

2639

---

**From:** Josh Slocum [josh@funerals.org]  
**Sent:** Thursday, November 12, 2009 2:09 PM  
**To:** IRRC  
**Cc:** kathy@pfda.org; Robert Gasparro; David Morrison; LOWELL SWARTS; Laurie Mulvey  
**Subject:** Comments on proposed funeral sales regulation  
**Attachments:** FCA Support on Prened Licensure Reg 48.16 11.05.2009.pdf

11/12/2009

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

Dear Madam or Sir,

Attached please find a letter of support for proposed regulation 16A-4816.

Sincerely,

Joshua Slocum  
Executive Director  
Funeral Consumers Alliance  
33 Patchen Road  
South Burlington, VT 05403  
802-865-8300

RECEIVED  
NOV 12 PM 2:09



---

**Protecting a consumer's right to choose meaningful, dignified, and affordable funerals since 1963**

**BY EMAIL**

November 12, 2009

Independent Regulatory Review Commission  
333 Market Street, 14<sup>th</sup> Floor  
Harrisburg, PA 17101

**SUPPORT FOR PROPOSED REGULATION 16A-4816  
REQUIRING LICENSURE FOR FUNERAL SALES STAFF**

Dear Commissioners,

The national Funeral Consumers Alliance, a 501(c)(3) nonprofit organization, supports the proposal to require that funeral businesses use only licensed funeral directors to complete the sale of a funeral. Our organization includes four chapters in Pennsylvania, and we represent the interests of the funeral-buying public and our 400,000 members among our 100 affiliated groups. Since 1963, we have acted as the voice of the bereaved by successfully advocating for tougher funeral and burial regulations, and by educating Americans on their legal rights in the funeral transaction.

FCA has seen many cases of consumer abuse—particularly of the elderly—when unlicensed, commission-based employees sell funerals, particularly prepaid funerals. Such employees have every incentive to promise consumers the sun and the moon in order to make the sale. They frequently do not understand the legal obligations funeral providers have to consumers (under state and federal regulations), and often do not accurately disclose the legal rights funeral consumers enjoy. In addition, such employees will not be the ones actually providing the funeral services they sell. Funeral homes that use such employees do their clients a disservice, and may be wholly unaware of what the consumer *thinks she can expect* from the funeral home when the contract is performed.

FCA considers its policies on licensure very carefully, and with nuance. We do not endorse overly restrictive licensure laws which function merely to stifle competition. For example, we have participated in court cases to overturn state laws limiting the sale of caskets to licensed funeral directors. But the sale of the entire funeral on behalf of a funeral establishment is a different case. We believe funeral homes should be required to ensure that only their licensed staff actually sells the funeral, and that unlicensed employees should be supervised. Proposed regulation 16A-4816 accomplishes this, while appropriately allowing (in fact, requiring) unlicensed employees to distribute truthful information to consumers in compliance with the Federal Trade Commission's Funeral Rule.

Sincerely,

A handwritten signature in cursive script that reads "Joshua Slocum".

Joshua Slocum  
Executive Director