

Hayes, Lori

Subject: State Board of Embalmers and Funeral Directors Conference Call Open Meeting - February 11, 2010 - 12:00pm

From: donottojr@gmail.com [mailto:donottojr@gmail.com] **On Behalf Of** donald otto

Sent: Thursday, February 11, 2010 12:12 PM

To: Hayes, Lori

Subject: Re: State Board of Embalmers and Funeral Directors Conference Call Open Meeting - February 11, 2010 - 12:00pm

To Becky Dunn'

From: Donald Otto, Executive Director, MFDEA

RE: Objections to State Law exam.

I intend to participate in the phone conference today at noon. However, thought it was best that I also provide these comments in writing that can be forwarded to all interested parties.

1. It is not the Board's regulation that requires preneed agents to take the state law exam but the statute itself (333.325.2 (4)). This was included in Senate Bill 1 and was discussed at several of the hearings as well as the working group meetings. Any change would require the law be amended by the legislature.
2. Specifically of the issues raised in the letter from Mr. Wenzel, however, much more than just Chapter 436 applies to preneed agents. All of the disciplinary procedures in Chapter 333 apply and as the State Board regulates preneed and preneed agents all of the matters involving licensing, the make-up of the State Board and its operations directly impact preneed agents. Also preneed agents would, obviously, need to understand the provisions regarding preneed Sellers and Providers as set out in Chapter 333.
3. Much of the remainder of Chapter 333, the regulations, and the other requirements of the state law exam involve what is and is not permissible in performing funeral services and the pricing of those services. Preneed agents are all those that sell, solicit and negotiate a preneed contract that much, by law, include a detailed description of the goods and services to be provided. MFDEA believes that preneed agents should know what is and is not allowable in performing funeral service plans that they are selling. For example, if a person wanted to buy a preneed plan that that provided for a 2-day visitation and viewing without any embalming should be aware that that there are issues with that request. Likewise the preneed agents need to know items such as it is a violation of the FTC rule to charge a casket handling fee or to charge more for those that have a disability.

2/11/2010