



August 30, 2018

Thank you Honorable Chair, Mr. Brian Birdwell, and the Sunset Advisory Commission for hearing my concerns today.

My name is Rebecca Motley. I am a resident of Fort Worth, Texas a volunteer advocate, speaking on behalf of the nonprofit Funeral Consumers Alliance of Texas. I have served this nonprofit for three years. I am also the volunteer consumer representative on the Department of Banking's Prepaid Funeral Guaranty Fund Advisory Council, attending annual meetings. FCAT's mission statement is, "To help consumers become informed purchasers of funeral goods and service, and to increase awareness of other pertinent end of life issues."

We are in the trenches, fielding real-time consumer questions regarding the funeral industry and consumers' rights, but we also attempt to navigate the often murky waters of the Funeral Home Industry's actual practices and policy compliance. Researching individual funeral home practices and policy, including required public disclosure of all consumer options and rights regarding care of their loved ones' remains, is a laborious task.

TFSC does not have public review to evaluate its actions toward measurable accountability standards to caution or cite funeral homes guilty of violating consumers' rights to disclosure and transparency. Does the TFSC maintain an updated, archived file of consumer concerns, requests and complaints readily accessible to the public?

Surely, the Sunset Commission would not agree with any funeral industry spokesperson who claims that a funeral home "know best and therefore don't need consumer representation on their boards." Unchecked self-regulation of commercial businesses and industries is frowned upon by most state certification bodies.

At the moment of overwhelming emotional care-taking of a loved one's remains, the last things on the mind of the bereaved are issues such as the cleanliness of an embalming room, adequate lighting of chapel facilities, or cemetery grounds' mowing schedule. The Funeral Consumer Alliance of Texas has never received concerns over such matters from the public. The actual concerns and or complaints of consumers deal with matters such as "how to retrieve a loved one's body away from a funeral home ", or does FCAT offer financial assistance. They may have already made attempts to discuss such matters with a funeral home only to be even more troubled by the enormous cost involved and pressured to make decisions without having adequate time to "shop around".

Does TFSC provide a detailed history of reprimands or cautions cited to individual funeral homes in Texas since the last time they were brought before this commission?

TFSC regards its monitoring of standard funeral industry procedures, already regulated and inspected by the FTC and state regulations, as crucial to its mission. TFSC historically has served to duplicate existing regulatory bodies' actions and to communicate primarily with the funeral home industry, how and when will it open equivalent lines of communication with the public, with actual consumers?

TFSC 's web-site has very little to offer the consumer and so FCAT will recommend the FTC's web-site because it is consumer friendly, instructional, and actually provides reliable links to consumers' burial rights and useful resources.

TFSC's charged duty to insure funeral home licensees' compliance with the Texas Administrative Code's directives regarding consumers' rights are very clear, and their website does actually outline the exact charges of the Texas Administrative Code's, "Specific Rules of Conduct."

Does TFSC have a specific representative or committee that insures and publishes reports on funeral homes' compliance or non-compliance with TAC's "Specific Rules of Conduct?" Do Texas consumers have a right to such information, and to be included in a nonpartisan dialogue with TFSC about the funeral home industry Rule of Conduct and The coveted Funeral Rule?

Consumers have driven the market for cremations, not the industry. Likewise, consumers will increasingly seek home funerals and Green Burials. The funeral industry must do a better job of assisting families who choose alternative burials, keeping an open mind, open heart and open door to change. All businesses must adjust to compete in today's markets. The convenience of self-serve checkouts, on-line shopping, or drive-thru dining would not exist if those retail businesses had been allowed to inhibit or prevent such innovative service for consumers.

Why does the funeral industry expect and demand protection from change? The funeral industry is a for-profit business with state authorized licenses and certificates just like car dealerships, nail salons or event planners. Texas consumers are able to effect change in all commercial business save one, the funeral industry.

I respectfully request The Sunset Advisory Commission carefully consider Funeral Consumers Alliance Board Member Jim Bates' appeal to eliminate the TFSC. If the commission should decide not to dissolve the TFSC, we urge you to instruct TFSC to include a consumer representative (with no vested interest in the funeral industry) on its advisory committee, and to bring the agency back for accountability in one year, insisting upon implementation of specific, public TFSC consumers' rights action plans and two-way communication venues with consumers.

Respectfully,



Rebecca Motley

Funeral Consumers Alliance of Texas

From: [Sunset Advisory Commission](#)
To: [Trisha Linebarger](#)
Subject: FW: Public Input Form for Agencies Under Review (Public/After Publication)
Date: Monday, August 27, 2018 7:54:01 AM

-----Original Message-----

From: sunset@sunset.texas.gov <sunset@sunset.texas.gov> On Behalf Of Texas Sunset Commission
Sent: Sunday, August 26, 2018 12:04 PM
To: Sunset Advisory Commission <Sunset@sunset.texas.gov>
Subject: Public Input Form for Agencies Under Review (Public/After Publication)

Agency: TEXAS FUNERAL SERVICE COMMISSION TFSC

First Name: Rebecca

Last Name: Motley

Title: Consumer Advocate

Organization you are affiliated with: Funeral Consumers Alliance of Texas/ a Non Profit

Email:

City: Fort Worth

State: Texas

Your Comments About the Staff Report, Including Recommendations Supported or Opposed: Funeral Consumer Alliance of Texas is in agreement with the majority of the Sunset Commissions recommendations with the exception of continuing the Texas Funeral Service Commissions for 12 more years.

Any Alternative or New Recommendations on This Agency:

The Texas Funeral Service Commission must have a member of the public on the advisory board. This can only insure unbiased input of real and pertinent experiences consumers are forced to navigate while dealing with the funeral trade. Consumers must have more representation in order to insure accountability and transparency within the agency.

My Comment Will Be Made Public: I agree