

Meeting Notice
Missouri State Board of Embalmers
and Funeral Directors
Chapter 436 Review Committee

July 8, 2008 – 8:00 a.m.
Missouri Council of School Administrators
3550 Amazonas Drive (lower level)
Jefferson City, Missouri

The Missouri State Board of Embalmers and Funeral Directors, Chapter 436 Review Committee, will be meeting on July 8, 2008, beginning at 8:00 a.m. Notification of special needs as addressed by the American with Disabilities Act should be forwarded to the Missouri State Board of Embalmers and Funeral Directors, P.O. Box 423, 3605 Missouri Boulevard, Jefferson City, Missouri 65102 or by calling (573) 751-0813 to ensure available accommodations. The text telephone for the hearing impaired is (800) 735-2966.

Except to the extent disclosure is otherwise required by law, the Missouri State Board of Embalmers and Funeral Directors, Chapter 436 Review Committee is authorized to close meetings, records and votes, to the extent they relate to the following: Sections 610.021(1), (3), (5), (7), (13) and (14), RSMo, and Section 620.010.14(7) RSMo.

The Board may go into closed session at any time during the meeting. If the meeting is closed the appropriate section will be announced to the public with the motion and vote recorded in open session minutes.

Please see attached tentative agenda for this meeting.

Attachment

cc: David Broeker and Janice Sloca

Revised and Reposted July 2, 2008
2:15 p.m.
Revised and Reposted July 1, 2008
8:00 a.m.
Posted June 18, 2008
3:45 p.m.

AMENDED OPEN AGENDA
Missouri State Board of Embalmers
and Funeral Directors
Chapter 436 Review Committee

July 8, 2008 – 8:00 a.m.
Missouri Council of School Administrators
3550 Amazonas Drive (lower level)
Jefferson City, MO 65109

8:00a.m. – Open Meeting

The Board will immediately move into closed session pursuant to 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.

8:01 a.m. – 9:30 a.m. – Closed Meeting

Call to Order
Roll Call

9:30 a.m. – 12:00 p.m. – Open Meeting

Call to Order
Roll Call

- 1. 436 Chapter Review - See Attachment**
- 2. Other**

12:15 p.m. – 1:30 p.m. – Closed Meeting

Division of Professional Registration
3605 Missouri Boulevard
Jefferson City, Missouri

Closed Meeting. The Board will move into closed session pursuant to Section 610.021 Subsection (14) and 620.010.14 Subsection (7) RSMo for discussing complaints and/or audits and/or investigative reports and/or other information pertaining to the licensee

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or applicant for licensure; and 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.

Call to Order
Roll Call

1:30 p.m. - 5:30 p.m. – Open Meeting

**Missouri Council of School Administrators
3550 Amazonas Drive (lower level)
Jefferson City, MO 65109**

Call to Order
Roll Call

1. Chapter 436 Review

2. Other

Adjournment

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OPEN AGENDA

July 8, 2008

A. CHAPTER 436 LEGISLATIVE DISCUSSION:

*(To facilitate an orderly discussion, the Board will be discussing the following general topics during this meeting. The Board understands that participants may have additional Chapter 436 concerns. The Board has scheduled additional meetings on **July 15th**, **July 24nd**, **July 29th** and **August 12** to address these additional concerns. Discussion will be reasonably limited to the topics identified below. The topics listed below are not suggestions of the Board. These are general topics/suggestions that have been presented to the Board in prior Chapter 436 meetings/discussions).*

GENERAL ADMINISTRATION:

TOPIC
1. Transferring Chapter 436 regulatory authority to another agency (i.e.- Insurance, Finance, the Attorney General's Office, etc.)
2. Transferring auditing functions <u>only</u> to another agency (i.e.- Insurance, Finance, the Attorney General's Office, etc.)

PRENEED SELLER ISSUES

TOPIC
3. Allowing/prohibiting third party sellers
4. Allowing insurance funded preneed plans only
5. Restricting preneed sales to insurance agents only
6. Requiring bonding/insurance for preneed sellers

INSURANCE ISSUES

TOPIC
7. Allowed use of insurance funded preneed plans (Including what type of insurance plans may be used)
8. Changing/clarifying regulation of preneed sellers selling insurance funded preneed plans only (Should this go to the Bd. or the Department of Insurance?)

PRENEED PROVIDER ISSUES

TOPIC
9. Clarifying who can be licensed as a preneed provider (i.e.- must all preneed providers be licensed funeral establishments)
10. Requiring bonding/insurance for preneed providers

LICENSING/REGISTRATIONS:

TOPIC
11. Changing a preneed "registration" to a preneed "license"
12. Registering/licensing of individuals selling on behalf of preneed sellers
13. Licensing requirements for preneed registrants
14. Clarifying/changing preneed registration or licensing requirements for cemeteries

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15. Clarifying whether trust accounts are required for all preneed sellers

JOINT ACCOUNTS

TOPIC

16. Clarifying/amending persons authorized to use joint accounts (i.e.- should they be allowed for providers, sellers or both)

HANDLING OF PRENEED CONTRACTS

TOPIC

17. Changing/clarifying basic requirements for preneed contracts

18. Adopting/requiring standard forms for preneed contracts

19. Requiring the filing or approval of preneed forms & contracts with/by the Bd. or other agency

20. Definition of a "preneed contract"

COMPLAINTS/DISCIPLINE

TOPIC

21. Changing/clarifying the current Chapter 436 investigative/examination/audit process

22. Modifying the current disciplinary authority (Should it be limited/expanded?)

23. Allowing/modifying release of complaint information to the public

24. Allowing/modifying release of complaint information to providers/sellers with contractual relationships

25. Allowing civil penalties/fines for Chapter 436 violations

26. Allowing the regulatory agency for Chapter 436 to hire legal counsel

27. Expanding/modifying investigative, audit or examination powers of the Board/Attorney General's Office/Missouri Department of Insurance, etc.

28. Expanding/modifying criminal/civil authority of the Board/Insurance/Attorney General's Office

B. GENERAL DISCUSSION:

- Summary and general overview of trusting requirements for preneed funds from other states
- Summary and general overview of preneed refund requirements from other states (on cancellation, default, transfer, etc.)

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