

Thursday, February 19, 2004

Chairperson Jim Morrison
House Health and Human Services Committee

Chairperson Morrison and Members of the Committee:

Thank you for the opportunity to appear before your committee today. My name is Mack Smith, and I am the executive secretary to the Kansas State Board of Mortuary Arts. I appear before you to request your support of House **Bill 2657**.

Section one defines where a dead human body may be taken to upon removal from the place of death—something previously not specifically defined. I would like to request an amendment to include: “, a coroner or medical examiner facility” in line 19 after the words: “a cemetery “ Currently, KSA 65-1713a defines a funeral establishment as a business premise where a funeral service, visitation or lying in-state of a dead human body is arranged and conducted, or dead human bodies are embalmed or otherwise prepared for a funeral service, visitation, lying in-state, burial, cremation or transportation . . . There is currently no law that specifically defines where a dead human body can be transported to following death. This section addresses that issue.

Section two would provide the Mortuary Arts Board with investigative subpoena authority. This section is being added at the suggestion of the board’s legal counsel and would assist with the investigative process when unlicensed parties are involved. Examples where having investigative subpoena authority would be helpful include complaints involving casket stores, third-party pre-need sellers and parties not licensed by the board.

Section three amendments would allow for changes relating to the embalmer examination. If this bill was to become law, some of the information currently contained in the statute would be placed into regulation to simplify the process when the agency that writes and administers the national embalmer examination (The International Conference of Funeral Service Examining Boards) endorsed by the Mortuary Arts Board makes changes in the manner in which the examination is constructed, administered and graded.

Section four amendments to the statute (KSA 65-1751) that allows the board to

take disciplinary action. The amendments would allow the board a wider range of actions by adding authority to condition or limit a license as well as to impose a maximum \$1,000 fine per violation.

Section five eliminates the provision that currently relates to the issuance and enforcement of subpoenas issued in the course of a hearing. Issuance of a hearing subpoena is covered in the Kansas Administrative Procedure Act; and enforcement of a hearing subpoena is covered in the Kansas Act for Judicial Review and Enforcement of Agency Actions.

Economic Impact Statement

The only known areas of economic impact would be the cost to the Mortuary Arts Board involving subpoenas and costs to the individuals found guilty (following the guidelines of the Kansas Administrative Procedure Act) of the provisions outlined in section four in the bill.

Again, thank you for the opportunity to appear before the committee today. I will do my best to answer any questions you may have at this time and request the committee's consideration for passage of this bill with the one amendment requested in section one.

Respectfully submitted:

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