

OPEN MEETING MINUTES
Missouri State Board of Embalmers
and Funeral Directors

April 7-9, 2008
Kenneth E. Cowan Civic Center
500 E. Elm Street
Lebanon, Missouri

Monday, April 7, 2008 – 10:00
a.m.

The meeting of the Missouri State Board of Embalmers and Funeral Directors was called to order by James Reinhard, Chairman, at 10:05 a.m. on Monday, April 7, 2008, at the Kenneth E. Cowan Civic Center, 500 E. Elm Street, Lebanon, Missouri.

Board Members Present

James Reinhard, Chairman
Marcia Shadel, Vice Chairman
Martin Vernon, Secretary
Gary Fraker, Member
Daniel (Todd) Mahn, Member
Joy Gerstein, Public Member

Staff Present

Becky Dunn, Executive Director
Pamela Schnieders, Administrative Assistant
Lori Hayes, Inspector
Kimberly Grinston, Board's Legal Counsel

Closed Meeting

Motion was made by Marcia Shadel and seconded by Gary Fraker to move into closed session and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from the closed meeting be closed pursuant to Section 610.021 Subsection (14) and 620.010.14 Subsection (7) RSMo for discussing educational transcripts and/or test scores and/or complaints and/or audits and/or investigative reports and/or other information pertaining to the licensee or applicant for licensure; Section 610.021 Subsection (1) RSMo for discussing general legal actions, causes of action or litigation and any confidential or privileged communications between this agency and its attorney; Section 610.021 Subsection (1) RSMo and 620.010.14 Subsection (8) for deliberation on discipline; Section 610.021 Subsection (3) RSMo discussing hiring, firing, disciplining or promoting an employee of this agency; Section 610.021 Subsection (13) RSMo for making performance ratings pertaining to individual employees; Section 610.021 Subsection (7) RSMo for reviewing testing and examination materials; Section 610.021 Subsection (14) and Section 620.010.14 Subsection (5) RSMo for proceedings required pursuant to a disciplinary order concerning medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment of specific licensees; and Subsection of 610.021 RSMo for the purpose of reviewing and approving the open minutes of previous meetings. Motion

carried with Marcia Shadel, Martin Vernon, Gary Fraker, and Todd Mahn voting in favor with no votes in opposition. Joy Gerstein was absent for this portion of the meeting.

**Wednesday, April 9, 2008 – 9:00
a.m.**

The State Board of Embalmers and Funeral Directors returned to open session. The open meeting was called to order by James Reinhard, Chairman, at 9:15 a.m. on Wednesday, April 9, 2007, at the Kenneth E. Cowan Civic Center, 500 E. Elm Street, Lebanon, Missouri.

Board Members Present

James Reinhard, Chairman
Marcia Shadel, Vice Chairman
Martin Vernon, Secretary
Gary Fraker, Member
Daniel (Todd) Mahn, Member
Joy Gerstein, Public Member

Staff Present

Becky Dunn, Executive Director
Pamela Schnieders, Administrative Assistant
Lori Hayes, Inspector
Kimberly Grinston, Board's Legal Counsel

Public Present

Don Eggen, CIU
James McMullin, CIU
Kevin Lager, CIU
Don Lakin, Lakin Funeral Home
John McCulloch, American Prearranged Services
Calvin Witaker
Don Otto, MFDEA/MFT
William Bennett, MFDEA President
Anittea Follis
Randy Singer
Michael Meierhoeffer, Meierhoeffer Funeral Home
Conith Follis, Follis & Sons Funeral Home
Jennifer Jernigan, Security National Life
Chris Follis, Follis & Sons Funeral Home
Brian Boyer, Boyer Funeral Home
Rusty Shadel
William Stuart
Kenneth McGhee, Archway Mortuary
Bill Stalter, DW Newcomers
Dave Hill, Hill Financial
Steve McCulloch, Crafton, Cantrell Funeral Home
Kassie Hayes, SNL
Arvids V. Petersons, General Counsel for DHSS
Sharon Syers, Legal Counsel for DHSS
Ivra Cross, Department of Health and Senior Services

Approval of Agenda

Motion was made by Joy Gerstein and seconded by Marcia Shadel to approve the open agenda. Motion carried with Marcia Shadel, Martin Vernon, Gary Fraker, Todd Mahn and Joy Gerstein voting in favor with no votes in opposition.

Approval of Minutes

August 27-29, 2007 Open Meeting Minutes

Motion was made by Martin Vernon and seconded by Joy Gerstein to approve the August 27-29, 2007 Open Meeting Minutes as submitted. Motion carried with Marcia Shadel, Martin Vernon, Gary Fraker, Todd Mahn and Joy Gerstein voting in favor with no votes in opposition.

September 27, 2007 Open Meeting Minutes

Motion was made by Martin Vernon and seconded by Joy Gerstein to approve the September 27, 2007 Open Meeting Minutes as submitted. Motion carried with Marcia Shadel, Martin Vernon, Gary Fraker, Todd Mahn and Joy Gerstein voting in favor with no votes in opposition.

October 18, 2007 Open Mail Ballot Meeting Minutes

Motion was made by Martin Vernon and seconded by Joy Gerstein to approve the October 18, 2007 Open Meeting Minutes as submitted. Motion carried with Marcia Shadel, Martin Vernon, Gary Fraker, Todd Mahn and Joy Gerstein voting in favor with no votes in opposition.

November 14, 2007 Open Mail Ballot Meeting Minutes

Motion was made by Martin Vernon and seconded by Joy Gerstein to approve the November 14, 2007 Open Meeting Minutes as submitted. Motion carried with Marcia Shadel, Martin Vernon, Gary Fraker, Todd Mahn and Joy Gerstein voting in favor with no votes in opposition.

December 3-5, 2007 Open Meeting Minutes

Open Meeting Minutes for December 3-5, 2007 were incomplete at this time.

December 10, 2007 Open Mail Ballot Meeting Minutes

Motion was made by Martin Vernon and seconded by Joy Gerstein to approve the December 10, 2007 Open Meeting Minutes as submitted. Motion carried with Marcia Shadel, Martin Vernon, Gary Fraker, Todd Mahn and Joy Gerstein voting in favor with no votes in opposition.

December 27, 2007 Open Mail Ballot Meeting Minutes

Motion was made by Martin Vernon and seconded by Joy Gerstein to approve the December 27, 2007 Open Meeting Minutes as submitted. Motion carried with Marcia Shadel, Martin Vernon, Gary Fraker, Todd Mahn and Joy Gerstein voting in favor with no votes in opposition.

January 10, 2008 Open Mail Ballot Meeting Minutes

Motion was made by Martin Vernon and seconded by Joy Gerstein to approve the January 10, 2008 Open Meeting Minutes as submitted. Motion carried with Marcia Shadel, Martin Vernon, Gary Fraker, Todd Mahn and Joy Gerstein voting in favor with no votes in opposition.

January 30, 2008 Open Mail Ballot Meeting Minutes

Motion was made by Martin Vernon and seconded by Joy Gerstein to approve the January 30, 2008 Open Meeting Minutes as submitted. Motion carried with Marcia Shadel, Martin Vernon, Gary Fraker, Todd Mahn and Joy Gerstein voting in favor with no votes in opposition.

February 27, 2008 Open Conference Call Meeting Minutes

Motion was made by Martin Vernon and seconded by Joy Gerstein to approve the February 27, 2008 Open Meeting Minutes as submitted. Motion carried with Marcia Shadel, Martin Vernon, Gary Fraker, Todd Mahn and Joy Gerstein voting in favor with no votes in opposition.

March 19, 2008 Open Conference Call Meeting Minutes

Motion was made by Martin Vernon and seconded by Joy Gerstein to approve the March 19, 2008 Open Meeting Minutes as submitted. Motion carried with Marcia Shadel, Martin Vernon, Gary Fraker, Todd Mahn and Joy Gerstein voting in favor with no votes in opposition.

Executive Director's Report

Becky Dunn reported on the FY2008 Financial Statement as of January 31, 2008

	Year-To-Date	Projected	Remaining
FY 2008 Beginning Fund Balance	\$1,048,625.29		
Revenue	290,204.29	987,109.00	696,904.71
Expense and Equipment	38,961.95	145,393.00	106,431.05
Total Transfers	264,199.38	566,877.76	302,678.38
Ending Fund Balance	1,035,668.25		

FY 2008 OA Cost Allocation

Board Cost:	OA Expenditures	Auditor Expenditures	Governor Expenditures	Lt. Governor Expenditures	Sec. of State Expenditures	
	\$824.00	\$0.00	\$93.00	\$22.00	\$460.00	
	Atty General Expenditures	Gen Assembly Expenditures	Capitol Police	DOR Receipts		Total
	\$0.00	\$1,476.00	\$64.00	\$5,213.00		\$8,152.00
Division Cost:	OA Expenditures	Auditor Expenditures	Governor Expenditures	Lt. Governor Expenditures	Sec. of State Expenditures	
	\$148.03	\$0.00	\$16.74	\$3.92	\$82.62	
	Atty General Expenditures	Gen Assembly Expenditures	Capitol Police	DOR Receipts		Total
	\$0.00	\$265.36	\$11.40	\$0.00		\$528.07
FY2008 Total Cost:						\$8,680.07

Legal Counsel Update

Kimberly Grinston, Board's Legal Counsel had nothing to report for today's meeting.

Department of Health/Electronic Filing of Death Certificates

At the request of the State Board of Embalmers and Funeral Directors, Ivra Cross, State Registrar, Bureau of Vital Records, Department of Health and Senior Services, Avids Petersons, General Counsel and Sharon Ardis, Legal Counsel for the Department of Health and Senior Services attend today's meeting to explain the progress of the

electronic filing of death certificates to be implemented in 2010. Members of the board, along with public attendees, asked questions. Bill Bennett, President of the Missouri Funeral Directors and Embalmers Association provided a handout of questions on behalf of the Association. Discussion was held relative to concerns and anticipated requirements of this process.

Missouri Arts Examination – Don Otto, MFDEA Executive Director

At his request, Don Otto, Missouri Funeral Directors and Embalmers Association met with the board relative to concerns from the industry regarding the Missouri Funeral Service Arts Examination.

Becky Dunn, Executive Director, advised that The International Conference of Funeral Service Examination Boards (The Conference) conducted a survey several years ago. Information was gathered from STATES with regulatory authority in the practice of funeral directing. This survey was reviewed and how the arts examination is analyzed and compiled. The public provided comment and it was suggested the board take this under advisement, form a committee in the future and consider the requirement of funeral directors successfully completing a 2 year mortuary science degree as a requirement of licensure.

Pending Rules

20 CSR 2120-2.060 Funeral Director – Effective Date 5/30/08

The board was provided a copy of Proposed Amendment 20 CSR 2120-2.060 Funeral Directing, printed in the *December 17, 2007 Missouri Register*. The proposed amendment clarifies language related to the practice of funeral directing. This amendment also makes gender corrections throughout the rule. The Final Order of Rulemaking was filed with the Secretary of State's Office on February 29, 2008 with proposed amendment to become effective May 30, 2008.

20 CSR 2120-2.070 Funeral Establishments – Effective Date 5/30/08

Comment Letter on Pending Rule (Brian Gers)

The board was provided a copy of Proposed Amendment 20 CSR 2120-2.070 Funeral Establishments, printed in the *December 17, 2007 Missouri Register*. The proposed amendment is amending reference to 4 CSR 120 through the rule and provides clarification and clean-up relating to the register log. The Final Order of Rulemaking was filed with the Secretary of State's Office on February 29, 2008 with proposed amendment to become effective May 30, 2008.

The board was provided a comment letter received from Brian Gers, dated February 11, 2008, regarding the new proposed changes to the Code of State Regulations for the profession.

New Language to be considered

Additions to Funeral Establishments - Proposed Rule 20-CSR 2120-2.070

Additions to Funeral Establishments

(2)

- Function E establishments shall have the authority to make funeral arrangements, and furnish any funeral services in connection with the disposition of dead human bodies or the sale of funeral merchandise, authority to transport dead human bodies to and from the funeral establishment, authority for the care and preparation of dead human bodies, other than by embalming or cremating, for funeral ceremonies.

This would be inserted after (20)

- Each Function E establishment shall contain an area for care and preparation of dead human bodies, a restroom, available drinking water, and shall have on-site equipment necessary for arranging funeral services including tables or desks and chairs and file cabinets for the confidential storage for funeral records.

This would be a new number after (23)

- Each Function E funeral establishment shall maintain on the Missouri premises the following documents:
 - General Price List;
 - Preneed contracts which have been cancelled or fulfilled;
 - Purchase agreements; and
 - Authorizations to embalm or cremate.
- **Zoning for a function E would allow for funeral services and would not have to be for a funeral home.**

*This location would be a stand alone facility.

A motion was made by Todd Mahn and seconded by Gary Fraker to not pursue the drafted language for Additions to Funeral Establishment – Proposed Rule 20-CSR 2120-2.070. Motion carried with Marcia Shadel, Martin Vernon, Gary Fraker, Todd Mahn and Joy Gerstein voting in favor with no votes in opposition.

Proposed Rule 20-CSR 2120-2.070(9) Funeral Establishments

Areas bolded are new language and those in brackets will be deleted.

(9) The establishment license issued by the board is effective for a fixed place or establishment and for a specific name of a person or entity authorized to conduct business in Missouri and may include ~~[one]~~ **two** ~~[(1)]~~ **(2)** “doing business as” name. The license issued by the board shall be displayed in a conspicuous location accessible to the general public at that location. Whenever the ownership, location or name of the Missouri licensed establishment is changed, a new license ~~[must]~~ **shall** be obtained. If the Missouri licensed funeral establishment maintains a chapel, preparation room or other facility in a building or portion physically separated from and located at a place designated by an address differing from the office, chapel or other facilities of the applicant, the chapel, preparation room or other funeral facility otherwise located shall be deemed to be a separate funeral establishment. Nothing contained in this rule shall be construed or interpreted to require a separate registration for a building if it is joined or connected by a private passage, walk or driveway existing between the registered establishment and the other building.

(A) If a change of ownership is caused by the elimination of one (1) or more owners, for whatever reason (death, sale of interest, divorce, etc.) without the addition of any new owner(s), it is not necessary to obtain a new establishment license. However, a new application for an establishment license form shall be filed as an amended application within thirty (30) days after the change of ownership. This form shall be filled out completely with correct, current information.

(B) A corporation is considered by law to be a separate person. If a corporation owns a Missouri licensed funeral establishment, it is not necessary to obtain a new establishment license or to file an amended application for an establishment license if the owners of the stock change. However, as a separate person, if a corporation begins ownership of a Missouri licensed funeral establishment or ceases ownership of a Missouri licensed funeral establishment, a new establishment license ~~[must]~~ **shall** be obtained regardless of the relationship of the previous or subsequent owner to the corporation.

A motion was made by Martin Vernon and seconded by Marcia Shadel to table the drafted Proposed Rule 20-CSR 2120-2.070(9) Funeral Establishments, for legal counsel review and clarification. Motion carried with Marcia Shadel, Martin Vernon, Gary Fraker, Todd Mahn and Joy Gerstein voting in favor with no votes in opposition.

Pet Crematories - Proposed Rule 20-CSR 2120-2.070 Funeral Establishments

Areas bolded are new language and those in brackets will be deleted.

New Proposed Amendment

(2) (B) Function B establishments shall have authority to cremate dead human bodies and to transport dead human bodies to and from the funeral establishment. This establishment ~~[must]~~ **shall** have ~~[an operating]~~ **a** functioning cremation chamber~~[,]~~ except as otherwise provided by Chapter 333, RSMo, and the rules of the board. An establishment licensed only as a Function B establishment is prohibited from the care and preparation of dead

human bodies other than by cremating, and shall also be prohibited from embalming, making funeral arrangements or cremation arrangements with any unlicensed person, conducting visitations and funeral ceremonies, and furnishing any funeral service in connection with the disposition of dead human bodies or selling funeral merchandise. In no event shall any license or licensed establishment cremate human remains in the same retort used for cremating non-human remains.

(1) Cremation areas shall contain only the articles, instruments and items that are necessary for the preparation and cremation of dead human bodies. For purposes of this section, the cremation area shall include the entire room where the retort is located and any rooms used for viewing or visitation of a dead human body awaiting cremation or that is being cremated or being removed from the cremation chamber. This subsection (1) shall not apply to establishments containing retorts or cremation areas for the cremation of non-human remains prior to May 1, 2008, provided that such establishment shall be prohibited from cremating human remains at the same time or in the same retort as non-human remains.

(2) Any establishment containing an area for the cremation of non-human remains prior to May 1, 2008, shall be required to comply with this rule if a change of ownership is caused by the addition or replacement of one (1) or more owners or a new corporation beings ownership of the establishment. This subsection (2) shall not apply if only the owners of the stock of a corporation changes.

(C) Function C establishments shall have authority for the care and preparation of dead human bodies, other than by embalming or cremating, authority to transport dead human bodies to and from the funeral establishment, make funeral arrangements, and furnish any funeral services in connection with the disposition of dead human bodies or the sale of funeral merchandise.

(D) Function D establishments shall have authority to conduct visitations and funeral ceremonies only. A Function D license is dependent upon and *[must]* **shall** be operated under the supervision and ownership of a Function C establishment.

(3) If a Missouri licensed funeral establishment wishes to change or add to its classification, it shall file a new application for a Missouri licensed funeral establishment indicating its new classification. If a Missouri licensed funeral establishment desires to eliminate one (1) of its functions, other than a Function C, it *[must]* **shall** notify the board in writing of its intention to surrender the function, but is not required to file a new application for a new Missouri licensed funeral establishment.

(4) A Missouri licensed funeral establishment shall not be used for any other business purpose other than as a Missouri licensed funeral establishment. It shall be permissible for a Missouri licensed funeral establishment to be in the same building as another business so long as the Missouri licensed funeral establishment has a separate entrance and a separate street address. **If another business is in the same building as the Missouri licensed funeral establishment, it must be separated by walls from ceiling to floor, with a separate entrance.**

(1) This separation of another business shall not apply to establishments containing multiple businesses prior to May 1, 2008.

(2) Any establishment containing more than one business prior to May 1, 2008, shall be required to comply with this rule if a change of ownership is caused by the addition or replacement of one (1) or more owners or a new corporation beings ownership of the establishment. This subsection (2) shall not apply if only the owners of the stock of a corporation changes.

A motion was made by Todd Mahn and seconded by Gary Fraker to not pursue the drafted language for Pet Crematories-Proposed Rule 20-CSR 2120-2.070 Funeral Establishments, subsection (2)(B)(1) and subsection (2)(B)(2) and (4) and grandfather the existing few pet crematories and follow board regulations from this point further. Motion carried with Marcia Shadel, Martin Vernon, Gary Fraker, Todd Mahn and Joy Gerstein voting in favor with no votes in opposition.

Jerry Griffin – Email Request

The board reviewed an email request from Jerry Griffin, dated April 2, 2008, submitting the following suggestion to the Missouri State Board of Embalmers and Funeral Directors.

"I submit that a licensed Missouri Embalmer only should have the same capacity as a Missouri Licensed Funeral Director to over see the cremation process. In the rule, 20 CSR 2120-2.071, only a licensed funeral director is the person that can oversee the cremation process. It only makes sense that an educated licensed embalmer, who takes the same test for the laws and regulations, should be more than capable to oversee this process." A motion was made by Gary Fraker and seconded by Martin Vernon to proceed with the suggestion proposed for 20 CSR 2120-2.071. Motion carried with Marcia Shadel, Martin Vernon, Gary Fraker, Todd Mahn and Joy Gerstein voting in favor with no votes in opposition.

Legislation

The board reviewed the following language introduced in the 94th General Assembly that may be of interest to the State Board of Embalmers and Funeral Directors. General discussion was held.

HB1440-sponsored by Representative Jeff Roorda requires certain public officials to receive training regarding open meetings and open records and public information laws within a designated time frame.

HB1576-sponsored by Representative Jay Wasson, changes the laws to implement Executive Order 06-04 that renamed the Department of Insurance to the Department of Insurance, Financial Institutions, and Professional Registration.

HB1588-sponsored by Representative Brian Baker, expands the membership of the State Board of Embalmers and Funeral Directors by adding five consumer advocates.

HB1853-sponsored by Representative Walt Bivins, requires any public governmental body to make and retain a verbatim audio recording of any closed meeting.

HB1871-sponsored by Representative Bill Deeken, adds and gives first priority to attorneys-in-fact who have been granted control of human remains by the deceased and considered as the next-of-kin as it relates to disposition of the dead body.

HB1928-sponsored by Representative Shannon Cooper, increases the salary levels of county coroners beginning January 1, 2009.

HB2081-sponsored by Representative Curt Dougherty, revises the definition of "practice of embalming".

HB2107-sponsored by Representative David Day, grants immunity to funeral establishments and veterans' service organizations for simple negligence in the interment of certain remains.

HB2177-sponsored by Representative Jeff Harris, changes provisions relating to the Missouri Sunshine Law.

HB2210-sponsored by Representative Timothy Jones, modifies sunshine law provisions.

HB2303-sponsored by Representative Margaret Donnelly, requires open meetings under the Missouri Sunshine Law if court decision requires a commission to make a determination of retroactive applicability of law.

HB2583 sponsored by Representative Jeff Grisamore, modifies income tax deduction for certain funeral costs.

SB788-sponsored by Senator Delbert Scott, moves the Divisions of Finance, Credit Unions and Professional Registration, and the State Banking Board, to the Department of Insurance, Financial Institutions and Professional Registration by Type III Transfer.

SB1025-sponsored by Senator Delbert Scott, modifies laws regarding the right to control the final disposition of a dead human body.

SB1061-sponsored by Senator Frank Barnitz, requires county coroners and their assistants to register with the Missouri Coroners' and Medical Examiners' Association.

SB1190-sponsored by Senator Gary Nodler, authorizes the Division of Professional Registration to reduce licensure fees by emergency rule if the projected fund balance of

any agency assigned to the division is reasonably expected to exceed an amount that would require transfer from that fund to the general revenue.

SB1196-sponsored by Senator Jack Goodman, repeals the current law requiring a public body to provide a public record in a requested format if such format is available. This act requires the public body to provide the record in the requested format if the record cannot be altered in such format by the person receiving the record.

SB1214-sponsored by Senator Joan Bray, required the Governor to ensure that appointive board, commission, committee, and council membership is representative of the general population of the state with respect to race and gender.

The board reviewed language in both **HB2469** sponsored by Representative J.C. Kuessner, and **HB2594** sponsored by Representative Tim Meadows, which modifies various provisions regarding preneed funeral contracts. The board is mandated by the Oversight Division to provide comments and a fiscal note to the Division of Professional Registration. The board will take several portions of Kuessner's bill and several portions of Meadows bill and make a board recommendation to Chapter 436 RSMo. to the General Assembly. The public joined in the discussion of possible recommendations. The board will draft their Chapter 436 RSMo proposal and distribute to the public attendees. The board will schedule an Open Meeting Conference Call for further review and comments.

Chapter 436 RSMo./Discussion

September 2007, the board discussed concerns relating to Chapter 436.021 Requirements for sellers. Is a preneed seller in need of a trust for registering with the board, versus using insurance or joint accounts? Should the board require proof of having a trust when submitting annual report? The board voted to notify all preneed seller registrants, in writing, by October 31, 2008, that all preneed sellers must have a trust. December 2007, the board revisited Chapter 436.021 Seller Trust and voted to table this issue.

The board revisited Chapter 436.021 Seller Trust. A motion was made by Todd Mahn and seconded by Gary Fraker to request an official opinion from the Attorney General's Office relative to trust requirements. Motion carried with Marcia Shadel, Martin Vernon, Gary Fraker, Todd Mahn and Joy Gerstein voting in favor with no votes in opposition.

Provider and Seller Registration Report

The board was provided the Annual Report Information for registered preneed sellers in Missouri. A total of 29,643 contracts were sold with a total face value of \$115,464,830.36 for the 2006-2007 annual reporting period.

Future Board Meetings

A board meeting has been scheduled for August 18-20, 2008 at the Country Club Hotel and Spa, Lake Ozark, MO and December 2-4, 2008 at the InterContinental Kansas City at the Plaza (Fairmont), Kansas City, Missouri.

After checking availability, the board voted to schedule a special Open Meeting Conference Call for Thursday, April 10, 2008 to review the Draft of Chapter 436 RSMo. Proposed Recommendations of the board.

Election of Officers

A motion was made by Todd Mahn and seconded by Gary Fraker to nominate and vote in by acclamation James Reinhard as Chairman of the State Board of Embalmers and Funeral Directors. Motion carried with Martin Vernon, Gary Fraker, Todd Mahn and Joy

Gerstein voting in favor with no votes in opposition. Marcia Shadel was absent for this portion of the meeting.

A motion was made by Gary Fraker and seconded by Todd Mahn to nominate and vote in by acclamation Martin Vernon as Vice-Chairman of the State Board of Embalmers and Funeral Directors. Motion carried with Martin Vernon, Gary Fraker, Todd Mahn and Joy Gerstein voting in favor with no votes in opposition. Marcia Shadel was absent for this portion of the meeting.

A motion was made by Martin Vernon and seconded by Todd Mahn to nominate and vote in by acclamation Gary Fraker as Secretary of the State Board of Embalmers and Funeral Directors. Motion carried with Martin Vernon, Gary Fraker, Todd Mahn and Joy Gerstein voting in favor with no votes in opposition. Marcia Shadel was absent for this portion of the meeting.

Open Discussion – Dialogue with General Public Attending Open Session Continuation and/or Completion of any Unfinished Open Session Business

Don Otto reported the Missouri Funeral Directors and Embalmers Association Legislative Day will be held at the Capitol on April 14, 2008.

Closed Meeting

Motion was made by Todd Mahn and seconded by Gary Fraker to move into closed session pursuant to Section 610.021 Subsection (14) and 620.010.14 Subsection (7) RSMo for discussing educational transcripts and/or test scores and/or complaints and/or audits and/or investigative reports and/or other information pertaining to the licensee or applicant for licensure; Section 610.021 Subsection (1) RSMo for discussing general legal actions, causes of action or litigation and any confidential or privileged communications between this agency and its attorney; Section 610.021 Subsection (1) RSMo and 620.010.14 Subsection (8) for deliberation on discipline; Section 610.021 Subsection (3) RSMo discussing hiring, firing, disciplining or promoting an employee of this agency; Section 610.021 Subsection (13) RSMo for making performance ratings pertaining to individual employees; Section 610.021 Subsection (7) RSMo for reviewing testing and examination materials; Section 610.021 Subsection (14) and Section 620.010.14 Subsection (5) RSMo for proceedings required pursuant to a disciplinary order concerning medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment of specific licensees; and Subsection of 610.021 RSMo for the purpose of reviewing and approving the open minutes of previous meetings. Motion carried with Martin Vernon, Gary Fraker, Todd Mahn and Joy Gerstein voting in favor with no votes in opposition. Marcia Shadel was absent for this portion of the meeting.

Adjournment

A motion was made by Todd Mahn and seconded by Gary Fraker to adjourn. Motion carried with Martin Vernon, Gary Fraker, Todd Mahn and Joy Gerstein voting in favor with no votes in opposition. Marcia Shadel was absent for this portion of the meeting. The meeting adjourned at 4:00 p.m. on Wednesday, April 9, 2008.

Executive Director: Sandy Sebastian

Approved by the Board on: 3/30 - 4/1 - 2009