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The Philadelphia Alliance

Representing Community Providers for People with Mental Health, Mental Retardation and Chemical Dependency Needs.
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November 14, 2007

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

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

Dear Mr. Coccodrilli and the Members of the 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.

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: Fiona E. Wilmarth, Director of Regulatory Review, IRRC
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