

# PUBLIC HEARING ON ADMINISTRATIVE RULES SIGN-IN SHEET

|                              |  |                   |   |
|------------------------------|--|-------------------|---|
| Agency name:                 | Michigan Department of Licensing and Regulatory Affairs          |                   |   |
| Division/Bureau/Office:      | Corporations, Securities, and Commercial Licensing Bureau (CSCL) |                   |   |
| Title of proposed ruleset:   | Mortuary Science   |                   |   |
| ARD assigned ruleset number: | 2023-17 LR   |                   |   |
| Hearing date:                | 7/18/2024  | Hearing location: | Sun Conference Room, 2407 N. Grand River Ave, Lansing, MI 48906 |

| NAME              | ORGANIZATION REPRESENTED                              | E-MAIL                             | WISH TO TESTIFY?   |
|-------------------|---|------------------------------------|--|
| Jayynn Lassic     | Mortuary Science Licensee                             | JLassic@gmail.com                  | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No |
| Jasmine Wooten    | Wooten Mortuary Solutions LLC/Mort Sci Licensee       | jwooten@wooten-solutions.com       | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No |
| Mitchell Page     | LARA  | page.m6@mi.gov                     | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No |
| Caitlin Keene     | LARA  | keene.c@mi.gov                     | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No |
| Craig Harms       | Michigan Council Burial Vault & Crematory Association | Craig@LenoxCremation.com           | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No |
| Charlotte Goutimy | Mortuary Science Board                                | goutimy23@gmail.com                | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No |
| VERN PIXLEY       | MORT Science Bd                                       | VERN.PIXLEY@SCA-US-                | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No |
| Kyle Schieweck    | GRACE MEMORIAL  | Kyle@GRACEMEM.COM                  | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No |
| Daniel Jansen     | Jansen Family FH                                      | daniel@jansentorred                | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No |
| Scott Hurrell     | PIXLEY  | scott.hurrell@digitalsolutions.com | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No |
| Bradley Horton    | LARA  | hortonb@mi.gov                     | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No |
| Linda Clegg       | LARA  | clegg.l@mi.gov                     | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No |
| BRIAN JOSEPH      | VERHEYDEN   | bjoseph@verheyden                  | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No |
| Gregory McClary   | Chapel of Ft. Ch...                                   | mcclaryth@yha.c-                   | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No |
| Jared Rozycki     | MFDA  | jrozycki@mfda.org                  | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No |
| Phil Douma        | Michigan Funeral Director Assn                        | pdouma@mfda.org                    | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No |
| Lila Mandziuk     | Mandziuk & Son  | lmandziuk@lead                     | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No |
| PAUL BOCHANAN     | GENERATIONS   |                                    | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No |

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| NAME                           | ORGANIZATION REPRESENTED  | E-MAIL | WISH TO TESTIFY?   |
|--------------------------------|---------------------------|--------|--|
| - <i>Tim Boyer</i>             | <i>Comentis</i>           |        | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No |
| - <i>Ben Tolk</i>              | <i>HTI LLC/Consumer</i>   |        | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No |
| - <i>Jon O'Hara</i>            | <i>HTI</i>                |        | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No |
| - <i>Wim Swieczkowski</i>      | <i>W.L. Case &amp; Co</i> |        | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No |
| - <i>Alan Jowett</i>           | <i>Jowett JF</i>          |        | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No |
| - <i>SEAN T. Auld</i>          | <i>SCI MICHIGAN</i>       |        | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No |
| - <i>Peggy Wisley-Fitzthum</i> | <i>Skorupski FFAICS</i>   |        | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No |
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|                                |                           |        | <input type="checkbox"/> Yes<br><input type="checkbox"/> No            |

**Transcript of Public Hearing for Ruleset 2023-17 LR**

**00:00:01 Mitchell Page**

All right. Good morning. Thank you for being here. This is a public hearing on the proposed administrative rules entitled Mortuary Science. This hearing is being conducted pursuant to provisions of the Administrative Procedures Act and the Michigan Occupational Code. And on behalf of the Department of Licensing and Regulatory Affairs, Corporations, Securities and Commercial Licensing.

This hearing is being called to order at 10:04 AM on July 18th, 2024, at the offices of CSCL in Lansing, MI. This hearing was published in three newspapers of general circulation as well as the Michigan Register issue #11, which was published on July 1st, 2024.

My name is Mitchell Page, and I will be facilitating the hearings today.

Please know, per the provisions of the APA, the public hearing format will not be taking the form of a question-and-answer session, nor a discussion back and forth. We are here today to receive your comments on the proposed rules. If you wish to speak, please make sure you've signed in and indicated on the sign in sheet.

I'll call on speakers in the order in which they're listed. When you come forward, identify yourself with your name, the organization you represent, mailing and e-mail address so that we can transcribe it in the recording.

And then if you have additional comments, you can submit them in writing or e-mail no later than 5:00 PM on July 26, which is next Friday.

When you do come up here, just mind the wires on the ground and then the recording device is here, so also, just be mindful of that because there's a wire.

Let's see.

First speaker is going to be Craig, forgive me if I butcher your last name, harms. Craig.

OK, got it. I'll come back.

Next, we have Kyle Schweiker.

**00:02:12 Kyle Schweiker**

Good morning, my name is Kyle Schweiker. I am the owner of 4 funeral homes in Saint Clair and Macomb Counties. I am very active day-to-day operations of my funeral homes.

Um I come to voice the opposition of the physical uh presence of a funeral director at the time of arrangements and funeral services. I feel that as a funeral director and very involved in my funeral homes, that if there is somebody in my establishment that I trust to act in my position on the making of arrangements at the time that I am not in the actual presence of that arrangement, I feel that it's my duty to oversee that in maybe not a direct physical appearance, but over phone, video, or following up after I return to a facility.

There's often times where I'm maybe preparing embalming a body, which I embalm 95% of our bodies, and that I might not be in the same facility that somebody walks into when there's an at-need situation that I can't be at at the present moment.

I would pride myself with having interaction with 95 to 100% of the families, whether it's initially when they walk our doors or sometime during the process of the services that we will render, whether it's cremation directly or if it's services that will be held in our building.

I do have an issue with the uh, rescinding of the funeral inspections of the facilities.

I think that um I've, as a mortuary student in the last six years that graduated, I worked for multiple funeral homes in the Metro Detroit area that I think are subpar with a lot of their preparation rooms and their facilities, and I do not think it's appropriate that we would take away a requirement to inspect those facilities ongoing or at random.

I think that we should be held to a higher level of compliance with preparation facilities and general establishments, because there's a lot that goes on behind the doors than what they present at the front of these stores, and I think that there needs to be more accountability for the way that preparation rooms and the care of deceased, you know, are rendered. And I think that if there's going to be a change to any of these rules regarding equipment and inspections and things in our buildings that it should be more of refrigeration should be required, and I think that it should be less about the presence of a funeral director who's licensed in in, in, in the arrangements. Thank you so much.

**00:04:52 Mitchell Page**

Thank you, Kyle, next up we have Daniel Jensen, Jansen, sorry.

**00:05:06 Daniel Jansen**

Appreciate the opportunity to speak. I'm Daniel Jansen, a licensed funeral director and I represent an unheard portion of rural small town, Michigan. We're only a single license funeral director generally owns and manages a funeral home. The quick review of the Michigan appointed mortuary board misses out on this unheard section, as those on the board that are actually licensed funeral directors come from multi-license facilities where there are two or more licensees. Rural, small town, Michigan consists of towns and counties with a significant smaller population than cities and suburbs, but let me reassure you, we provide our community with quality funeral service.

I have one point of concern that addresses the proposed rule changes that uh, can and will greatly affect world rural smalltown funeral homes across our state, the unsupervised license help.

In these facilities, we are generally staffed by one or two regular employees, with one of them being the licensee, the unlicensed assistant is just as important in their aspect of the business as the licensee isn't handling human remains. in my case, and like others, the unlicensed employees assist in the day-to-day operations and makes prearrangements. You see, the state allows and trust this individual to sit down and make prearrangements where they must comply with FTC requirements, gather statistical data to complete a mission and death certificate, gather

information pertinent to write up an obituary, review different service options such as burial or cremation, review merchandise options and selections, and ultimately signing complete and itemized contract All without me standing over their shoulder. In some instances, they probably have done more arrangements than some licensed funeral directors.

Why is this all significant? Because when I am not there, they are able to step up and make that need arrangements with families also. So, if I'm up north or downstate for a burial in the transfer of a body into our care, transporting a body to the crematory, a family doesn't have to be delayed because someone the state already allows trust to make the arrangements is able to sit down and complete a detailed at-need arrangement, which was significant, used a significant amount of times during the COVID pandemic.

Let me be honest folks, making funeral arrangements is not rocket science. And I used to joke about the place I started at, I could put a cassette player in the room, push play and put the form and they could just fill it out. He never changed his spiel.

My unlicensed person is also able to step in and assist should I be sick out for surgery or hurt. I mean, let's be honest here too. Michiganders are getting bigger, so I have hurt my back a few times.

In my case, this year, attending events for my daughter's senior school graduation. I as the owner and managing licensee know my my unlicensed employees' limitations and hire licensed staff to come in and to oversee services, dress and cosmetics and human remains.

I'm asking the panel to take the time and fully understand there is no difference between the state allowing and trusting an unlicensed person to make prearrangements without direct supervision, as there would be to make that new arrangements, thank You.

**00:08:21 Mitchell Page**

Thank you, Daniel. Next up we got Scott Hurrell.

**00:08:29 Scott Hurrell**

Good morning, everyone.

My name is Scott Hurrell, market director with Service Corporation International and a funeral home licensed funeral director. First argument is that.

I would argue against the supervision of arrangers by a licensee. Right now, there are many resident trainees and unlicensed arrangers who do arrangements, and everything operates perfectly fine in in that regard. So.

So, under the supervision has been the standard and I strongly believe that it should remain the standard. I also am supportive of only having licensed facilities for arrangements, doing away with any unlicensed facilities that are arrangement centers.

I think this opens up too much opportunity to create issues moving forward.

I appreciate the adoption of the state to have any course which is approved by the Academy for community service professionals to be CE credit, assuming that is the standard, very, very supportive of that.

Uh.

And also, just to speak a little bit on the rule changes regarding the sheltering of remains, to me that that creates very bad outcomes.

Right now, if we want to prevent the atrocities that we've all experienced and seen in the past, we need to have a higher standard, standard of care and require refrigeration across the board. Having complete permission paperwork is a very much a positive, however what we want to prevent with any type of, you know, standard care that that would be done in a negative way by having that that really huge surface. So, we we really do need a requirement for refrigeration within our legal system and this would catch us up with many of the other states that are in the United States that operate.

So that's all I have in regards to rules changes.

Thank you everybody for your time.

**00:11:07 Mitchell Page**

Alright. Thank you, Scott. Next up we have Gregory McClary and we'll jump back to those.

**00:11:20 Greg McClary**

Good morning.

Hope all of you are well and families are well also to the department officials, I'm Gregory McClary. I serve as President of the National Funeral Directors Association. I'm a licensed funeral director and owner of the Chape of the Chimes Funeral Home, Westland.

On the behalf of more than 400 licensed funeral establishments and 1100 licensed people that the Michigan Funeral Directors represent, I want to thank you for allowing us to be here this morning to testify on these proposed changes.

Before we provide our detailed formal comments on proposed changes, we want to 1st thank, take this time to express sincere appreciation for the department effort for obtaining the Mortuary of Michigan Mortuary science regulation. In addition to the collaboration with the State Board of Examiners in Mortuary Science, we only imagine the amount of time and energy it took to make these changes. After careful examination of the proposed portrait science rule set, in general, we found most of the proposed rules will advance Mortuary Science profession in Michigan, making much needed improvement to funeral establishments and residential training requirement, establishing a regulatory framework for upcoming continued education, enhancement of industry standards for identification, care and storage for human remains.

Just as we identified the revision containing proposed rules that will advanced the mortuary

science profession, we also take and detect areas of concerns, especially several proposed rules that exceeds statutory authority, and proposed rules that needs clarification to prevent enforcement and participation, implementation issues, our testimony today would be focused on these areas of concern.

That said, we offer the following comments, concerns and suggestions to better sharpening and refining the proposed mortuary science rules.

It is our hope that the department will heavily consider our expertise on the matter and incorporate the suggestions prior to the proposed being enacted. Today I have with me, our MFDA executive Director, Phil Douma and our program relation coordinator Jared Rozycki.

And at this time, Jared.

**00:14:10 Jared Rozycki**

Thank you, department officials. Let's just get right into it. So proposed rule 1(1)(d) and (g), which define "Continuing Education" and "Course," exceed statutory authority by limiting both definitions to continuing education and courses covering the topics listed in section 1806b(2)(a) of the Code. The Code clearly states, however, that only two of the four hours of continuing education required each year must cover subjects under 1806b(2)(a). As such, these regulatory definitions would amend the statute by requiring that all continuing education and courses, not just the minimum 2 hours per year, cover the listed subjects under section 1806b(2)(a). For this reason, MFDA strongly urges the department to broaden the definitions by deleting reference to 1806b(2)(a).

Proposed rule 1(1)(L) adds a definition for the term "Supervision," which poses a number of problems. First, it includes arranging for mortuary science services within the "practice of funeral directing." The code defines "practice of funeral directing" and makes no mention of arranging for mortuary science services. MFDA will discuss this issue more fully when commenting on proposed rule 42, but an administrative rule promulgated under a statute cannot amend the statutory definition. Furthermore, the code makes clear that the practice of funeral directing is a part of the practice of mortuary science, and therefore requires a mortuary science license. The proposed rule, however, contemplates that it could be done by a non-licensee, albeit under "supervision."

Finally, proposed rule 23(8) uses the phrase "supervised by a mortuary science licensee," but then states that the mortuary science licensee must be physically present in the same room as the individual being supervised. This is wholly different from the definition of "Supervision," which only goes so far as stating the mortuary science licensee be physically present at the funeral establishment. This would undoubtedly create substantial confusion. For these reasons, MFDA urges that the definition of "Supervision" be deleted. Please note, however, MFDA supports proposed rule 23(8) with a clarification, which we will address shortly.

Proposed rule 21 begins: "An applicant for a mortuary science license shall satisfy the requirements of the Code. In addition to the requirements of the code, an applicant shall satisfy all of the following:". MFDA notes that administrative rules may not add licensing requirements

to the statute. Consequently, MFDA advocates that rule 21 simply begin with “An applicant for a mortuary science license shall satisfy all of the following:”.

Furthermore, the last sentences of rules 21(a) and (b) are designed to ensure the 60 hours of general education and the 30 hours of mortuary science education are separate. But in practice these sentences taken together could result in requiring a total of four years of post-secondary education – not the three years prescribed by the Code. For example, at a two-year mortuary science program, a student who graduates with an Associate’s Degree upon completion could, under the proposed rules, be required to obtain an additional 60 hours of general education.

To address this concern, MFDA recommends that proposed rules 21(a) and (b) be deleted and replaced with a new rule 21(a) requiring completion of not less than 90 semester (or its equivalent quarter) hours, with not less than a 2.00 grade point average, of non-remedial college level courses at an accredited college or university, including graduation from an accredited mortuary science program pursuant to R 339.18922(1). In this way, the proposed rule can correctly delineate the code’s 3-year education requirement, while still accommodating the varying durations of mortuary science education programs across the country.

Proposed rule 23(1) and (2) conflict with one another as currently drafted. The third sentence of rule 23(1) states that a resident trainee license may not be renewed more than once, and (2) provides a process for an exception to that restriction. To resolve this conflict, MFDA suggests that the third sentence of rule 23(1) be amended by adding “Except as provided in (2), the resident trainee license may not be renewed more than once.”

Proposed rule 23(8) states a resident trainee performing an embalming be personally supervised by a mortuary science licensee, however, the proposed rule fails to acknowledge that the minimum embalming requirement for a resident trainee can be fulfilled by a resident trainee “assisting a licensee in the preparation of dead human bodies.” This proposed rule should be amended to include the act of assisting in the preparation of dead human bodies under Rule 25(a).

Proposed rule 28(1)(a) and (b) appear to be redundant. MFDA suggests that the two subsections be merged by stating that an applicant obtain a total of 4 hours (2 per year) of continuing education covering the topics detailed in section 1806b(2)(a) of the Code.

Proposed rule 28a(1)(b) provides one continuing education credit hour for licensees that attend a board meeting. That subsection should be clarified by stating that a continuing education credit be granted to licensees that attend a State Board of Examiners in Mortuary Science meeting, not a board meeting of another entity.

Proposed rule 29(2)(a), which outlines the department’s approval process for continuing education courses, once again seeks to amend the code by limiting continuing education subject matter to topics described in section 1806b(2)(a). This proposed rule exceeds statutory authority by requiring that continuing education courses only cover the topics listed under section 1806b(2)(a), when the code specifically provides that only two of the required 4 hours of



continuing education each year cover those specific topic areas. Consequently, this requirement should add the qualifier, “if applicable” to (2)(a).

Remaining under rule 29, MFDA seeks clarification on subsection (4), which states courses approved by the department are valid for two years. Does this subsection also include courses approved by the Academy of Professional Funeral Service Practice? Or is it strictly limited to courses approved by the department under (2)? Courses approved by the academy are approved courses under proposed Rule 29(1). Whether (4) applies to (1) should be clarified.

In regard to part 4 of the proposed rules: care and storage of remains, there are two separate subsections pertaining to recordkeeping that need to be addressed. The first being proposed rule 32(1)(h)(iii). It is common for multiple licensees to be in contact with a decedent throughout the duration of the decedent’s care at the funeral establishment. This subsection should be made plural, thus ensuring that every licensee at the funeral establishment that cared for the decedent is included on the case report.

Secondly, proposed rule 32(2)(c) should be amended requiring that a funeral establishment, rather than a licensee, retain recordkeeping of cremated remains. In practice, it would be the funeral establishment maintaining a database for all records of cremated remains stored in the facility. Additionally, this provision implies a licensee would remain employed at the same funeral home for the 7 years a cremated remains report is required to be maintained, which may not be the case.

Under proposed rule 35, which covers transportation of remains to a crematory, subsection (a) is imprecise in stating a container for cremation be “rigid.” This rule should be amended by including language from the International Conference of Funeral Service Examining Boards’ model law for disposition standards. Specifically, the International Conference includes language requiring containers for cremation to be leakage or spillage resistant. MFDA’s view is that any container for cremation showing signs of leakage should never be transported to a crematory as it presents a significant public health, sanitation and safety hazard for all of those involved, including crematory personnel.

Proposed rule 37(1) requires identification of a decedent by the authorizing agent, either visually, or through a photograph. The proposed rule is unclear, however, as to whether the photograph is to be provided by the authorizing agent or taken of the decedent by the funeral establishment and provided to the authorizing agent. Either way, photography, even though sanctioned by rule, poses significant exposure to civil liability for the funeral establishment arising from the possibility of misidentification due to a poor or outdated photo provided by the family or the further dissemination or reproduction of the images taken by funeral establishment personnel. MFDA strongly urges that proposed rule 37(1) be amended by deleting references to positive identification through photograph or other visual images of the remains, and that any photographic requirement be accomplished by working with legislators to amend the code to add this requirement in a way that provides protections from liability exposure. In addition, the requirement for visual identification should be amended to allow the authorizing agent to waive this requirement.

Furthermore, the proposed rule's next sentence provides alternative means of identification if visual identification is not "feasible." MFDA advocates that feasibility be clarified by adding the words, "due to the decedent's condition," to define when visual identification is not feasible.

MFDA seeks clarification on proposed rule 41, regulating advertising. For example, does a logo count as a trademark? And does proposed rule 41 cover a logo that includes part of a licensed name? MFDA advocates that it should, and also that branches of funeral establishments be able to be advertised simply by locations rather than their formal, licensed name.

It is an onerous burden to place on funeral establishments the requirement to include the full, licensed name of each establishment when advertising multiple funeral homes. MFDA maintains that there has been far too much confusion resulting in enforcement actions regarding the current advertising rule, and the proposed revisions do not sufficiently clarify it. Because of potential First Amendment speech implications, any rule regulating advertising should be clearly and specifically tied to preventing consumer confusion.

The issues raised by proposed rule 42 prohibiting funeral homes from owning and operating unlicensed arrangement centers and regulating the arranging of mortuary science services are currently being litigated, with an application for appeal pending before the Michigan Court of Appeals. MFDA strongly advocates that prudence and clarity dictate that proposed Rule 42 be withdrawn, at least until judicial appellate review is concluded.

If the Court of Appeals accepts the case, it is possible that the Court may overrule or modify all or portions of any proposed rule. Specifically, the Court may opine on the question of whether the Code's definition of "the practice of funeral directing," which includes "representing oneself as engaging in the supervising of the burial and disposal of a dead human body," encompasses arranging for mortuary science services on an at-need basis. In the pending case, the Administrative Law Judge found that it does, and the Oakland County Circuit Court agreed.

The Court of Appeals, however, may disagree on this question. Indeed, it is MFDA's position that this conclusion is wrong. Nowhere does the statute mention arranging for or selling funeral or cemetery merchandise or services at-need, and there is no legal basis to shoehorn those activities into engaging in the supervising of the burial and disposal of a dead human body. MFDA therefore believes there are ample grounds for the Court of Appeals to at least partially reverse the ALJ and Oakland Circuit Court on this point. Such a decision would render proposed rule 42 moot, or at best create substantial confusion about what – if anything – remains.

Alternatively, if the Court of Appeals does not accept the appeal, proposed rule 42 is still unnecessary as existing rule 41(2), and sections of 1806(3) and 1809(7) of the Code, are sufficient to prohibit a licensed funeral establishment from owning and operating unlicensed arrangement centers. So again, MFDA urges proposed rule 42 be withdrawn to prevent the widespread confusion that would ensue.

If, however, despite these concerns, the Department proceeds, proposed rule 42(1) must be clarified to assure that funeral arrangements can be conducted outside of the funeral establishment itself. Funeral arrangements are often conducted in private residences, hospitals,

nursing homes and the like to accommodate the needs of grieving family members – many of whom are elderly or disabled. Should the Department go ahead with promulgating this proposed rule, these grieving families must be taken into account, and funeral arrangements must be allowed to be made in locations outside the licensed funeral establishment.

Thank you.

**00:26:36 Mitchell Page**

Thank you, Jared. We're going to circle back to Craig Harms.

**00:26:53 Craig Harms**

All right, my name is Craig Harms uh I'm the owner of uh Lennox Cremation. I'm also here representing Michigan Concrete Barrier Vault and Crematory Association. I am also the current President of that association um, and our uh concerns today are uh, representing the transportation of a dead body to crematory for cremation must occur if all the following requirements are met.

So, on that, it's requiring that the that we're going to need an authorization form, plus that the commit must be endorsed by the Medical Examiner. My concern with this is that in throughout Michigan, which is many different areas and many, many parts of Michigan are very rural. majority of places, the only refrigeration that is available is at the crematory. By implementing this, this is going to cause these deceased to be unrefrigerated and, in this room, many of you know that the biggest problem that we all face with getting the cremation to happen is getting a doctor's sign, and especially with this country, holidays, we have lots of holidays, and everyone's on a holiday. So that's our biggest, biggest, concern is that we're always waiting on that paperwork, and it's never, it's never a tomorrow thing. It's always 4 days, 5 days.

And, because of that, we should not be having deceased in room temperatures at funeral homes or even in warm garages. in the wintertime, lots of funeral homes use their garages, and garages are cool in the wintertime. But in the summertime - they're not cool. And this is not a sanitary practice either cause now when the body comes to the crematory, that body could have been exposed to flies, flies then breed maggots, and then that's a problem. And. And as a crematory owner, I'm telling you that is a problem. It's, it's not sanitary for my staff. It's it's it's not OK to have that to the deceased too, I mean that's a human body and we need to show respect to that human body.

And I feel like this is probably just an error on the fact that of LARA here, just because they're not in the field every day. This is not their industry; this is our industry. So, we're seeing how things work, and we know that, you know, doctors are our issue of getting things signed. And sometimes there's, you know, there's a there's a long-lost sister that we're waiting to sign the authorization form who is in New Mexico. So, uh there's lots of reasons why where we're waiting for this necessary paperwork. Even myself, I just invested in an \$80,000 cooler um, because I value that. I'm not charging \$1.00 more for my cremations. So, it's not just making more money, it's because it's the right thing to do and that's why I did it.

And I uh, I don't charge for the storage either for cremation. So, I'm not, I'm not here trying to get LARA to change something to make me more money because it's not going to make you \$1.00 more. I'm here simply because it's just it's the right thing to do and that's all.

For another um, another, I guess question I have, in which I mean there isn't really a question and answer here which I was hoping that it was today, is I'm not sure who's in violation yet if the crematory did supply a body that did not have permit. Is the funeral home in violation for releasing that custody prior to? Or is the crematory in violation for accepting custody of that body prior to having paperwork? In which, in my opinion, hopefully it is both parties, as it should be, not just one, because it is not, there's going to be some strong arming to some of these crematories to accept these bodies prior to, in which it's, it's a cutthroat industry, it really is. And because of us being third party, we all try to do our best to to uh please our customers and and we all know that the customers also want the best for the deceased as well. So, they want that body in refrigeration as well. And on top of it, lots more issues are that there could be a mass the following day. And the father says that the cremains must be present, and um we're waiting for permits, and if the crematory does not have that body present when that permit comes through at 5:30 PM, then now the funeral home calls the crematory and say, "Hey, it's 5:30, We need this body sent to the crematorium, and we need it cremated prior to tomorrow's 10:00 AM mass". And that's, that's a very difficult thing to do. So now that's putting a burden on small business owners that, rather than working from 6:00 AM to 8:00 PM like I normally do, I'm now working 6:00 AM to 11:00 PM, and I'm still charging the same amount of money for that commission because I value my funerals I work for, I don't want to lose them? I want to show them that I'm going to work hard for them. And I also value that family, and I know that that family, it means a lot to them to have that mass and I know That the church says the premier cremated remains must be present for that mass. So, it's definitely gonna put a burden on us, it's gonna be putting a lot of late nights on the crematories, and it's going to be putting a lot of extra hours onto uh, the crematories.

And I'm not saying that I feel that people are going to break the law, but this this here, there's not enough state inspectors. LARA. LARA needs more and I and I, I can't believe I'm saying this, but they need more, they need more inspectors. Anyone here is a good business owner. That's why you're here. Because you're a good business owner and we are already aide by the law. The majority of times people are not abiding by the law, they're not here today because they don't care, and they still might accept that body and take custody of that body when they're not supposed to take custody of that body.

So, I think that these rules are not protecting the honest good business owners that are here. They're just hindering the honest good business owners that are here because they're still going to be those folks that they don't care what the rules are, and they're going to take that and and there's going to be - And I hate saying - but there's going to funeral homes that turn a blind eye, and they're going to pretend that they don't know that the vendor they're using, is is is choosing to close their eyes on this.

So that's, that's another thing, so I mean, unless LARA gets more inspectors and we start seeing more random inspections, That's that's an issue. We're going to, we're going to we need more inspectors. That's, that's what LARA needs.

Um.

Uh.

There's also um, with, with this said, there's also the Senate Bill 544 that feel kind of ties in with this, which is now sitting on our governor's desk waiting to be signed.

If that is signed, I'm also in fear that there's going to be large crematories that are going to use Senate Bill 544, and they're going to set up set up a separate entity as the storage facility and they're going to lease their cooler space to this separate entity. They're going to hire someone with a Mortuary Science degree, and they're going to have them be their acting manager and they're going to accept these bodies because they legally will be able to.

And they'll say, great, our facility, we have ABC Storage here, and we can accept these bodies, but Jones's Crematory can't. They don't have that. But we can, and we'll, we'll store'em for ya. And as soon as you get that paperwork, ABC storage will lease it to to, uh Smith. You know, Smith, cremation. And we'll cremate right away. And this here is going to hurt small, family-ran businesses because myself, I can't afford to do that. I can't afford to go hire someone and setup a separate entity. And and and pay someone with a mortuary science degree to own, own this facility.

And then this is probably something LARA probably doesn't realize either that's happening, that this that this new bill will allow this. as soon as the Governor signs this and as soon as LARA enacts this, it will allow that to happen. So, there's, there's always loopholes. People with money always find loopholes.

That feels like these new rules will allow these people with money to find new loopholes. And it's not helping us small business owners out. It's putting a burden on us.

I also know I'm here. I don't want to just criticize this as well.

There was one spot, the uh where it says dead human bodies must be placed on, must not be placed on other dead human bodies for the purpose of preparation, storage or transportation. That is, that is a rule that has been needed for years and years and years, and I just want to thank LARA for finally doing that.

It's disgraceful and it's it's it's appalling that it's never been a rule, and and thank God they finally did it. And I commend them for that. And I also want to say that I'm available 24/7 if they want to know my other concerns or have any questions, please feel free to e-mail me call me.

I'm always available for the State of Michigan.

Thank you.

**00:36:55 Mitchell Page**

Thank you, Craig.

Lila, did you want to speak?

Alright, so forgive me, it looks like Bo Toth.

Ben yeah.

**00:37:27 Ben Joffe**

Good morning. Thank you for the opportunity to present here today. My name is Benjamin Joffe. I represent the appellant in the case that was mentioned earlier that is in litigation with the department and the board, and the stein over arrangement offices. But I also here representing private consumers.

I'm going to speak on Rule 18942, which is going to try and outlaw arrangement offices, but before I do that, I want to hold this up.

This is the 1977 Final Report of set up a meeting investigating department of licensing and this report was issued in 1977 by that special committee that special committee was led by Representative Gary Mo.

The occupational code is based on the findings in this report. So to understand why we have the occupational code and the Mortuary science to understand history, you have to understand this the awesome Legislative is looking at.

So. You have to understand what the legislature was looking at and what they were trying to enforce in 1980 to pass the occupational code based on this. This is basically your federalist papers of the Mortuary Science Act and the Occupational Code.

In this report, the legislature warned us against the perils of an occupational board controlled by industry licensees and the words of such are still very relevant to them.

The first guideline in that report states the primary duty of the department is to protect the consumer public.

Nothing.

Not at, not nothing.

Most of these rules protect the industry and not the consumer public. Secondary to the responsibility of the department are efforts required to meet that charge of protecting the consumer, including assisting the professional traits and occupations in rendering better service.

OK.

They further follow that when a board becomes controlled by an industry, the licensing power of the boards could be similar to that of a private cartel more inclined to protect yourselves than the

public.

Alright.

More explicitly, where board is made-up of members and not occupation. When the board is back, when the when where board is made-up of members of an occupation, they move to obtain and maintain a monopolistic control of the supply of the property, which in turn enhances the economic compensation of its members. To do this, the the cartel is controlled behaviors of its members to ensure that one person does not deviate.

Hey. Scholars observe the rules when this happens. The end result is the perpetuation of the oligopolistic, or monopolistic position of the board and its member interest. Not that of consumer protection.

The final report found that it is improper for their state to license a profession for the benefit of the profession.

In regards to Rule agency proposed Rule 18942, the reasoning stated is the department sees the current status of arrangement centers as sometimes engaging in behavior that could fall under the practice of mortuary science by unlicensed individuals, and would instead like to see the centers operate more narrowly and maintain a fair playing field for all licensees and funeral establishments in a given region.

That does not further consumer protection in one bit. That is industry protectionism right there. That is the loadstar against the loadstar, of which the occupational code in the Mortuary Science Act based, and that is the reason in fact, there is no statutory basis for maintaining a fair playing field.

It's anti-consumer and only protective the industry and for participants the department does not provide any evidence to any harm to any consumers ever though.

Operational, in fact, as I've been involved in this litigation, we have challenged the department and the Board for over 2 years to show any specific harness come from arrangement offices. The board has shown zero evidence. Now the board and the department try to propagate the rules to get rid of arrangement offices. You know what evidence they show? No, they don't show anything that anybody has ever been harmed or will be harmed at these arrangement offices.

They don't even give a hypothetical about how someone could be harmed when there's never a dead human body at any of these arrangement offices, and there never will be. So you tell me how shutting down arrangement on this protects the consumer.

It limits competition and it pushes up prices.

This is industry protection at its fines. Additionally, there's no statutory basis, as I've already said, as they said, they want to level the playing field for law licensees and funeral establishment in a given region. The legislative how to do that. In fact in 1980, we also passed the motor

vehicle frame Change Franchise Act. You know what that did that limited the space where dealership franchises could go.

The legislator knew how to do that then and they didn't do that then When we open up new hospitals, you have to get a you have to get a certificate of need for healthcare facilities to add more bills. If the legislator wanted to limit things, they knew how to do it in 1980. This is specifically a policy position of the board to protect itself.

It's a guess What the occupational code was originally enacted for?

Again, that is to protect consumers. This is an anti-competitive statute that people are trying to create fiefdoms through their funeral homes. They don't want to see consumers having choices of walking into an office, talking to a licensed Mortuary science and talking about things that might happen to a dead human body that will never be an arrangement office.

Again, the reasoning stated by this department and the board is not of consumer protection, but industry protection. They've had two years to come up with any real harms there is. No. The effect of this rule is to minimize choice for consumers while doing nothing to advance public health or public safety, or minimize the risk of unprofessional involving cremations, preparations, or any other harm described in the MSA and the underlying history.

Finally.

And I did not realize how much time that I would have today.

But again, through two years of filings, appellant students have not been able to identify any way that anything that happens in a region of office would put any Michigianians at any risk of unsanitary or unprofessional involving cremations, preparations for any other harm 1 axiom of statutory Instruction is the requirement that state should be interpreted and rules Be in part in terms of the evil Sought to be remedied Here, based on the first time that we've actually had the evil salt to be remedied, it's the level of the playing field for industry participants.

Consumer protection is the charge of the board and the department. It's not industry protection and that's what this rule is about.

I will say that it's it's even more so.

Michigan courts have stated that the mission that the the Mortuary Science Act is an act that focuses on what is to be done or not done with a dead human body, and in fact we have another rule, a whole other statue that's called the prepaid act, and the prepaid act itself states it is an act to regulate the sale and providing a funeral and cemetery, merchandise and services and other related interests, the direct subject matter that is now trying to be regulated by this rule, we're outside of the bounds of the statute. This is a policy preference by the board and this needs to be done through legislative action.

I would say that the board has the board and the department in just one other area, has also



ignored the prepaid.

I'll note that Rule 43 it says that all three general establishments must also post their prepaid registration. Well, when we go back and we read, we realize that not all funeral homes have to be prepaid registrants. In fact, you can either be a prepaid registrant and you can, or you can have a contract with the prepaid registrants to provide prepaid Services. So again we're adding now that has Funeral Home. You must now all of a sudden be a prepaid registrant because you have to post that license and posting the license of the person that you could have a contract with would probably be false and mislead.

So it appears that when these rules were made, although again the department and and and the board has been litigating this issue of arrangement offices for over 2 years while standing by their proposition that there is some sort of harm over there without displaying none and also saying it's the plain language of the rules that you can't have arrangement offices has now propagated.

OK.

This Proposed a new rule that would actually outlaw these get some policy preference. They're overlooking the prepaid act. They're overlooking the other pieces of the statute, and there is not one piece of consumer protection and in over 2 1/2 years This board and this department has not been able to come up with any type of harm that has happened or could happen, other than protecting members of the industry, I implore you to dump this rule to read the statute and to read what you would what you've Task which is which is protecting the consumer public and not protecting the industry and the profits. And that's exactly what you told me that this rule is about again maintain a fair playing field for all licensees and funeral establishments in a given region.

No, it's consumer protection and we're in a capitalistic society. And how do you protect the consumer?

You give them choices. So, what you're talking about is limiting choices to protect your industry. This isn't what this says. This isn't what the Mortuary Science Act says. And in over 50 years, if you read this history, you'll find this is what we went back from when 1940, when we had the original Mortuary Science Act, was updated 50 years. We had to update again because we had monopolistic control by an industry. It's why we have the FTC rule because funeral directors Funeral homes try to have a monopoly on selling funeral merchandise and services, and that's what we're trying to again.

There's nothing in the basis of the statute. There's nothing in.

The first except the underlying history and there's nothing and and outside of the Mortuary signings act, the buying and selling the funeral and cemetery merchandise is governed by the prepaid.

Thank you.

**00:47:59 Mitchell Page**

Thank you, Ben. And then next up, forgive me again, it looks like Alan Jowett.

**00:48:16 Alan Jowett**

Thank you. My name is Alan Jowett.

Uh, Jowett Funeral Home in Port Huron and New Haven.

Just a couple of things to address.

Um, I am in 100% support of what you just said. I think arrangement centers are absolutely the thing that should happen. Um.

Two times last week, had two families did not want to come to the funeral homes. They were afraid of a funeral home.

If I had an arrangement center, we could have gone to that office and made the arrangements there. Instead, I went to a Big Boy, sat in a Big Boy, I can funeral arrangements at a bar. I can make arrangements anywhere. But I can't have a nice office for Grandma and Grandpa to come in and talk.

I don't want to go to their house. Daughter comes over. I go to the do, they want me to come to the house to make final arrangements. I go to the home.

Daughter comes over and she says mom who was here? Oh, the funeral director. Where's your ring? Rings gone. Don't see it in your bedroom

I don't want to go to their home. I don't.

Because I don't want responsibility for something missing in their home.

Arrangement Center are the way to go. I support them wholeheartedly. Make arrangements in the Big Boy you got people talking and all that, that's not the right thing to do.

Refrigeration systems that Mister Harms spoke of the, you know, first of all it's ludicrous to me That funeral directors don't have coolers in their building. How stupid.

You have a dead human body, show it care, dignity, and respect.

Another cooler, I have one that holds 150 people. I have another one we use daily that holds 45. Mr. Harms has been in mine a couple times. It's spotless. There is no smell.

There's funeral directors that don't want put a cooler in, they're cheap. They don't want to spend the money. They don't want to do it the right way, they put them in the garage. You put a dead body in the garage in 90 Degree heat in the summertime. My staff doesn't want that stuff.

My family doesn't want that stuff and I'm not going to show a family the disrespect that I put your mother in my garage for three days because the doctor didn't sign the death certificate yet. That is wrong. Funeral directors all oughta have coolers. Done.

And they should be based on your bodies. Don't go and buy a 2-person cooler when you have 300 cases per year. Just because you have a cooler. Doesn't make sense to me.

In regards to making funeral arrangements. I work seven days a week anywhere from 10 to 16 hours a day. Seven days. And that's no bullsh\*t.

If I can't trust one of my senior staff that's been with me for 25 years to meet with a family, with my supervision, that can't sign a cremation authorization form? I've gotta be there for it? Basically, taking the first call is you call us in this. So, we all have to answer our phones. We can't have an answering service take our death calls. Because according to this language they're not licensed.

You know I can't answer the phone 24/7. I can't be in my building 24/7. If I'm at the cemetery and the family comes in and said my mother passed away at the nursing home next door. And we'd like you to take care of her. Basically, my staff can't do anything. The licensed funeral director is not in the facility right now. I can't handle that. They should be able to get information from them, show them some compassion. Show them some care.

But to turn them away because the licensee is not there. That's, that's hard for me to swallow.

The continuing Ed thing, I believe it's all through the Michigan Field Directors Association, which I have uh, very strong feelings on, the corrupt, the good old boys network.

Um, I tried to get into MFDA five years ago and I was denied thing because my competitors didn't want me to be a member of it. And they went to the district and did all other things. And Mr. Douma said, I think you're aware of this. That all this happened because they didn't want me to be a member of MFDA. I'm assuming all continuing Ed is going to be done through the MFDA. I'm assuming that.

I think it's the good old boys network, not how it used to be. So if I gotta get continually get through MFDA, I get no continuing yet. Then where you going to get it from?

You know, to me, the MFDA has done nothing for the funeral directors. You know, back 20 years ago for immediate cremation, we got \$1400, we get 300 bucks today. MFDA, the lobbyists did their job. It did their work. Through the association. Said, we'd be getting more than \$300.00 from immediate cremation.

None, none of that's ever happened. None of it.

But for me to have a staff member not being able to meet with somebody is totally unconscionable to me. You know, I've got a lot of staff. I do close to 8-900 cases a year and I'm involved in every single case. I can't be on 900 cases in a year all the time.

If I can trust and employ and I'm, I'm the owner, I'm a very active owner, very active owner. I'm very hands on. I know a deal. I see almost every family that I can. If I can't meet with them because I'm going on a funeral, at least I go in and meet with them, introduce myself, give them my condolences and explain that you're in good hands and we'll take good care of your mama.

But, You can't be everywhere at one time, and the way this is written, my staff, they they can't do anything. They can't take the first call. They can't uh, you know, mother couldn't come to the arrangements because she had doctor's appointments, but she can stop at the funeral this afternoon and sign up her cremation authorization form. And if I've got a funeral at 3:00 and she comes in at 3:00, she's going to sit and wait until I get back because of the way this is written, the licensee has to be there. Tough to do, really, it's tough to do. Mr. Harms mentioned everything that people that care about funeral service are here. I care about funeral service there. I'm 65 years old. I've been here 50. I've been in my building 53 years. So, I know a little something.

MFDA is just complete sore spot of this continuing ed and all this other stuff because they to me it's it's a political action committee. It's pretty much all there. But again, not every funeral home in Michigan is a member of the Michigan Funeral Director Association. They're not.

So, there's a lot of people who didn't know about today. A lot of people. There's a lot of funeral homes in Michigan that aren't here today because they didn't know about it. I'm not a member of the MFDA and I don't ever care to be. But the only way I heard about it was Wednesday afternoon at 3:30 in the afternoon. Mr. Harms is in my office, and he said hey you going into the meeting in Lansing on Thursday. Tell me about.

I got 900 families a year I Should know something. I knew nothing about it until, he notified me. But I drove to Lansing last night, spent the night here in beautiful Lansing. Had a great dinner. I had a couple of beers with my dinner, enjoyed myself. And here I am this morning.

But there's so many funeral homes, number one, they can't afford to be a member of MFDA because the rates they charge, and and the uh I don't know I don't need to go on. But I'm in full agreement on arrangement centers. They shut me down, in Chesterfield Township. Okay?

My competitor in the city of Marysville - Big member of the MFDA. OK, huge member of the MFDA like that one. And they're the reason I couldn't join. Because Mr. Dumas and all the other people in the district voted against me getting into MFDA.

But he has a cremation service. In his one location. Different name that ya know, charges different rates than his funeral rates. That's wrong. That's what I did, and LARA shut me down.

I don't want to make arrangements in a big boy. I don't want to make arrangements in a bar. I don't want to make arrangements in their home. I mean the risk in this day and age is huge.

Nice clean office. It's an office.

The state came up to take pictures. It's an office. Why can't I make arrangements in my office, in an office building? Like an attorney does versus uh sitting in a bar or restaurant, or a church there's no difference.

But I would like to see the uh, non-licensed people with supervision of a licensed funeral director be able to meet with the family and talk to them and get information, sign paperwork. They're, you know, I'm very hands on and I see everything. I asked a lot of questions. But uh, you know the way it's written mean they can't do anything. They can't even pad the locks on the door, they can't even take the first call because you're getting information from them. And I don't want to

turn business away. The family comes to see me that we've taken care of for years and generations - Go someplace else because a funeral director wasn't that. It's not fair. Thanks for your time.

**00:59:56 Mitchell Page**

Thank you, Alan.

Stuff we have Sean T. Allen

**01:00:02 Sean Allen**

Morning everyone. Pleasure to be here, my name is Sean Allen, licensed funeral director here in state of Michigan. And uh, I'm with Service Corporation International here in Michigan. I want to thank you all for being here today and appreciate the opportunity to speak with everyone because we are all in this together. We believe that or not. We're here to serve families on the worst day of your lives and uh to support the communities and the families that call upon us.

I'd just like to uh ask for clarification or make suggestions as many of my colleagues have today, uh I have opposition to the specific definition as written with supervision. Uh, specifically meaning physically present and at the establishment does take into concern the opportunity to visit a family as previously brought up this morning in a nursing facility or in their home or at a hospital or albeit we don't want to necessarily make arrangements there, at big boy.

Uh, being physically present as a likely director does, as we have already learned, put a significant burden not only on the small-town single license funeral home, but on those of us that have more than one licensed facility as well. Those of us that are fortunate to have more than one licensee.

Let's face it, this is a challenging, challenging profession and we could all benefit from some time off. Some vacations, sick time, those sort of things are taken into consideration, and many of us do have well established members of our community that are arrangers that do a far better job than many funeral directors I'll have to be quite honest with you.

So, I would ask for the clarification and revisit in regard to supervision.

I uh, I do support a continuing education program of some variety with oversight and would ask for clarification on whether the state does indeed recognize all classes that are in place from the Academy currently. If those are automatically adopted, if those need to be vetted, whatever the circumstances may be, but certainly support a continuing education program.

I would also like to visit part four, care and storage of remains, and voice my direct support as we have already discussed today, for a requirement for refrigeration.

Some of the atrocities that have happened here in the state of Michigan are direct results of inappropriate storage of human remains in unrefrigerated areas of whatever facility.

It is a requirement here in the state for a veterinarian to refrigerate a deceased animal. But we do not have a requirement in the state of Michigan to refrigerate human remains.

I support, oddly enough, the view of the Michigan Funeral Directors Association to add “due to condition” In Rule 339.18937, subsection one, in terms of identification, do you feel there could be room for if visual identification is not feasible due to condition it certainly would be an appropriate add in my opinion.

As previously mentioned, unlicensed funeral arrangement centers could also be questioned, and I'd seek clarification as written for supervision in regards to uh our ability to make arrangements in hospitals, over the phone, any of the previous facilities that I have mentioned.

Supervision as well brings into question what if an individual stops into your funeral home and would like to purchase maybe just some merchandise; an urn, maybe a register book. Those things happen often in our locations.

Supervision. Does a licensed funeral director really need to be there for my receptionist to assist that family a register book, printed materials an urn?

Again, I'd just like to thank you all for the opportunity to be here today. And those of us that are here certainly do care. Those of us that couldn't be here, maybe we're not aware of today, don't want to think that they don't care, but they're backs serving families, doing what we need to do and certainly appreciate the opportunity to represent the locations and funeral directors that I know. I do see many of you in the room that I know, several of you that I'd like to know before we depart today, so stick around. Hopefully we can say hi.

Thank you.

**01:06:28 Mitchell Page**

All right. Thank you, Sean.

And next up is going to be Peggy Wesley Fitzthum

**01:06:45 Peggy Wesley-Fitzthum**

Good morning. Uh, I was not sure who I'm speaking to. Who is LARA here? Is LARA all on this side of the room? No, no, don't want to identify yourselves. There's alright.

**01:07:05 Mitchell Page**

Sorry, no, we're scattered all over the-

**01:07:07 Linda Clegg**

We're here from LARA, we have representatives from the board here. And they're scattered throughout the group.

**01:07:12 Peggy Wesley-Fitzthum**

Wonderful. Okay, All right. I too am a funeral director. My name is Peggy Wesley-Fitzthum. I currently work for Skrupski Family Funeral Home and Cremation Services. I want to thank you for allowing us to make these comments and you've heard mostly from funeral home owners and

a couple attorneys. So, I thought it would be nice if you heard some opinions of a funeral director who works on a day-to-day basis in the funeral homes.

I've been a funeral director for over 30 years and had the privilege of working in Ohio, Indiana and now Michigan. As well as work for both family-owned and corporate-owned funeral homes.

I have a bachelor's degree in mortuary science from the Cincinnati College of Mortuary Science, and um, I have experienced many changes in not just the industry, but in technology and in the consumer over those years.

I'm a believer in education and in regulations, rules and policies. When I first entered the funeral industry, we had to get funeral home phones put into our homes in order to answer calls at night. We also had telephone lines in the bathrooms. Uh. We also, we had no cell phones, but we carried these large things on our belts called pagers which we were constantly attached to.

Times have changed, technology has changed, and people have changed. Every industry, not just the funeral industry, is suffering due to the number of people who desire to work and hold a job. But the quality of the candidates who do want to is lacking. Mortuary science colleges are seeing more students enter and graduate who are less interested in the profession of guiding families through this traumatic time and seemed to have a greater interest in their morbid curiosity of death.

With the shortfall of quality candidates who have come, we have come to rely on extremely capable, compassionate, empathetic, intelligent and dedicated individuals as funeral planners who are not licensed.

In a Funeral Home, when funerals are being conducted in various places, it is of great importance that a family can come in and make arrangements for their loved one with someone that can, that we can be confident in, and the family can be confident in as well while the licensed person is out directing funerals.

You are proposing on page 20 section 4, R339.18925 that the licensee be present when the arranger is meeting with the family. This will cause undue wait times for families, stress on current licensed staff, or funeral homes having to hire poor quality licensed candidates, which in turn will also increase the cost of funerals directly to the consumer.

As I stated previously, technology has changed. We can now almost instantly reach each other by your cell phone. We also have the capability of Zoom. Zooms are now being used by attorneys, in courts, by doctors, nurse practitioners with their patients.

I believe this proposal if signed off on will hurt the industry and moreso, the consumer, specifically their pockets. In discussing supervision clauses with the proposals, I'd also like to direct your attention to the supervision of the intern in the preparation room.

It - on page 11 Section 1, R 339.18925. No good funeral director would ever just let an intern come in and start embalm someone without being present and ensuring they know what they are doing.

Being present from start to finish in the room every single time seems a bit ridiculous. I believe we will see a reduction of funeral homes hiring interns due to the time commitment of this proposed.

Again, we are all reachable in this day and age. Being accessible is the key. And I also want to know on the continuing education which I have come from, states that have always required continuing education. I would like to make a suggestion with our continuing education - I highly suggest that LARA, the state of Michigan, have an easily obtainable list of approved Michigan approved CE classes. Some of the states that I am familiar with do not have this available, which leaves the funeral director having to really do a lot of time searching for those approved courses. And when they find out they're not approved, they're in trouble. So, I would highly suggest this.

Thank you.

**01:13:44 Mitchell Page**

Thank you, Patty.

Is there anyone else that would like to speak?

All right. So, seeing as there are no further comments, I hereby declare the dreams closed any additional Clients regarding the proposed rules that you wish to share must be submitted in writing to myself, Mitchell Page. My e-mail is [pagem6@issue.gov](mailto:pagem6@issue.gov).

The record will remain open until next Friday, July 26, at 5:00 PM.

The current time is 11:18AM.

And we are done.

Thank you all for coming.