

Legislative History for Connecticut Act

SB 140	PA 163	1988
House 4644-4647		(4)
Senate 751, 1910-1913, 1920-1921		(7)
General Law 83-91		(9)
		Total 20 p.

Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate and House of Representatives Proceedings

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CONNECTICUT  
GEN. ASSEMBLY  
HOUSE

PROCEEDINGS  
1988

VOL. 31  
PART 13  
4377-4753

kfh

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House of Representatives

Monday, April 25, 1988

Senate Bill 21 as amended by Senate "A".

Total Number Voting	145
Necessary for Passage	73
Those voting Yea	145
Those voting Nay	0
Those absent and not Voting	6

DEPUTY SPEAKER CIBES:

The bill is passed.

CLERK:

Page 15, Calendar 494, Substitute for Senate Bill No. 140. AN ACT CONCERNING LICENSURE OF EMBALMERS AND FUNERAL DIRECTORS, RENEWALS OF LICENSES AND REVOCATION OF INSPECTION CERTIFICATES OF FUNERAL SERVICE BUSINESSES. Favorable Report of the Committee on FINANCE, REVENUE AND BONDING.

REP. FOX: (144th)

Mr. Speaker.

DEPUTY SPEAKER CIBES:

Representative Fox.

REP. FOX: (144th)

Mr. Speaker, I move acceptance of the Joint Committee's Favorable Report and passage of the bill.

SPEAKER STOLBERG:

Will you remark?

REP. FOX: (144th)

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Yes sir. Mr. Speaker, this makes a number of changes regarding the licensing of embalmers and funeral directors in terms of the amount of training, the reciprocity with other states in the licensing of individuals from other states. It provides an amendment to the discipline procedures and the discipline that may be imposed by the appropriate state authority and equalizes the embalmer and funeral director application fees. I move adoption of the bill, sir.

SPEAKER STOLBERG:

Will you remark further on the bill? Will you remark further, Representative Krawiecki.

REP. KRAWIECKI: (78th)

Thank you, Mr. Speaker. A question, through you to Representative Fox, please.

SPEAKER STOLBERG:

Please frame your question, sir.

REP. KRAWIECKI: (78th)

Representative Fox, with regard to the language between, in sub (c) on page 2, where you are talking about an individual that has a license from another state and they come into our state. It sort of goes through some convoluted language with regarding, in lines 50, 2, 3, 4, that say the person can take the

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exam, or can be eligible for licensure without the exam upon application, provided all such applications shall be required to pass an exam. And then it seems to give you the inference that they may have to take a later exam.

So. Through you, Mr. Speaker, I just want to be clear. Is the person coming from out-of-state going to be responsible for taking an exam at any point or time. Or is there no need to take an examination as long as they meet those qualifications?

SPEAKER STOLBERG:

Representative Fox.

REP. FOX: (144th)

Through you, Mr. Speaker, the intention of that section of the proposed bill is to provide for one exam relating to Connecticut Law. It is the intention of the Committee with this legislation to make reciprocity somewhat easier, but there is a desire and demand to see to it that that individual is familiar with Connecticut law.

REP. KRAWIECKI: (78th)

Thank you, Representative Fox.

SPEAKER STOLBERG:

Will you remark further? If not, will members please be seated. Staff and guests to the Well of the

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House, the machine will be opened.

CLERK:

The House of Representatives is voting by roll call, members return to the Chamber. The House of Representatives is taking a roll call vote, members to the Chamber, please.

SPEAKER STOLBERG:

Have all the members voted? Have all the members voted? If all the members have voted and their vote properly recorded, the machine will be locked and the Clerk will take a tally. Clerk please announce the tally.

CLERK:

Senate Bill 140 in concurrence.

Total Number Voting	143
Necessary for Passage	72
Those voting Yea	143
Those voting Nay	0
Those absent and not Voting	8

SPEAKER STOLBERG:

The bill is passed.

Are there any announcements or points of personal privilege at this time. Representative McCavanagh.

REP. MCCAVANAGH: (12th)

Mr. Speaker, the Judiciary Committee meeting at a

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Finance, Revenue and Bonding

Subst. SB 70 AN ACT INCREASING THE BORROWING  
POWERS OF REGIONAL SCHOOL DISTRICTS.

Insurance and Real Estate

SB 390 AN ACT CONCERNING HEALTH AND HOSPITAL  
INSURANCE COVERAGE FOR SERVICES PROVIDED BY THE  
VETERANS' HOME AND HOSPITAL.

Public Safety

SB 334 AN ACT CONCERNING THE HEIGHT OF CEILINGS OF  
BASEMENT APARTMENTS IN TENEMENT HOUSES.

Judiciary

Subst. SB 358 AN ACT CONCERNING ISSUANCE OF THE  
TRANSPORTER'S REGISTRATION.

5. SENATE BILLS FAVORABLY REPORTED WITH A CHANGE OF  
REFERENCE - to be referred to committees indicated

General Law

Subst. SB 140 AN ACT CONCERNING LICENSURE OF  
EMBALMERS AND FUNERAL DIRECTORS, RENEWALS OF LICENSES  
AND REVOCATION OF INSPECTION CERTIFICATES OF FUNERAL  
SERVICE BUSINESSES.

REFERRED TO: Public Health

Public Safety

Subst. SB 225 AN ACT CONCERNING BINGO AND SEALED  
TICKET GAMES.

REFERRED TO: Finance, Revenue and Bonding

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APRIL 20, 1988

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Do you wish to remark further? Senator Avallone.

SENATOR AVALLONE:

I would move it to Consent.

THE CHAIR:

Without objection, so ordered. Call the next  
item, please.

THE CLERK:

Calendar No. 373, Substitute for Senate Bill 140.

AN ACT CONCERNING LICENSURE OF EMBALMERS AND FUNERAL  
DIRECTORS, RENEWALS OF LICENSES AND REVOCATION OF  
INSPECTION CERTIFICATES OF FUNERAL SERVICE BUSINESSES.  
Favorable Report of the Committee on FINANCE, REVENUE  
AND BONDING.

THE CHAIR:

Senator DiBella.

SENATOR DIBELLA:

Thank you, Mr. President. I move adoption of the  
Joint Committee's Favorable Report and urge the passage  
of the bill.

THE CHAIR:

Will you remark?

SENATOR DIBELLA:

Yes, Mr. President. This is a rather extensive  
bill. It does several things in the funeral industry.  
It changes initial licensing requirements for funeral

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directors and embalmers by adding a new exam, reduces the length of the apprenticeship, and deletes specific testing in specific subjects.

It also authorizes the Department of Health Services and the Board of Examiners of Embalmers and Funeral Directors to discipline holders of funeral home inspection certificates in the same way that licenses are treated. It equalizes the embalmer and funeral director's application and renewal fees.

If there are no further questions, Mr. President, this would result in an increase to the State of Connecticut of about \$32,000, I believe.

If there is no further questions, I would ask that this be placed on the Consent Calendar.

THE CHAIR:

Senator Smith.

SENATOR SMITH:

Mr. President, I don't think...

THE CHAIR:

This is a subject that is near and dear to Senator DiBella's heart.

SENATOR SMITH:

I was just going to suggest...

THE CHAIR:

From before he became an entrepreneur. (laughter)

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SENATOR DIBELLA:

When I worked for a living.

SENATOR SMITH:

I was going to suggest that the Minority Party, Mr. President, will not be digging into this one.

(laughter)

SENATOR MORTON:

Mr. President?

THE CHAIR:

Senator Morton, yes.

SENATOR MORTON:

I was just wondering if I should absent myself from this vote. I am a funeral director.

SENATOR DIBELLA:

Mr. President, I asked that question. There is no conflict that is going to effect you.

THE CHAIR:

Well, it is going to effect us all, because we are all going to be buried sometime. (laughter)

SENATOR DIBELLA:

Some sooner than others. (laughter)

THE CHAIR:

It seems to be the sentiment that perhaps there is no conflict. So, I will accept that, unless somebody else feels differently about it. Yes, it has a

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universal appeal. (laughter)

Without objection, the item is placed on the  
Consent Calendar. Call the next item, please.

THE CLERK:

I think we are ready to go back to the P.T.'s.  
Calendar page 6, Calendar No. 333, File No. 481,  
Substitute for Senate Bill No. 375. AN ACT CONCERNING  
FUNDING OF THE CONNECTICUT HAZARDOUS WASTE MANAGEMENT  
SERVICE AND THE HAZARDOUS WASTE ACTIVITIES OF THE  
CONNECTICUT SITING COUNCIL. Favorable Report of the  
Committee on APPROPRIATIONS.

Clerk is in possession of amendments.

THE CHAIR:

Could you give me that referral again? What page,  
please?

THE CLERK:

Page 6, Calendar No. 333.

THE CHAIR:

Thank you. Senator Meotti.

SENATOR MEOTTI:

Yes, thank you, Mr. President. I move the  
acceptance of the Committee's Favorable Report and  
passage of the bill. I believe the Clerk has several  
amendments.

THE CHAIR:

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immediate roll call on the Consent Calendar.

THE CLERK:

Immediate roll call has been ordered in the Senate.  
Will all Senators please return to the Chamber?

Immediate roll call has been ordered in the Senate.

Will all Senators please return to the Chamber?

THE CHAIR:

Please give your attention to the Clerk, who will read the items that have been referred to the Consent Calendar. Madame Clerk?

THE CLERK:

Consent Calendar #2, for Wednesday, April 20th, 1988. Page 3, Calendar No. 301, Substitute for Senate Bill No. 366. Page 4, Calendar No. 309, Substitute for Senate Bill No. 421. Calendar No. 316, Substitute for House Bill No. 5839.

Page 6, Calendar No. 333, Substitute for Senate Bill No. 375. Page 7, Calendar No. 340, Substitute for House Bill No. 5542. Calendar No. 341, House Bill No. 5576. Calendar No. 343, Substitute for House Bill No. 5459.

Page 9, Calendar No. 356, Substitute for Senate Bill No. 387. Page 10, Calendar No. 358, Substitute for Senate Bill No. 34. Page 11, Calendar No. 371, Substitute for Senate Bill No. 340. Calendar No. 372,

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Substitute for Senate Bill No. 475. Calendar No. 373,  
Substitute for Senate Bill No. 140.

I believe that completes the Consent Calendar for  
today.

THE CHAIR:

Any changes or omissions? The machine is open.  
Please record your vote.

Senator Matthews. Senator Avallone. Senator  
Maloney. Has everyone voted? The machine is closed.  
Clerk, please tally the vote.

The result of the vote:

36 Yea

0 Nay

The Consent Calendar is adopted.

THE CLERK:

We are back at Calendar No. HB 5797, page 7.

THE CHAIR:

Senator Meotti.

SENATOR MEOTTI:

Yes, Mr. President. I move the acceptance of the  
Committee's Favorable Report and passage of the bill.

THE CHAIR:

As amended by House Amendment Schedules "A" and  
"B"?

SENATOR MEOTTI:

JOINT  
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committee in this area.

GRACE NOME: May I refer to?

REP. WOODCOCK: Sure.

GRACE NOME: (Someone talking in the background, and not into microphone. Completely inaudible)

REP. FOX: John, I'm going to have Ed to take a look at that because we want to make sure there's not a conflict within the statute itself. Thank you.

GRACE NOME: Thank you. I would just like to, it's not on, but I would just like to make one point on Committee Bill 141, the act of labeling meat sold. I would think that any meat that's sold to anybody should have the requirements that are on in this bill. But I wonder if the committee couldn't take a look at this bill because it appears to me in reviewing the language, that there is a great deal of repetition in the bill as required by the person selling it, that might land up to be more costly than necessary. However, I think the main points of the issue are correct.

REP. FOX: Thank you.

GRACE NOME: Thank you.

REP. FOX: I'm going to move on to Bill 140 regarding the licensing of embalmers. We have Mr. Driscoll, Funeral Directors and Embalmers.

TIMOTHY DRISCOLL: Thank you, Mr. Chairman. My name is Tim Driscoll. I'm here representing my father, Paul E. Driscoll, who is Chairman of the Board of Examiners of Funeral Directors and Embalmers in the State of Connecticut and have come here to talk in favor of the proposed amendments to the sections dealing with the funeral directors licensure, fees, reciprocation with other states and the addition of certificates of inspection to disciplinary actions of the board.

My dad has worked quite a while, the last several years on this. He's worked for several years on the reciprocation aspect, and by the approval or the passage of this would enable first of all,

reciprocation would enable licensees, the license holders from other states who have educational requirements equal to or greater than the State of Connecticut, it would make it more easier for them to come in to the State of Connecticut to establish residency, and to work as a funeral director or an embalmer.

With the labor market the way it is, this would be an added plus, both to our profession and to the State of Connecticut.

The other part of the amendments is the restructuring of the fees for embalmers and funeral directors. As it stands now, in Connecticut, we have the two licensure system. Funeral directors license enables a person to own and operate a funeral service establishment. However, that funeral director licensee must have on their payroll, a full-time licensed embalmer. A licensed embalmer, by statute, acts both as an embalmer and a funeral director.

A licensed embalmer currently pays \$10 to renew his license each year. A licensed funeral director now pays \$100 to renew. By setting the fee of renewal at \$50 each, you're bringing the fee for an embalmer, which incorporates a much greater capacity, a much greater responsibility equal to the funeral director. In quick computation, there are 908 registered embalmers in the State of Connecticut, and 170 registered funeral directors in the State of Connecticut. By restructuring these fees and a quick computation, the State of Connecticut would realize approximately \$30,000 in additional fees to the State.

The other thing that is important to not only the funeral directors, and the board, and the funeral directors association of the State of Connecticut and to the public health for the citizens of Torrington, is the addition to Section 19-a-17 which would permit the board to include the certificates of inspection in disciplinary actions.

The criteria in place that the board follows to revoke a practitioner's license or suspend the practitioner's license, would be the same criteria that would be used to revoke or suspend the

practitioner's certificate of inspection.

Now, before a licensee can open for business, a certificate of inspection must be issued for that premises. The only way that that certificate of inspection can be suspended or revoked is under, at present, under the Department of Health Services public health code, if it's found unsanitary.

Having this extra bit of disciplinary action for the board again with all the scare of AIDS and everything, it would make sure, it would give the board that extra protection. It would give the citizens of Connecticut the extra protection it needs as far as public health is concerned.

We tried to get this through last year and this year, we worked very closely with the Connecticut Funeral Directors Association and the changes are now acceptable to the Department of Health Services and the Connecticut Funeral Directors Association, some representatives of which you will hear from after I.

The major difference in revoking or suspending a practitioner's license and revoking or suspending a practitioner's certificate of health at the premises itself, is that the board can summarily suspend a practitioner's, can summarily suspend or revoke the practitioner's license. And that suspension is enforce during the appeals process.

However, if my license was suspended or revoked, that does not stop me from still engaging in the funeral service. I can hire somebody on a part-time basis to come in and see my families. I can hire somebody, a trade man to come in and to my embalming.

When a practitioner's license is under suspension, or under revocation, he is not supposed to by law, again, not supposed to put himself out to the public as a licensed funeral director or a licensed embalmer. By adding the certificate of inspection to this disciplinary action, this particular problem would be alleviated.

Again, the basic difference between these is that the, if the board is going to take action to revoke

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or suspend the certificate of inspection, this revocation will only take place after due process, after the appeals. So, the person can still maintain a livelihood. They're not going to put the fellow out of business completely, and that's the big difference.

REP. NANIA: He would be able to hire someone?

TIMOTHY DRISCOLL: Yes.

REP. NANIA: But not himself practice.

TIMOTHY DRISCOLL: Well, it would be the same, Representative Nania, if I was brought before the board for disciplinary action, and they were talking about revoking or suspending my license, that can be done. But if they are talking about revoking or suspending my certificate of inspection, that couldn't be done until a complete due process is completed. So it doesn't put me out of business. Yes, I can hire a trade man. I'm not supposed to be in front. I'm not supposed to do the front work. I'm not supposed to meet with families. I'm not supposed to do the embalming. I'm not supposed to put myself out to the public while my license is under suspension, under revocation. But I can hire somebody to do that. When they take my certificate of inspection, I'm out of business.

REP. FOX: Any questions? John.

REP. WOODCOCK: Representative Woodcock. As far as the certificate of inspection is concerned, have there been embalmers who have lost that certificate of inspection?

TIMOTHY DRISCOLL: No, because there hasn't been this provision in the state. The only provision for non-renewal, is for cause. The statute says for cause, and that is if the funeral home was unsanitary, if the inspector found it in an unsanitary condition, or if there had been numerous complaints to the Department of Health Services about that.

As far as the board is concerned, there has been no legal method by which the board could go after the

inspection certificate.

REP. WOODCOCK: In line 179, you talk about grounds for suspension or revocation. You have felony or other criminal act under the laws of this state, any other state in the United States, or any other jurisdiction. Is it your intent to make it that broad, because other criminal act can be one thing in Connecticut and quite another thing in another part of our country or some other jurisdiction?

TIMOTHY DRISCOLL: What exactly do you mean? I think what is meant by this is that if while a person is practicing in the State of Connecticut, and he goes to Florida and commits a murder, and is convicted, then he's going to lose his license and he's going to lose his inspection certificate. If he's practicing here in Connecticut and he goes to Florida and he gets a parking ticket, he's not going to lose his license or his inspection certificate.

REP. WOODCOCK: What if that's a criminal act in Florida? What if that is a criminal act in Florida?

TIMOTHY DRISCOLL: If that's a criminal act in Florida, then it would be brought before the Department of Health Services and the board and the appeals process. Both the board was represented by an assistant AG and the accused is represented by an attorney in the appeals process. And only after the appeals process will his certificate of inspection. It may be found, the board doesn't want to go out and say, okay, you're a bad guy and we don't want you in business and take his livelihood away. That's not the intent. That's not the intent.

REP. FOX: Dick, did you have a question?

REP. TORPEY: Yes. What does the funeral director do that requires a license.

TIMOTHY DRISCOLL: The funeral director, the only difference between a funeral director and an embalmer is that a funeral director cannot embalm. A funeral director as I said before, can own and operate, arrange for, meet with families, transport

dead human beings and do everything that an embalmer can do except embalm a body. And we do have the two licensure system in the State of Connecticut which has been in for longer than I have.

REP. TORPEY: I understand what you're saying he can do, but what do you think requires the license. It seems to me, the embalmer, I can understand. But the director, you're really saying to him, run a good business and be courteous. Is that about the extent of it?

TIMOTHY DRISCOLL: No, you have to have the license required because you're handling dead human beings and you're licensed with the Department of Public Health.

REP. TORPEY: Well, I could debate about handling dead human beings, but not having been a first hand benefiter of our services, I'd rather pass that up for a few years. Okay, forget it.

REP. FOX: John.

REP. WOODCOCK: Perhaps this is just a drafting problem, but on line 104 it talks about someone coming from another state to get a license here in Connecticut in reciprocity and so on. Then it says, they won't be able to get a license if there's a disciplinary action pending, or it is the subject of an unresolved complaint. What form is that unresolved complaint going to be in? Is that a complaint before a board in our state.

TIMOTHY DRISCOLL: A complaint against that state's adjudicating board that hasn't been resolved as yet, if it's still pending, if no litigation or any findings have been found.

REP. WOODCOCK: Okay, I think perhaps we can take care of that with very simple drafting exercise. Because it reads unresolved complaint and that could be read literally to mean any kind of a complaint, from anybody.

TIMOTHY DRISCOLL: No, it would be from their adjudicating board.

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REP. WOODCOCK: Okay, I just wanted to know what our intent was.

TIMOTHY DRISCOLL: Adjudicating board. For instance, if I'm a licensed funeral director in the State of Florida and I'm in trouble down there and I want to move to the State of Connecticut and get a license, the Department of Health Services here in Connecticut would research and find out whether or not, with the licensing board in Florida, whether or not I've had any complaints or one pending. So, it's, I can't get in trouble, once they've moved to Connecticut and get a license and practice and do the same thing I was doing in Florida, until I got caught.

REP. FOX: Go ahead, Tony.

REP. NANIA: Mr. Chairman, I wonder if we might have our legal advisors have a look at the section regarding the consequences of a criminal act and/or a felony in other states because what I've listened to so far is me is patently unconstitutional based on what you said that I think that's an area that we've got to be very careful about. I think I have no problems with the bill as a whole, but your ability to revoke someone's license based on an undefined criminal act elsewhere has a lot of problems, not just the fact that the criminal act isn't defined.

TIMOTHY DRISCOLL: Yeah, and having read this bill as it was written, some of the fellows I was with, and I do have a problem, we had a problem with that, too, so that would probably have to be clarified.

REP. FOX: We're going to take a look at that.

TIMOTHY DRISCOLL: The basic thing that the board is looking for is to have complaints or violations of the statutes that pertain to the funeral service profession itself, and to the Department of Health Services, basically Section 20, 220 to 227 inclusive and Section 19a that deals with the public health and whatever. Basically, you can reword that however you want. But basically, it's violations of the statutes that pertain, all the statutes that pertain to our business, our

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professional. You know, licensure and registration and getting the proper permits, so you're dealing with some sections that deal with registrars of vital statistics and you know, not so much as somebody who didn't pay his sales tax four years in the State of New Mexico or something like that. Is that what you're talking about, Representative Nania.

REP. NANIA: That's one of them.

REP. FOX: Mr. Driscoll. Thank you. I believe we have two other speakers. We have two other speakers that wish to speak on this bill. Mr. John Lee and there's another name, I'm sorry, I just can't quite make out on my copy here. Both from the Connecticut Funeral Directors Association.

CARLTON ERICKSON: The name you couldn't read there is Carlton Erickson. I happen to be a past president of our state association and also it's current legislative chairman. I might also add that I'm a past president and past board member of the State Board of Examiners of Embalmers and Funeral Directors and I've been working on this problem for many years.

I'm glad to see that there is corrective legislation being proposed that would correct some of the inequities that we have had in the past. Our state association does support this bill and any other comments about it as to where we stand I think has been talked about and gone from that point.

We have worked with it and it does basically do the things we proposed to have it done.

REP. FOX: Mr. Lee, did you wish to add to that at all?

JOHN LEE: My name is John Lee and I'm the current president of the Connecticut Funeral Directors Association and as Carlton has said, our association has been trying to work with the state board to implement some of the changes that are going to be hereby affected.

One of the questions we also had a problem with over the past year has been this revocation of

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license and it's one of the things that we've been working with and one of the things we talked with your legal person today.

We also would like to make sure that that is clarified so that our members' licenses or inspection certificates are going to be protected. But by the same token, we want to give the state the right at this point to make sure that the public is protected also.

REP. FOX: Thank you, sir. Thank you. There are no other listed speakers on that bill. I have none on 141. I have none on 5315, 5316. I do have on 5317, I have Raphael Podolsky listed who has left. Is there anyone? Let me go back. I did have a note on that funeral director's bill that there was the intern from George Avitabile. That's a mistake. I don't have any other listed speakers. Is there anyone else present that wishes to speak on any of these 5317. I just have Raphael Podolsky who is not here. If there is no one else present, then I will close this public hearing. Thank you.