined or lose their license if they act in illegal or unethical manner. This regulation underscores this very important tenet by ensuring that those individuals that prearrange funerals are fully licensed.

I respectfully ask that you approve Final-Form Regulation 16A-4816.

Sincerely,

Jane C. Orie
Majority Whip
40th Senatorial District

JCO/ns