

MINUTES OF THE MEETING OF THE HUMAN SERVICES COMMITTEE
January 31, 1983

The Human Services Committee was called to order by Chairman Marjorie Hart, January 31, 1983, 12:30 p.m. in Room 224A of the Capitol Building. All members were present except Rep. Driscoll who was absent.

HOUSE BILL 114. REP. MANUEL, sponsor, said this bill would provide training for family practice physicians and appropriate funds amounting to \$135,300.

PROPOSERS:

MARSHALL COOK, Executive Director of the Family Practice Training Program, passed out two handouts which explained fully his program (EXHIBIT 1).

DR. MARK JOHNSON, Montana Medical Association, supported this bill for two reasons: (1) it would offer training and (2) it would offer these individuals a chance to see Montana and recruit them into rural areas of Montana.

BRIAN LARSON, Hospital Administrator, Teton Medical Center and Montana Hospital Association, is in support of HOUSE BILL 114. He saw the following advantages to the satellite program:
(1) recruitment of physicians--the satellite program will screen the applicants; (2) retention of physicians--satellite program lets physicians bring families to community for two months to see if they like the community and if the community likes them; and (3) it is a cost effective means of recruiting physicians. The hospital pays the physicians \$3,000 per month but Medicare will pay 100% of educational costs based on percentage of Medicare used in the hospital.

REP. VINGER, Wolf Point, is in support of HOUSE BILL 114. His purpose was to testify for the rural areas of Montana. This bill will continue to support the rural areas by helping them obtain family practice physicians.

REP. NORDTVEDT, Bozeman, said this is a cost effective way to bring good care to rural areas of Montana. He supported HOUSE BILL 114.

DR. DRYNAN, Director, Department of Health and Environmental Sciences, supported HOUSE BILL 114. He said we need to replace older doctors with family practice physicians. Young physicians, repaying tuition loans, will choose the higher paying areas. They will not be willing to go to the more difficult areas; yet, that is where we have the need in the state of Montana.

TOM RYAN, Montana Senior Citizens and Montana Peoples Association, spoke in favor of HOUSE BILL 114.

JERRY LOENDORF, representing the Montana Medical Association, spoke in favor of HOUSE BILL 114. He said there were two things that were deserving of emphasis: (1) the type of physician that would be attracted to Montana, and (2) this brings these people to Montana while they are still in training having not made their decision as to where they will locate.

SHIRLEY THENNIS, Montana Nurses Association, wants more family practice physicians in Montana and is supporting HOUSE BILL 114.

OPPONENTS: None

REP. MANUEL closed by saying that we have spent millions of dollars sending students to medical school. With passage of this legislation, we may get some of them back into the state.

QUESTIONS:

REP. FABREGA asked under definitions, page 1, line 19,--purpose-- is that not one of the specialties that is referred to in line 22. MARK JOHNSON replied that family practice is a specialty.

REP. FABREGA stated that the cost of recruitment equals the cost of training. He asked how the pay in Montana relates to other areas. Are we in the norm paying \$3,000 per month. MARK JOHNSON replied that we are very competitive.

REP. CONNELLY asked how this program relates to the WAMI program. MR. JOHNSON replied they certainly hope it is going to be compatible.

REP. BRAND asked if they come to Montana for the training program, are they required to stay. MR. JOHNSON replied they are not. REP. BRAND asked what the percentage is of those leaving the state after taking advantage of this program. DR. DRYNAN replied about 1% return on the WAMI program. He stated he hoped 10-20% would remain on this program.

REP. WINSLOW asked if these physicians would fill in for vacationing physicians or do they have to be supervised, and if they have to be supervised, to what extent. MR. NORRIS explained that it would depend on the relationship between the resident physician and the person supervising. If the resident is a third-year student close to finishing his program and the supervisor is several miles away, the resident may work with the supervisor only a couple times a week.

REP. WINSLOW asked if Medicare will reimburse for their treatment as long as they are supervised. BRIAN LARSON answered yes.

REP. FABREGA asked if it would be feasible to require a hospital that gets the candidates, since they can get Medicare reimbursement, to pay back the program. MR. JOHNSON stated that is what they are talking about. What they hope to do is get the program costs from the various hospitals to kick in to a coordinating office to support the logistical effort of the program. REP. FABREGA wanted to know why we couldn't make this part of the program. REP. MANUEL said this bill has to go to Appropriations but an amendment could be added. He stated the bill could be amended to say any money that would come into the fund would revert to the general fund. REP. FABREGA'S idea was not so much that it reverts, but that it comes back into the program. His intention is not to return the \$135,000 but to make sure if there is financial ability of the participating hospital through Medicare reimbursement to pay for the services of recruitment, then you have a self-supporting system.

REP. BRAND asked how many people are working in the non-profit organization screening the doctors. MARK JOHNSON stated they have a board of directors, who are not paid, made up of physicians and hospital administrators. Eventually, there will be a paid executive director and a secretary. One of the satellites will provide in-kind services for office space, utilities, etc., but we will have to provide equipment, supplies, etc.

CHAIRMAN HART closed the hearing on HOUSE BILL 114.

HOUSE BILLS 209 AND 252. REP. KEYSER, sponsor, stated that HOUSE BILL 209 is an act to require the Board of Morticians to adopt rules allowing unlicensed mortuary employees to distribute prepared lists of funeral services and costs; preventing the Board from requiring continuing education for certain part-time practitioners of mortuary science. HOUSE BILL 252 is an act repealing the rules of the Board of Morticians governing unprofessional conduct. Regarding HOUSE BILL 209, REP. KEYSER said it was his contention that it did not take a licensed person to hand out a list of funeral services and costs. Regarding continuing education, we have added that we may not require continuing education to a person who has been in the business of mortuary science for 20 years or longer; is over 60 years of age; and does not practice on a full-time basis.

In reference to HOUSE BILL 252, REP. KEYSER stated we are not repealing unprofessional conduct; but to change any part of these rules, we have to go in and do away with the whole rule. The Board has the right to come in and adopt the rules as they see fit. Section (2) on rules and regulations under unprofessional conduct--permitting nonregistered personnel to make arrangements for funerals--we want that out of there. He said there is language in that section that could be changed and could clarify what the Board wants.

PROPONENTS:

William Scott, Attorney from Great Falls, represented two mortuaries, K and L Mortuaries which has several locations in the Madison County area and Proxford's Mortuary in Great Falls. He supported both of these bills. He stated that no one was seeking to cut this legislation out or change it in any way except to remove some of the rules and regulations that have been proposed by the State Board of Morticians.

GREG KIRKWOOD, is part owner of five mortuaries and he said there was not enough business in all five places to warrant two licensed people. He said the purpose behind the bill is that wives, competent employees and owners can run certain aspects of the business without having to be licensed (EXHIBIT 2).

WALT KIRKGAARD, general manager and co-owner of the Chapel of Chimes, Great Falls, said he had strong feelings in disagreement with the Board restricting what an unlicensed person can do. He supported both of the above bills.

LLOYD LINDEN, Hermann and Co., Helena, stated that the Board has too much regulatory power. He was in support of HOUSE BILLS 209 and 252.

OPPONENTS:

LYMAN CLAYTON, Wolf Point, representing the Clayton Memorial Chapel, stated there was nothing illegal allowing an employee to present a list of costs for services and merchandise. He stated that it was unfair to exclude those over 60 years to have continuing education. He stated that the same rules and regulations should be applicable to anyone in the profession. He passed out several handouts for the Committee's information (EXHIBIT 3).

JEFF SHERLOCK, public member of the Board of Morticians, stated he was very much against both of these bills. He said in HOUSE BILL 209, the sponsors are forcing the Board of Morticians to adopt regulations that are already legal. The sponsors say the bills will be of no cost. The hearings that we have to go through to adopt new rules are very expensive. He asked that the Committee deny passage of these bills.

TOM DAVIS, president of the Montana Funeral Directors' Association, opposed the passage of HOUSE BILLS 209 and 252. His testimony is attached (EXHIBIT 4).

Written testimony of Jack H. Severns, et al, is attached as EXHIBIT 5.

REP. KEYSER closed saying the people on the Board say these bills are bad, but the majority of the funeral homes of Montana wanted these changes we are talking about.

QUESTIONS:

REP. BRAND asked how many licensed morticians are there in the state of Montana. REP. KEYSER said there are 79 funeral homes and 258 licensed morticians.

REP. BRAND brought up the question of harrassment. REP. KEYSER stated he would discuss that item in executive session.

REP. SWIFT asked REP. KEYSER what related services meant to him. He replied that it meant cost of florists, cost of plots, etc. It did not relate to embalming.

REP. BRAND asked if there are new types of techniques used in embalming that you have to have continuing education. REP. KEYSER answered that there are some new fluids being used but as far as actual changes in the last 40 years, there hasn't been that many.

REP. WINSLOW asked how much education a mortician has to have to be licensed. LLOYD LINDEN said two years of college, one year at embalming school and a 1-year apprenticeship or an equivalent of four years of college.

CHAIRMAN HART asked if the Board has had a lot of complaints over the years about how things are handled. MR. VIAL replied not a lot.

CHAIRMAN HART stated that the majority of morticians are against these two bills. REP. KEYSER stated he had testimony to the contrary.

Statement of Intent for HOUSE BILL 209 is attached (EXHIBIT 6).

CHAIRMAN HART closed the hearing on HOUSE BILLS 209 and 252.

EXECUTIVE SESSION:

REP. DOZIER gave a brief report of the work done by the sub-committee on handicapped parking which encompassed the following bills: HOUSE BILLS 12, 21, 102, 232 and 183. REP. DOZIER moved that HOUSE BILL 232 DO PASS. He then moved that the amendments DO PASS (EXHIBIT 7).

During the questions, he explained that HOUSE BILL 12 dealt only with the penalty; HOUSE BILL 21 covered the penalty and the plate but the penalty was too low; HOUSE BILL 102 dealt with nothing but the plate; HOUSE BILL 183 dealt with nothing but the fine; and HOUSE BILL 232 dealt with all aspects.

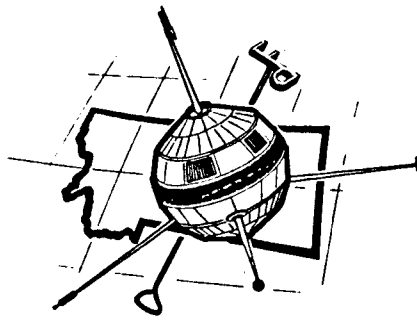
REP. SWIFT asked if the symbol on the license plate was taken care of. REP. CONNELLY stated that this bill deals with the handicapped plate and also the disabled veterans.

The motion on the amendments PASSED UNANIMOUSLY. The motion of DO PASS AS AMENDED on HOUSE BILL 232 also PASSED UNANIMOUSLY.

The meeting adjourned at 2:50 p.m.

Marjorie Hart
CHAIRMAN MARJORIE HART

Gene Boussett
Secretary



Montana Family Practice Satellite Unit Program Inc.

(FAMILY PRACTICE TRAINING PROGRAM)

-FACT SHEET-

1. The Montana Family Practice Satellite Unit Program, Inc. is a non-profit, tax exempt corporation with a board of directors representing the medical and hospital communities as well as the executive branch of state government.
2. The Montana Family Practice Training Program is community based, community hospital/physician sponsored program.
3. As of January 1, 1983, five communities are involved with the training of family practice residents. These communities are: Choteau, Hayre, Helena, Sidney and Wolf Point.
4. The family practice residents are second and/or third year residents from various family practice residency training programs throughout the United States. These residents are licensed physicians in their respective states and are provided with a temporary license while training in the state of Montana. Fourteen residents will receive one month training within the state between August, 1982 and August, 1983.
5. At present there are eighty accredited family practice residency training programs that have expressed a desire to participate in the Montana program.
6. The cost for training one resident for one month will average \$3,000.00. The sponsoring hospitals are providing the cost of training. The sponsoring hospitals from the above five communities will be able to train at least twenty-two residents between July, 1983 and June, 1984. The cost will be approximately \$66,000.
7. The Family Practice Training Program is requesting \$135,000 for the 1985 biennium to support the program. These funds will not directly support the residency training activities of participating hospitals, but will cover the costs of coordinating and administering the placement of residents from various residency programs across the nation to the participating Montana hospitals.
8. The Montana Family Practice Training Program is not associated with other state medical educational programs, i.e.: WAMI, WICHE, The University of Washington or the Montana University System.

9. A look to the future:

- a. At present there are 304 physicians in the state that practice family medicine ~~(family practice physicians)~~.
- b. The average age of this group of physicians is 50.
- c. 68 physicians in this group are between 50 and 59 years of age.
- d. 82 physicians in this group are over 60 years of age.

Montana Family Practice Satellite Unit Program
Budget Request for 1983/84 and 1984/85

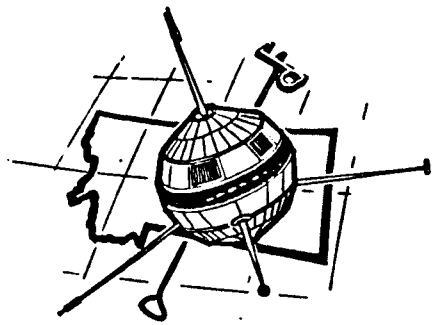
<u>Personnel</u>	<u>Salary</u>	<u>+ 20% Benefits</u>	<u>Total</u>
Coordinator	30,000	6,000	36,000
Secretary	10,000	2,000	12,000
<u>Operational Cost</u> (general office expenses, i.e. supplies, printing, etc.)			5,000
<u>Communications</u> (includes phone, postage)			5,000
<u>Travel</u>			8,000

Total - \$66,000

1983/84 - 66,000

+ 5% for 1984/85 - 69,300

For Biennium - \$135,300



Montana Family Practice Satellite Unit Program Inc.

Montana Family Practice Training Units as of January 1, 1983

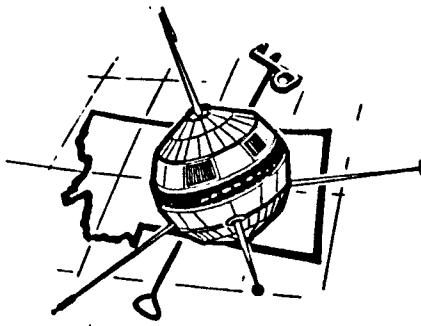
1. Choteau - Teton Medical Center
2. Havre - Northern Montana Hospital
3. Helena - St. Peter's Community Hospital
4. Sidney - Community Memorial Hospital
5. Wolf Point - Trinity Hospital

Affiliated Family Practice Residency Programs as of January 1, 1983

1. Baptist Medical Center, Gadsden Alabama
2. The Medical University of South Carolina, Charleston, South Carolina
3. Resurrection Hospital, Chicago, Illinois
4. The University of Oklahoma, Tulsa Medical College, Tulsa, Oklahoma
5. Hennepin County Medical Center, Minneapolis, Minnesota
6. David Grant Medical Center, Travis Air Force Base, California

Pending Affiliated Programs as of January 18, 1983

1. Family Practice Center, Boise, Idaho
2. Naval Aerospace and Regional Medical Center, Pensacola, Florida
3. Niagara Falls Memorial Medical Center, Niagara Falls, New York
4. Texas Tech University Health Sciences Center, El Paso, Texas
5. Tacoma Family Medicine Center, Tacoma, Washington



Montana Family Practice Satellite Unit Program Inc.

POTENTIAL AFFILIATED RESIDENCY PROGRAMS

Alabama

Baptist Medical Center
Gadsden, Alabama

Arizona

Phoenix Baptist Hospital and Medical Center
Phoenix, Arizona

Arkansas

Area Health Education Center
Fort Smith, Arkansas

California

UCLA School of Medicine
Los Angeles, California

Community Hospital
Santa Rosa, California

David Grant USAF Medical Center
Travis Air Force Base, California

Kaiser Foundation Hospitals
Fontana, California

General Hospital
Ventura, California

San Jose Health Center
San Jose, California

Santa Ana - Tustin Community Hospital
Santa Ana, California

Northridge Hospital Foundation
Northridge, California

Colorado

St. Mary's Hospital and Medical Center
Grand Junction, Colorado

Connecticut

University of Connecticut Health Center
Farmington, Connecticut

Delaware

Wilmington Medical Center
Wilmington, Delaware

Florida

Naval Aerospace and Regional Medical Center
Pensacola, Florida

Idaho

Family Practice Medical Center
Boise, Idaho

Illinois

Community Family Practice Center
LaGrange, Illinois

Lutheran General Hospital
Park Ridge, Illinois

Resurrection Hospital
Chicago, Illinois

West Suburban Family Practice Center
Oak Park, Illinois

Swedish Covenant Hospital
Chicago, Illinois

Illinois Masonic Medical Center
Chicago, Illinois

Indiana

Fort Wayne Medical Education Program
Fort Wayne, Indiana

Community Hospital of Indianapolis Inc.
Indianapolis, Indiana

Maine

Maine-Dartmouth Family Practice Residency
Augusta, Maine

Eastern Maine Medical Center
Bangor, Maine

Massachusetts

University of Massachusetts Medical Center
Worcester, Massachusetts

Michigan

St. Lawrence Hospital
Lansing, Michigan

Chelsea Medical Center
Chelsea, Michigan

Minnesota

Mayo Clinic
Rochester, Minnesota

University of Minnesota School of Medicine
Minneapolis, Minnesota

Missouri

Truman Medical Center/East
Kansas City, Missouri

New Jersey

Rutgers Medical School
Piscataway, New Jersey

Overlook Hospital
Summit, New Jersey

New Mexico

The University of New Mexico School of Medicine
Albuquerque, New Mexico

New York

The Catholic Medical Center of Brooklyn and Queens Inc.
Jamaica, New York

New York (cont.)

Brookhaven Memorial Hospital Medical Center
Patchogue, New York

South Nassau Communities Hospital
Oceanside, New York

St. Joseph Hospital Health Center
Syracuse, New York

Deaconess Division of the Buffalo General Hospital
Buffalo, New York

The Albany Medical College
Albany, New York

Niagara Falls Memorial Medical Center
Niagara Falls, New York

Montefiore Hospital and Medical Center
Bronx, New York

North Carolina

The Moses H. Cone Memorial Hospital
Greensboro, North Carolina

North Dakota

Family Practice Center
Grand Forks, North Dakota

Ohio

The Toledo Hospital
Toledo, Ohio

Family Practice Center of Akron
Akron, Ohio

Oklahoma

Bartlesville Family Practice Center
Bartlesville, Oklahoma

The University of Oklahoma, Tulsa Medical College
Tulsa, Oklahoma

Oregon

University of Oregon Health Sciences Center
Portland, Oregon

Pennsylvania

Forbes Health System
Monroeville, Pennsylvania

Chestnut Hill Hospital
Philadelphia, Pennsylvania

South Carolina

Medical University of South Carolina
Charleston, South Carolina

Texas

Texas Tech University Health Sciences Center
El Paso, Texas

Baylor College of Medicine
Houston, Texas

The University of Texas Medical School at Houston
Houston, Texas

Utah

The University of Utah Medical Center
Salt Lake City, Utah

Washington

Tacoma Family Medicine
Tacoma, Washington

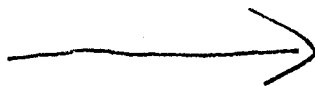
Family Medicine of Yakima Valley
Yakima, Washington

Wisconsin

Waukesha Family Practice Residency Program
Waukesha, Wisconsin

St. Luke's Family Practice Center
Milwaukee, Wisconsin

388 U.S. 3 YEAR FAMILY PRACTICE RESIDENCY PROGRAMS
(All States Except Montana, Alaska, and New Hampshire)



MONTANA FAMILY PRACTICE SATELLITE UNIT PROGRAM, INC.



MONTANA FAMILY PRACTICE SATELLITE UNITS
(Choteau, Havre, Helena, Sidney, Wolf Point)

VISITORS' REGISTER

HOUSE HUMAN SERVICES COMMITTEE

BILL HOUSE BILL 114

Date 1-31-83

SPONSOR REP. MANUEL

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

GALUSHA
HIGGINS &
GALUSHA

BOZEMAN, MONTANA

CERTIFIED PUBLIC ACCOUNTANTS

BOX 340 1215 WEST MENDENHALL
BOZEMAN, MONTANA 59715
TELEPHONE 466/586 2386

January 5, 1983

Greg Kirkwood
K & L Mortuaries
P.O. Box 812
Three Forks, MT 59752

Dear Mr. Kirkwood:

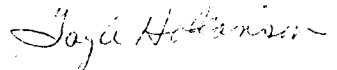
Please find attached two schedules summarizing the results of your straw poll. One schedule summarizes the funeral home survey and the other summarizes the licensee survey.

Since only 75% (59 out of 79) of the funeral homes and only 48% (119 out of 248) of the licensees returned the survey, we calculated the percentages for yes, no and no reply answers based upon both the number of ballots mailed (excluding the ones returned to sender by the post office) and the number of ballots received.

In accordance with the terms of our engagement, we prepared the attached schedules using the tally sheet provided to us by you. We have not audited or reviewed the accompanying schedules and, accordingly, do not express an opinion or any other form of assurance on them.

If you have any questions or need any additional information, please feel free to call me.

Sincerely,



Gayle Hokanson

GH:cjh
Enclosures

Questions

Section 8.30.602

1. Leave the word authorized in the statement
Section 8.30.502

1. Enter a grandfather clause stating "if over
60 or 25 years experience may be exempt from
continued education"

2. If you don't work at the profession as a full
time job but work less than 2 weeks a year in
the profession, you may be exempt from con-
tinuing education

3. Make continuing education as an option for 2
years in order to give the State Board of
Morticians time to establish a working pro-
gram and courses before tying it into license
renewal

Section 8.30.701

1. Rewrite this entire section to make it more
clear as to what would be legal for nonli-
censed personnel such as wives and competent
employees

"Rule as a Whole"

1. Should we get rid of all of them and bring
them in one at a time with a hearing on each
one

"Opinion on the State Board of Morticians"

1. Is the State Board of Morticians helping the
Funeral profession with these rules

2. Is the State Board of Morticians helping the
public with these rules

3. Is the State Board of Morticians working for
you

4. Do you feel a State Board Member should serve
more than one five-year term
Funeral Directors Association

1. Do you feel the Board of Directors of the Fun-
eral Directors Association are representing
the majority of its members view points

2. Are you a member of the Funeral Directors
Association

3. Do you feel the proposed rules would be in-
flationary to you and the consumer

BALLOTS MAILED					
YES		NO		NO REPLY	
#	%	#	%	#	%
48	61%	10	13%	21	27%
50	63%	9	11%	20	25%
44	56%	15	19%	20	25%
46	58%	11	14%	22	28%
51	65%	8	10%	20	25%
36	46%	22	28%	21	27%
11	14%	41	52%	27	34%
11	14%	43	54%	25	32%
10	13%	40	51%	29	37%
10	13%	40	51%	29	37%
12	15%	40	51%	27	34%
26	33%	17	22%	36	46%
50	63%	9	11%	20	25%

ARE RETIRED - SEMI RETIRED - NO LONGER
ACTIVE OR LIVE OUT SIDE OF MONT.

Questions Section 8.30.602

1. Leave the word authorized in the statement
Section 8.30.502

1. Enter a grandfather clause stating "if over
60 or 25 years experience may be exempt from
continued education"

2. If you don't work at the profession as a full
time job but work less than 2 weeks a year in
the profession, you may be exempt from con-
tinuing education

3. Make continuing education as an option for 2
years in order to give the State Board of
Morticians time to establish a working pro-
gram and courses before tying it into license
renewal

Section 8.30.701

1. Rewrite this entire section to make it more
clear as to what would be legal for nonli-
censed personnel such as wives and competent
employees

"Rule as a Whole"

1. Should we get rid of all of them and bring
them in one at a time with a hearing on each
one

"Opinion on the State Board of Morticians"

1. Is the State Board of Morticians helping the
Funeral profession with these rules

2. Is the State Board of Morticians helping the
public with these rules

3. Is the State Board of Morticians working for
you

4. Do you feel a State Board Member should serve
more than one five-year term
Funeral Directors Association

1. Do you feel the Board of Directors of the Fun-
eral Directors Association are representing
the majority of its members view points

2. Are you a member of the Funeral Directors
Association

3. Do you feel the proposed rules would be in-
flationary to you and the consumer

BALLOTS RECEIVED				BALLOTS MAILED				BALLOTS RECEIVED			
YES	NO	%	#	YES	NO	%	#	YES	NO	%	#
84	71%	24	20%	11	9%						
88	74%	28	24%	3	3%						
75	63%	44	37%	0	0%						
90	76%	25	21%	4	3%						
93	78%	24	20%	2	2%						
57	48%	51	43%	11	9%						
38	32%	70	59%	11	9%						
36	30%	77	65%	6	5%						
33	28%	70	59%	16	13%						
29	24%	74	62%	16	13%						
35	29%	65	55%	19	16%						
-	-	-	-	-	-						
71	60%	36	30%	12	10%						

YES	NO	%	#	NO REPLY	%	#
84	34%	24	10%	140	56%	
88	35%	28	11%	132	53%	
75	30%	44	18%	129	52%	
90	36%	25	10%	133	54%	
93	38%	24	10%	131	53%	
57	23%	51	21%	140	56%	
38	15%	70	28%	140	56%	
36	15%	77	31%	135	54%	
33	13%	70	28%	145	58%	
29	12%	74	30%	145	58%	
35	14%	65	26%	148	60%	
-	-	-	-	-	-	
71	29%	36	15%	141	57%	

WITNESS STATEMENT

Name L. M. Clayton Committee On _____
Address Box 130, Wolf Point Date _____
Representing Clayton Memorial Support _____
Bill No. 209 H 252 Chapel Oppose ☒
Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. Does not hold - Consumer
- Licensed Personnel
- Unlicensed "

2. Poor Bill

3.

4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

MORTICIANS

Sub-Chapter 7

Rules of Professional Conduct

8.30.701 UNPROFESSIONAL CONDUCT (1) The board may refuse to issue, may refuse to renew, may suspend or may revoke any license for the practice of mortuary science or may place the holder thereof on a term of probation not to exceed one year, or issue a letter of reprimand or censure thereto after proper hearing upon finding the holder of such licenses to be guilty of acts of commission or omission including, but not limited to the following items which are included as unprofessional conduct:

(a) misrepresentations made or fraud committed as a holder of a license for the practice of funeral service;

(b) false or misleading advertising, advertising or using the name of an unlicensed person in connection with that of any funeral establishment;

(i) this does not prohibit funeral homes and mortuaries from publicizing the names of non-licensed employees or staff members when those firms do not misrepresent the capacity under which the non-licensed individuals are employed.

(c) solicitation of dead human bodies by the licensee, his agents, assistants or employees, whether such solicitation occurs after death or while death is impending; providing, that this shall not be deemed to prohibit general advertising;

(d) employment by the licensee of persons known as "cappers", or "steerers", or "solicitors", or other such persons to obtain the services of a holder of a license for the practice of funeral service;

(e) employment directly or indirectly of any apprentice, agent, assistant, employee, or other person, on part or full time, or on commission, for the purpose of calling upon individuals or institutions for solicitation of dead human bodies for a particular funeral establishment;

(f) the direct or indirect payment or offer of payment of a commission by the licensee, his agent, assistants, or employees for the purpose of securing business for that particular funeral establishment; provided however, that compliance with a state preneed law shall not constitute a violation thereof;

(g) aiding or abetting an unlicensed person to practice within the funeral service profession as a funeral director or mortician;

(h) failing to exercise appropriate supervision over interns who are authorized to practice only under the supervision of the licensed mortician;

(i) being unfit to perform because of physical or psychological impairment;

(j) using alcohol or other drugs to the point that there is interference with job performance;

COMMERCE

(k) allowing the licensee's license number to be placed on a death certificate, burial transit permit or any other official form of any dead human body as the mortician or embler, if the licensee did not prepare the body or supervise the final disposition of that body;

(l) using any funeral merchandise previously used without informing new consumer or person selecting and/or paying for the use of the merchandise that the merchandise has been used;

(m) violation of any of the provisions of Title 37, Chapter 19, MCA and/or Title 8, Chapter 30, Administrative Rules of Montana;

(n) violation of any state law or municipal or county ordinance or regulation affecting the handling, custody, care, transportation or final disposition of dead human bodies;

(o) fraud or misrepresentation in obtaining or renewing a license;

(p) refusing to properly release a dead human body to the custody of the person or entity who has the legal right to effect such release;

(q) failure to secure permit for removal or burial of dead human body prior to interment or disposal;

(r) knowingly making any false statement on a certificate of death;

(s) violation of applicable statutes of a state having to do with the prearrangement and/or pre-financing of a funeral;

(t) discriminating in services because of race, creed, color or national origin;

(u) knowingly making false statements regarding other licensed funeral personnel or mortuaries;

(v) permitting non-licensed personnel to make arrangements for a funeral; and

(w) personnel of a funeral establishment whose services are desired shall not recommend auxiliary services or merchandise or deprive the consumer the freedom of choice for such services or merchandise. (History: Sec. 37-1-136, 37-19-202, MCA; IMP, Sec. 37-1-136, 37-19-311, 404, MCA; NEW, 1982 MAR p. 2137, Eff. 12/17/82.)

8.30.702 LICENSEE RESPONSIBILITY IN CASE OF CRIME OR VIOLENCE IN CONNECTION WITH CAUSE OF DEATH (1) No person licensed for the practice of funeral service shall remove or embalm a dead human body when he or she has information indicating crime or violence of any sort in connection with the cause of death, until permission of the coroner or medical examiner or some other duly qualified person acting in such capacity if there is no coroner or medical examiner, has first been obtained. (History: Sec. 37-1-136, 37-19-202, MCA; IMP, Sec. 37-1-136, 37-19-311, 404, MCA; NEW, 1982 MAR p. 2137, Eff. 12/17/82.)

MORTICIANS

8.30.703 FREEDOM OF CHOICE RIGHTS OF NEXT OF KIN AND FAMILY (1) No public officer or employee, or the official of any public institution, or physician or surgeon, or any other person having a professional relationship with any decedent shall send or cause to be sent to any funeral establishment or to any person licensed for the practice of funeral service the remains of any deceased person without having first made due inquiry as to the desires of the next of kin and of the persons who may be chargeable with the funeral and expenses of such decedent. And if any such kin be found, his or her authority and directions shall govern.

(2) No company, corporation or association engaged in the business of paying or providing for the payment of the expenses of the funeral, disposition or other similar expenses of the deceased members or of certificate holders therein, or engaged in the business of providing any insurance upon the life of any individual, under which contract of insurance any obligation might or could arise to care for the remains of the insured, shall contract to pay or shall pay any such insurance or such benefits, or any part of either such insurance or benefits, to any funeral establishment or to any licensee or to any individual in any manner which might or could deprive the representative, next of kin or family of such deceased person from, or in way control them in procuring such funeral establishment, person licensed for the practice of funeral service or other proper and competent person to perform such necessary and proper services, and to furnish supplies as may be necessary and proper to care for the remains of such decedent as such representative, next of kin, or family may desire.

(3) No person licensed for the practice of funeral service or anyone acting for him or her shall have any part in any transaction or business which in any way interferes with the freedom of choice of the general public to choose a person licensed for the practice of funeral service or to choose a funeral establishment except where the body or a part thereof is given for anatomical purposes. (History: Sec. 37-1-136, 37-19-202, MCA; IMP, Sec. 37-1-136, 37-19-311, 404, MCA; NEW, 1982 MAR p. 2137, Eff. 12/17/82.)

8.30.704 UNLAWFUL PRACTICE (1) It shall be unlawful for any person, partnership, corporation or association who has not been licensed as specified in this act to transact, practice, or hold himself or itself out as transacting or practicing funeral service, or operating or maintaining a funeral establishment within this state. (History: Sec. 37-1-136, 37-19-202, MCA; IMP, Sec. 37-1-136, 37-19-311, 404, MCA; NEW, 1982 MAR p. 2137, Eff. 12/17/82.)

8.30.705 VIOLATION AND COMPLAINT PROCEDURES (1)

Whenever the board shall have reason to believe that any person to whom a license has been issued has become unfit to practice as a funeral service licensee or has violated any of the provisions of Title 37, Chapter 19, MCA and/or Title 8, Chapter 30, Administrative Rules of Montana, or whenever written complaint, charging the holder of a license with the violation of any provision of Title 37, Chapter 19, MCA and/or Title 8, Chapter 30, A.R.M., is filed with said board, it shall be the duty of said board to start an investigation within 30 days of the receipt of the complaint. If from such investigation it shall appear to the board that there is reasonable ground for such belief that the accused may have been guilty of the violations charged, a time and place shall be set by the board for a hearing to determine whether or not the license of the accused shall be suspended or revoked, the licensee placed on probation, or a letter of censure or reprimand issued. Any members of the board shall have the right to administer oaths to witnesses. (History: Sec. 37-1-136, 37-19-202, MCA; IMP, Sec. 37-1-136, 37-19-311, 404, MCA; NEW 1982 MAR p. 2137, Eff. 12/17/82.)

8.30.706 HEARING PROCEDURES (1)

No action to suspend, revoke, reprimand or censure, or place on probation the licensee shall be taken by the board until the accused has been furnished with a statement of the charges against him and by whom he is charged and a notice of the time and place of hearing thereof, the furnishing of such notice and the charges to be given said accused at least 15 days prior to the date of hearing. Said notice shall be mailed to the accused at his last known place of residence. The accused may be present at such hearing in person or by counsel or both to disprove the charges made against him. The accused has the right to demand the presence of the accuser at any hearing. If upon such hearing the board finds the charges are true, it may revoke, suspend place on probation or censure or reprimand the licensee. (History: Sec. 37-1-136, 37-19-202, MCA; IMP, Sec. 37-1-136, 37-19-311, 404, MCA; NEW 1982 MAR p. 2137, Eff. 12/17/82.)

2-17-516

ROUGH DRAFT

PROPOSED CHANGES, ADDITIONS, ETC. TO CONTINUING EDUCATION RULES
(new matter underlined, deleted matter interlined)

8.30.501 DEFINITIONS (1) For the purpose of these rules, the following definitions shall apply:

(a) "Continuing education " is defined as an academic course, workshop, ~~or~~ seminar, or other accepted activity developed for the purpose of increasing or sustaining the proficiency of the licensee to better serve the public.

(b) "Licensee" means any person licensed to practice as a mortician or as a funeral director in the state of Montana.

(c) "Approved program or activity" means a continuing education program meeting the standards set forth in these rules, which program has received advance approval by the board pursuant to these rules.

(d) "Accredited sponsor" means a person or organization sponsoring continuing education activities which has been approved by the board as a sponsor pursuant to these rules.

(e) "The continuing education compliance period" shall comprise the twenty-four month period immediately prior to the licensee's renewal date.

(f) "Inactive practitioner" for purposes of these rules shall mean an individual who has applied for and been granted a waiver of compliance with these rules and who has obtained a certificate of exemption.

(g) "Conditional permission to practice" shall mean written permission granted by the board to an individual to practice as a mortician^A or funeral director for a period not to exceed one year, during which time he must obtain the required number of hours of continuing education.

8.30.502 CONTINUING EDUCATION REQUIREMENTS (1) Beginning

6/30/84, each licensee in this state shall submit with his or her renewal application, satisfactory proof of completion of a minimum of 6 clock-hours of continuing education courses approved by the board per year or 12 clock-hours of continuing education courses for a 2 year period. Credit may be given for board approved continuing education programs completed between 1/1/83 and the effective date of these rules.

(a) Compliance with the requirements of continuing education is a prerequisite for license renewal.

(b) For those morticians newly licensed in January or February of a given year, the fulfillment of the continuing education requirements will not be required for an 18 month period from the date of licensure.

(c) For those morticians newly licensed in July of a given year, the fulfillment of the continuing education requirements will not be required for a 12 month period from the date of licensure.

(2) Hours of continuing education credit may be obtained by attending and participating in continuing education courses, workshops, or seminars or other accepted activities either previously accredited by the board or otherwise meeting the requirements herein and approved by the board.

(3) During the time an organization, educational institution, or person is an accredited sponsor, all continuing education programs of such organization or person must have board approval.

(4) A licensee desiring to obtain credit for completing more than 12 hours of approved continuing education credits during any 2 licensure years shall report such carry-over credit to the board on or before the expiration of his or her current license year. Such carry-over credit shall be limited to no more than 6 clock-hours.

(5) It is the responsibility of each licensee to finance his or her costs of continuing education.

8.30.503 STANDARDS FOR APPROVAL (1) A continuing education course, workshop, ~~or~~ seminar, or other accepted activity shall be qualified for approval if the board determines that:

(a) it constitutes an organized program of learning which contributes directly to the professional competency of the licensee in serving the public; and

(b) it relates to the practice of mortuary science;

(c) it is conducted by individuals considered experts in the subject matter of the program by reason of education, training or experience; and

(d) it is accompanied by a paper, manual, or written outline which substantially pertains to the subject matter of the program.

(2) Except as may be allowed by the board, no licensee shall receive credit exceeding 3 credit-hours of the annual total required hours, for correspondence work, satisfactory completion of such correspondence work shall be certified by the agency providing the education.

(3) No licensee shall receive credit exceeding 3 credit-hours of the annual total required hours for business management courses that do not directly relate to the consumer of mortuary services.

(4) No licensee shall receive credit exceeding 3 credit-hours of the annual total required hours for instructing classes or conducting seminars in mortuary science related fields.

(5) Credit will be granted on an individual basis upon approval by the majority of the board.

8.30.504 ACCREDITATION OF SPONSORS (1) The board may require of an organization or person not previously accredited by the board, which desires accreditation as a sponsor of courses, programs, or other continuing education activities, its education history for the preceding 2 years, including approximate dates, subjects offered, total hours of instruction presented, and the names and qualifications of instructors. By January 1 of each year, commencing 1984, accredited sponsors may be required to report to the board in writing the education programs conducted during the preceding calendar year, on a form approved by the board. The board may at any time re-evaluate an accredited sponsor. If after such re-evaluation, the board finds there is a basis for consideration of revocation of the accreditation of a sponsor, the board shall give notice in writing to that sponsor of the hearing on the revocation of accreditation at least 30 days prior to such hearing.

8.30.505 PRIOR APPROVAL OF ACTIVITIES (1) An organization or person other than an accredited sponsor, which desire prior accreditation of a continuing education program of any nature, shall apply to the board prior to its semi-annual meeting on a form provided by the board. The applicant shall be notified in writing of the board's decision within 15 days after ~~the board's~~ such decision. The application shall state the dates, subjects offered, total hours instruction, names and qualifications of speakers and other pertinent information.

8.30.506 POST APPROVAL OF ACTIVITIES (1) An organization or a licensee seeking credit for attendance and participation in an educational program which was not conducted by an accredited sponsor nor otherwise approved shall submit to the board, within 30 days after completion of such activity, its dates, subjects, instructors and their qualifications, and the number of credit hours requested therefor. Within ~~90~~ 30 days after receipt of such application, the board shall advise the licensee in writing by mail whether the activity is approved and the number of credit hours allowed. A licensee may be denied credit for the activity if he or she fails to comply with the requirements of this paragraph.

8.30.507 REVIEW OF PROGRAMS (1) The board may monitor or review any continuing education course, workshop, ~~or~~ seminar, or other accepted activity already approved by the board and upon evidence of significant variation in the program presented from the program approved, may disapprove all or any part of the approved hours granted the program.

8.30.508 HEARINGS (1) In the event of a denial, in whole or in part, of any application for accreditation or approval of a continuing education course, workshop, ~~or~~ seminar, or other accepted activity, the applicant or licensee shall have the right to hearing pursuant to ~~section-2-4-102~~ Title 2, Chapter 4, part 6, MCA.

8.30.509 ATTENDANCE RECORD REPORT (1) The accredited sponsor shall make a written report of the Montana licensees in attendance, and send a signed copy of such attendance to the office of the board upon completion of the continuing education course, but in no case later than 30 days following the date of such activity. In the event attendance is falsified, credit shall not be given and possible disciplinary action may be taken against the licensee.

(NEW RULE - MUST BE NOTICED)

8.30.510 EXCEPTIONS - NOT ENGAGING IN THE PRACTICE OF FUNERAL SERVICE (1) The board has authority to make a written exception from the continuing education requirements for those persons who certify that they do not intend to engage in the practice of funeral service. Applicants for certificate or license renewal must certify their intention to the board on a form prescribed by the board. The board defined "practice of funeral service" to mean a person engaging in providing shelter, care and custody of human dead; in the practice of preparing of the human dead by embalming or other methods for burial or other disposition; ~~in being responsible for the transportation of the human dead, bereaved relatives and friends;~~ in making arrangements at or prior to need, financial or otherwise, for the providing of such services and/or the same of funeral merchandise, whether for present or future use; or, in general, engaging in the practice or performs any functions of funeral directing and/or embalming as presently known including those stipulated herein.

8.30.511 DISABILITY OR ILLNESS (1) The board may, in individual cases involving disability or illness, grant waivers of the minimum education requirements or extensions of time within which to fulfill the same or make the required reports. No waiver or extension of time shall be granted unless written application therefor shall be made on forms provided by the board and signed by the licensee and a person licensed to practice the healing arts. Waivers of minimum educational requirements may be granted by the board for a period of time not to exceed 24 months. In the event that the disability or illness upon which a waiver has been granted continues beyond the period of this waiver, the licensee shall apply for an extension of the waiver.

(new rule, must be noticed)

8.30.512 HARDSHIP EXCEPTION (1) The board has authority to make a written exception for reasons of individual hardship including health, military service, foreign residence, retirement, inaccessibility to programs or interference with an interstate practice.

(New rule, must be noticed)

8.30.513 OTHER EXCEPTIONS (1) The board has authority to prescribe an amplified program or schedule of continuing education for an individual on an annual case-by-case basis should the board decide such amplification in the basic requirement and /or programs which qualify are in the public's best interest.

8.30.514 REINSTATEMENT OF INACTIVE PRACTITIONERS (1) Inactive

practitioners who have been granted a waiver of compliance with these regulations and obtained a certificate of exemption, shall prior to engaging in the practice of mortuary science or funeral service in the state of Montana satisfy the following requirements for reinstatement:

(a) submit written application for reinstatement to the board upon forms provided by the board, and

(b) ~~furnish in-the-application-form~~ within one year from the date the board grants conditional permission to practice, evidence of one of the following:

(i) full time practice as a mortician or funeral director in another state of the United States or the District of Columbia and completion of continuing education for each year of inactive status in Montana, ~~substantially-equivalent-in-the-opinion-of the-board-to-the-continuing-education-required-under-these-rules,~~ not to exceed 12 hours,

(ii) completion of a total number of hours of accredited continuing education computed by multiplying 6 by the number of years a certificate of exemption shall have been in effect for such applicant, not to exceed 12 hours,

~~(c){iii}~~ (c) in addition to option (i) and (ii) above, for those individuals who have been inactive for a period in excess of 5 years, successful completion of the Montana state rule examination will be required.

(d) Conditional permission to practice while obtaining the requirements under subsection (b) above will be granted for a period not to exceed 1 year. No conditional permission will be granted for a second time if the requirements for continuing education are not fulfilled within the time period allowed.

(2) The same requirements of this rule will be required to be fulfilled by those licensees who let their licenses become suspended by non-renewal.

8.30.515 PENALTY FOR NON-COMPLIANCE (1) Morticians or

funeral directors who have not requested inactive status and/or have not complied with the requirements of 12 hours of continuing education within a 2 year period shall be subject to suspension or revocation of license after hearing.



MONTANA FUNERAL DIRECTORS ASSOCIATION

P.O. Box 908 • HELENA, MONTANA 59624 • (406) 442-1432

January 31, 1983

Chairman and Members of the Human Services Committee:

My name is Tom Davis and I have been a licensed mortician for the past ten years, seven of those years in Montana. I am currently the president of the Montana Funeral Directors' Association and, may I say, that I sincerely appreciate the opportunity to represent the membership of our Association before you today.

At the outset, I would like to state for public record that the Montana Funeral Directors' Association is opposed to the passage of both HB 209 and HB252. I say that primarily from the standpoint that neither bill is in the public's or consumers' best interests. We strongly support the Montana State Board of Morticians in their efforts to assure to the consuming public that whatever professional contact they have with the licensed morticians and funeral directors of Montana is of the highest ethical standards. Also, by the adoption of rules governing continuing education and professional ethics and conduct, the State Board has taken steps to assure that the licensees dealing with consumers are currently well-informed, well-educated, and capable of dealing in a professional manner with the countless number of contingencies that can arise in their several interactions with the public.

Our feeling is that one of the most sensitive times for any bereaved individual is in the arrangement conference with the funeral director. Their minds are often flooded with confusion as to what to do and how to do it. This frequently applies to

their decisions concerning services, merchandise and costs both directly and indirectly related to the funeral. Since the bereaved individual tends to behave erratically and sometimes unpredictably, the funeral director must be able to react quickly and to modify his task orientation and role behavior to better meet their needs. Since the mismanagement of such death-related situations can lead to long-term socio-psychological as well as economic problems, we feel that the individual counseling with the bereaved in all areas of funeral arrangements should be licensed by and answerable to the State Board of Morticians. This does not mean, in our opinion, that non-licensed individuals on funeral home staffs, particularly in small "one-man operations," will be prevented from occasionally receiving or disseminating information. We realize fully well that there are times when it is literally impossible for a licensed man to be present to perform such tasks. This has been a common practice and will continue to be. However, we also believe that that same funeral director should be within reasonably close contact with the non-licensed person and should make every effort to relieve him or her of those tasks as soon as possible. Therefore, the occasional instance described above should pose no problem in complying with the state board rules.

The most important reason for leaving the rules intact is to prevent a non-licensed individual from performing these responsibilities on a full-time basis and without the supervision of a licensed mortician or funeral director. If that should occur, that individual would have no accountability to the State Board of Morticians which you, as legislators, have mandated to protect the public's interests. Also the credentials of the licensed practitioner are then diluted to the extent of the allowable activities

of the non-licensed individual. This poses the threat to the public of creating a situation similar to Colorado where their state board of morticians has been "sunseted". Now, while there have been no apparent consumer problems arise to date, the state has been without a board for less than a year, and funeral directors from Colorado whom I have visited with agree that the potential for problems is much greater without board supervision. In other words, the stage has been set. This is a situation which would not be healthy for the Montana public.

As to continuing education and its implications to all licensees and to the public, allow me to say this. The need for continuing education in our profession is hardly arguable. More changes have taken place in the last ten years than in the previous fifty. These are changes which directly affect the consuming public. Changes in government agencies of all levels; the psychological and economic effects of alternative forms of services and final disposition; new community, family and survivor oriented programming available through the funeral director; the many newly developed methods of grief counseling relating to Sudden Infant Death Syndrome, suicide, dealing with children and families and others; and recent technological developments to aid in the care and restoration of the dead human body are just some of the countless areas of growth and change.

The point is, ladies and gentlemen, that the scope of information and knowledge available to members of our profession is ever broadening and changing. Since these changes directly affect those served by our profession, the State Board of Morticians has an obligation to insure that those licensed to practice funeral service

in Montana are capable and well-informed enough to meet those changes. And this should apply equally to all licensees, whether full-time or part-time; whether completely active or semi-active. The important needs and desires of the bereaved who deal with these practitioners are no less important if the practitioner is active two weeks a year than if he is active 52 weeks a year. Also, to exempt a certain category of practitioners discriminates against those who are made to comply. The continuing education rule should apply to all individuals who maintain an active license in Montana.

Concerning HB252 which would repeal all professional ethics and conduct rules, our feeling is that the State Board of Morticians has taken a positive step to provide guidelines which the public can view as an assurance that those they deal with are of the finest moral, ethical and legal character. To repeal those guidelines which, incidentally, exist in many other professions, would show a lack of regard for the public's well-being. There is nothing within this rule to which a decent, honest and upright licensee could not subscribe. In fact, if his concern is for those he serves, he should be eager to comply.

The question has been raised as to whether complicity with these rules would create an undue economic hardship upon the consumer. Our answer is an unequivocal "No". Much of what is being required is already being done by licensees, perhaps without their even being aware of it. Why, then, should it be required? First, because it will document for the benefit of the public that it is indeed being done. Secondly, it will compel those who, for whatever reason, are not fulfilling their responsibility to the public, the profession, and their license to do so. Also, it is possible

that the minimal continuing education requirement can easily be fulfilled without leaving one's own community. No extra college is required. Attendance at distant seminars or workshops is not required. Additionally, it would be easy, and perhaps easier, for the semi-active or part-time practitioner to comply as for a fully active one. Costs would be minimal. Based upon my own experience of actively pursuing continuing education for the past four years, I would estimate it to be as low as between \$100 and \$200 per year. A small price to pay to insure the integrity of the public's trust in our profession.

As to whether the consumer would suffer economic hardship as the result of requiring licensees to make complete funeral arrangements, one individual has estimated that it would cost him \$30,000 per year or \$300 per funeral sold. I personally believe this figure to be greatly exaggerated. All of the funeral homes that I am aware of are relatively close to licensed individuals who can periodically cover for them on a day-to-day basis or weekly as the situation might dictate. The cost of this infrequent help would be considerably less than \$30,000, which, incidentally, is, in my belief, more than many funeral home owners make. If a practitioner feels the need to hire another licensee at more cost to the consumer, I would suggest that he is already understaffed or is not efficiently handling his own work load.

Finally, let me re-emphasize that your obligation as legislators has been met by mandating that the State Board of Morticians insure the public's welfare and the profession's integrity. Do not, now,

Page 6

step back from that obligation and weaken the State Board's ability to govern its profession. We strongly urge you to kill HB 209 and HB 252.

Thank you for your time.

WITNESS STATEMENT

Name Lorene Johnson Committee On _____
Address Galispell, Ark. Date _____
Representing Bd. of Morticians Support _____
Bill No. 252 & 209 Oppose ✓
Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. Representing Jack Severns - former consumer member of Bd. of Morticians who could not be here.
2. _____
3. _____
4. _____

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

January 11, 1983

Honorable Marjorie Hart, Chairman
Human Services Committee
House of Representatives
TO: Members and Friends of the Montana Funeral Directors Association
and Members of the State Board of Morticians

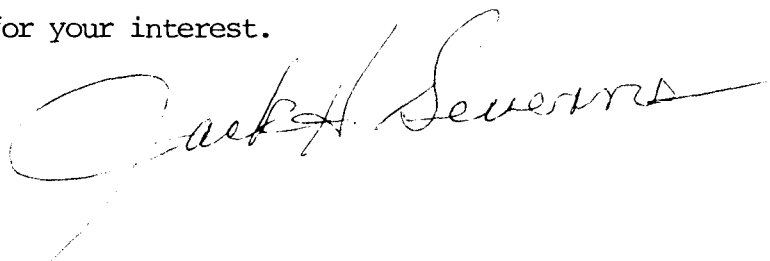
I have been a minister in Montana for almost 25 years and have recently completed a 5-year term on the State Board of Morticians serving as the first lay member. During 1980-81 I was Chairman of the Board. During these years of service I have had close associations with morticians across the State of Montana and have found these folk to be sensitive, concerned and dedicated. I have enjoyed my association with the funeral directors of Montana.

While serving on the Board I consistently pressed for recognition by the State government and the public of the funeral director as a professional person as opposed to just a person in business. With changing times, the funeral director more and more is emerging as a counselor to persons in stress; helping them in such areas as financial counseling, grief counseling, and I suspect family counseling. In other words, as communities become less intimate and traditional support structures such as the church become less meaningful for many, the funeral director must truly take on burdens not immediately apparent to the casual observer. Having openly supported the recognition of funeral directing as a high and important calling, I must also support with equal energy the ethical and educational demands this high calling places upon men and women in the profession. In my thinking there must be a standard of education, knowledge and experience which must be met before a person may enter the profession. These standards are best mandated by the present licensure system. To split the licensure between those who are by law embalmers and those who are funeral directors would be to weaken the structure and go back to a system rejected 20 years ago. To weaken or evade a modest requirement for continuing education, even for reasons that may be practical in some instances, is to step back from sincere response to the challenge of the profession.

While some non-professional employees are very capable of doing most, if not all, the tasks of the funeral director, care should be taken by licensed personnel in a funeral home not to assign duties which may involve counseling, the purchase of caskets, or the making of other business arrangements to non-licensed people. To consistently do this erodes the meaning of licensure and thus strikes at the integrity of the profession.

Finally I would remind the members of the profession that the State Board is in existence primarily to protect the public interest and therefor may not always make decisions which are uniformly popular with all funeral directors.

Thank you for your interest.

A handwritten signature in dark ink, appearing to read "Jack H. Severns". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

WITNESS STATEMENT

Name Bob O. BEALS Committee On Human Services
Address Forsyth Date JANUARY 31, 1983
Representing BEALS MORTUARY Support _____
Bill No. 252 + 209 Oppose ✓
Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. I HAVE WRITTEN RECORD SUBMITTED IN FAVOR OF THE ABOVE BILLS WITH SOME EXCEPTIONS.
2. AFTER ARGUING BOTH SIDES OF THE ISSUES AT LENGTH, I AM CONVINCED THAT ONLY HARM COULD COME FROM PASSAGE OF THESE BILLS.
3. UNDER OUR PRESENT RULES + REGULATIONS, ALL ITEMS ARE COVERED OR ARE BEING COVERED CONTAINED WITHIN THESE BILLS.
- 4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

January 31, 1983

The Honorable Marjorie Hart, Chmn.
Montana House of Representatives
Capitol Station
Helena, MT. 59620

Dear Madam Chairman,

I, Lorene Johnson Mortician license no. 127 do hereby registre my opposition
to house bills 209 and 252.

Sincerely,

Lorene Johnson # 127
Johnson Mortuary
Kalispell, Montana

January 27, 1983

The Honorable Marjorie Hart, Chmn.
Montana House of Representatives
Capitol Station
Helena, Mt. 59620

Dear Madam Chairman,

Having studied house bill 209 and house bill 252, I have determined that I am against the passing of either house bill.

House bill 209 would not further improve our standards, that we have worked so hard to improve. By having qualified personnel with license to perform the duties of a funeral director and embalmer, we are aiding in keeping undesirable people from doing damage to our professional standards.

House Bill 252 if passed would eliminate any control our profession has on the moral integrity our personnel has toward the best interests of the people we serve. They would definitely (the public) be at the mercy of any shyster who might enter the profession.

As a holder of not only a Montana Funeral Directors license but also an Idaho license for the past 30 years, I have seen some very unethical practices in this profession in Idaho. These were done by unlicensed personnel entering the profession. They started several years ago by forming a private cemetery in ~~near~~ Idaho Falls, Idaho. They then started a funeral home on the premises. The manager and owner was not licensed as a Funeral Director and embalmer. He did not have the best interest of the families he served. He not only cheated them on prices but left with a lot of the trust money paid by families he had served. These monies were for preneed graves and funerals.

We in the profession of Funeral Service should have one thing in mind, first to serve our families with their welfare in mind. We will not be able to do this if we do not keep improving our standards.

Therefore I am strongly against the passage of house bill 209 and 252.

Sincerely


Robert S. Meyer

Box # 163

Hardin, Montana 59034

Montana license # 432

Idaho license #A 424

STATEMENT OF INTENT HB 209

The statement of intent attached to HB 209 relating to section 1 of the bill provides: The Board of Morticians shall adopt rules to allow unlicensed mortuary employees, prior to a determination by a customer as to the mortuary services he desires, to: distribute to the customer a prepared list for mortuary, funeral, and other services and merchandise available from the mortuary and identify for the customer funeral-related services and merchandise available from other businesses. The rules to be adopted shall be limited to the above and do not in any manner allow for unlicensed mortuary employees to practice funeral service. While it is the intent of these section to allow identification of funeral-related expenses, it does not in any manner allow the funeral home personnel to recommend a specific purveyor of these services over another.

STANDING COMMITTEE REPORT

Page 1 of 2
HOUSE BILL 232

January 31, 1983

MR. SPEAKER

We, your committee on HUMAN SERVICES

having had under consideration HOUSE Bill No. 232

first reading copy (white color)

A BILL FOR AN ACT ENTITLED: "AN ACT BROADENING PRIVILEGES OF SPECIAL PARKING PERMITHOLDERS AND ALLOWING EXEMPTIONS FROM TIME LIMITS; REQUIRING SPECIAL LICENSE PLATES OR CARDS TO BEAR THE WHEELCHAIR EMBLEM; PROVIDING FOR EXPIRATION OF PERMIT ON RECOVERY OR DEATH OF PERMITTEE; AUTHORIZING SPECIAL LICENSE PLATES FOR 100-PERCENT DISABLED VETERANS; PROVIDING A PENALTY; AMENDING SECTIONS 10-2-301, 49-4-302, 49-4-304, AND 49-4-305, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

Respectfully report as follows: That HOUSE Bill No. 232

BE AMENDED AS FOLLOWS:

1. Title: line 6.

Following: "LIMITS;"

Insert: "ALLOWING PERMITS FOR TEMPORARILY HANDICAPPED PERSONS;"

2. Title: line 10.

Following: "301,"

Insert: "49-4-301,"

3. Page 1.

Following: line 14.

Insert: "Section 1. Section 49-4-301 is amended to read:

49-4-301. Who eligible for special parking permit. (1) The division of motor vehicles, department of justice, shall issue a special parking permit to a person who:

(a) holds a valid Montana driver's license and owns a motor vehicle, other than a commercial vehicle, and has a permanent physical handicap that impairs his mobility when not in a motor vehicle; or

~~REPEAL~~

January 31,

19 83

(b) regardless of whether he holds a driver's license or owns a motor vehicle, has a permanent physical handicap that impairs his driving ability and impairs his mobility when not in a motor vehicle to such an extent that he needs to be driven by another person to a destination; or

(c) has a temporary physical handicap that impairs his driving ability or his mobility when not in a motor vehicle to such an extent that he needs to be driven by another person to a destination.

(2) No one applicant may receive more than one permit."

Renumber: subsequent sections

4. Page 4, line 14.

Following: "than"

Strike: "\$10"

Insert: "\$25"

5. Page 4, line 15.

Following: "\$100"

Strike: "or by imprisonment for not more than 10 days"

6. Page 4, line 18.

Strike: "5"

Insert: "6"

7. Page 4, line 20.

Strike: "5"

Insert: "6"

AND AS AMENDED

DO PASS

VISITORS' REGISTER

HOUSE HUMAN SERVICES COMMITTEE

BILL HOUSE BILL 252

Date 1-31-83

SPONSOR REP. KEYSER

Lenny Bullin

Hardin

with funeral Director

NAME	RESIDENCE	REPRESENTING	SUP- PORT	OP- POSE
Raymond J. Smith	Helena	Herrmann & Co	✓	
Ronald W. Smith	Helena	Mt. Funeral Directors Assn		✓
DRANE J. SCOTT	W. H. T. Hall	SELF		✓
LeRoy Bender	Helena	Mt. Funeral Directors		✓
Eugene Buller	Hardin	self & Mt. Board of Morticians		✓
James Johnson	Helena	Bd. of Morticians		✓
L. M. Clayton III	Wolf Point	self. Bd. of Morticians		✓
W. F. Regale	Drowning Mt	Mt. Funeral Directors		✓
Ernest Kiddle	" "			✓
W. E. Roy Kiddle	St Ignace Mt	Mt Funeral Directors		✓
Norman H. Vial	St. Helens, Mont.	Bd. of Morticians		✓
Bob J. Dwyer	Forsyth	BEALS Mortuary		-
George L. Lusk	Gardiner	Silverdale Mortuary		✓
Nathaniel Miser	Fort Benton	Self		✓
Jeff S. Shulock	Helena	Rd Mort		✓
W. Mian	Fort Benton	Benton Funeral Home		✓
S. M. Clayton	Wolf Point	Clayton Chapel		✓
John L. Davis	Livingston	Mt. Funeral Directors		✓
James W. Lutz	St. Paul	Chapel of Christ	✓	
M. B. Lusk	" "	" "	✓	
Ronald A. Stone	Billings	Billings Chapel		✓

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Donald W. Smith Helena my license

VISITORS' REGISTER

HOUSE HUMAN SERVICES COMMITTEE

BILL HOUSE BILL 209

Date 1-13-83

SPONSOR REP. KEYSER

NAME	RESIDENCE	REPRESENTING	SUP- PORT	OP- POSE
J. D. Davis	Livingston	Mt Funeral Directors		
Calvin Pratt	Helena	Mt Funeral Directors		
DUANE J. SCOTT	Whitehall	SELF		
LeRoy Bender	Helena	Mt. Funeral Directors		
John Johnson	Agassiz	Bd. of Morticians		
Bill (W. E. Kiddle)	Bray	Mt. Funeral Directors		
Eric Kiddle	Bray			
W. E. (Reg) Kiddle	St. Ignace	Mt. Funeral Directors		
Everett Bullis	Harden	Mt. Bd of Morticians		
L. M. Clayton II	Wolf Point	self-Bd of morticians		
Bill O. Ows	Forsyth	BEALS Mortuary		
Norman H. Dial	Mt. Park	Bd of Morticians		
LANCE Silva	Glendive	Mt. Funeral Directors		
Seamus Clayton	Wolf Point	Clayton Memorial		
Jim Sheehan	Helena	Bd MORTS		
Sam & Walt Kuryak	Mt. Park	Chapel of Choice		
Michael Shady	St. Paul	Chapel of Choice		
Ronald A. Stone	Billings	Smith Funeral Chapel		
John R. Davis	Livingston	Mt Funeral Dir Assn		
Richie Thors	Fort Benton	SELF		
Don Wilson	Fort Benton	Beaumont Funeral Home		

IF YOU WISH TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM
 PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY
 Form CS-33
 K & L Marks

STANDING COMMITTEE REPORT

February 5

19 83

MR. SPEAKER

We, your committee on HUMAN SERVICES

having had under consideration HOUSE Bill No. 114

~~FIRST~~ reading (~~WHITE~~)

AN ACT TO PROVIDE TRAINING FOR FAMILY PRACTICE RESIDENT PHYSICIANS;
LIMITING USE OF FUNDS; APPROPRIATING FUNDS; AND PROVIDING AN
EFFECTIVE DATE

Respectfully report as follows: That HOUSE Bill No. 114

DO PASS

STANDING COMMITTEE REPORT

February 5

83

19.....

MR. **SPEAKER**.....

We, your committee on **HUMAN SERVICES**.....

having had under consideration **HOUSE**..... Bill No. **209**.....

first reading copy (**white**)
color

A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THE BOARD OF MORTICIANS TO ADOPT RULES ALLOWING UNLICENSED MORTUARY EMPLOYEES TO DISTRIBUTE PREPARED LISTS OF FUNERAL SERVICES AND COSTS; PREVENTING THE BOARD FROM REQUIRING CONTINUING EDUCATION FOR CERTAIN PART-TIME PRACTITIONERS OF MORTUARY SCIENCE; AMENDING SECTIONS 37-19-315 AND 37-19-316; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

Respectfully report as follows: That..... **HOUSE**..... Bill No. **209**.....

DO NOT PASS
XXXXXX
DO PASS

STANDING COMMITTEE REPORT

February 5

83

19.....

MR. **SPEAKER**

We, your committee on **HUMAN SERVICES**

having had under consideration **HOUSE** Bill No. **252**

first reading copy (**white**)
color

**A BILL FOR AN ACT ENTITLED: "AN ACT REPEALING THE RULES OF THE
BOARD OF MORTICIANS GOVERNING UNPROFESSIONAL CONDUCT; AND PROVID-
ING AN IMMEDIATE EFFECTIVE DATE."**

Respectfully report as follows: That **HOUSE** Bill No. **252**

DO NOT PASS

~~XXXXXX~~
DO PASS