

State Board of Embalmers and Funeral Directors

February 4, 2010

Division of Professional Registration

3605 Missouri Boulevard

Jefferson City, Missouri

OPEN MEETING MINUTES

Thursday, February 4, 2010- 10:00 a.m.

The meeting of the Missouri State Board of Embalmers and Funeral Directors was called to order by Martin Vernon, Chairman, at 10:05 a.m. on Thursday, February 4, 2010, at the Division of Professional Registration, 3605 Missouri Boulevard, Jefferson City, Missouri.

Roll Call

Board Members Present

Martin Vernon, Chairman

Gary Fraker, Vice-Chairman

Todd Mahn, Secretary

James Reinhard, Member

John McCulloch, Member

Joy Gerstein, Public Member- Left the meeting at 2:00 p.m.

Staff Present

Becky Dunn, Executive Director

Lori Hayes, Inspector

Pam Schnieders, Administrative Assistant

Earl Kraus, Senior Legal Counsel

Sharon Euler, Assistant Attorney General

Connie Clarkston, Director of Budget and Legislation

Don Eggen, Chief Investigator

Approval of Agenda

A motion was made by Gary Fraker and seconded by Todd Mahn to approve the open agenda. Motion carried with all voting in favor with no votes in opposition.

Senate Bill 1 Implementation (Examination of Books and Records)

Requesting the approval of six (6) FTE's, 1 attorney, 1 licensure technician, 1 investigator, 1 auditing manager, and 2 fiscal analysts. A motion was made by Gary Fraker and seconded by James Reinhard to accept the proposal suggested by Martin Vernon and request a list of all preneed contracts as well as a supporting document from a financial institution, an insurance company, etc. and follow-up with a financial review. Motion carried with all voting in favor with no votes in opposition.

Senate Bill 1 Open Discussion

A motion was made by John McCulloch and seconded by James Reinhard to draft a proposed rule defining the word "purchaser" to mean "the person making arrangements". Motion carried with all voting in favor with no votes in opposition.

Rules – Effective January 20, 2010

- **20 CSR 2120-1.040 Definitions**
- **20 CSR 2120-2.010 Embalmer's Registration and Apprenticeship**
- **20 CSR 2120-2.040 Licensure by Reciprocity**
- **20 CSR 2120-2.060 Funeral Directing**

The Board had discussion regarding whether to change the rules stating that once a licensee has taken and successfully passed the Missouri law are they required to retake the Missouri law examination, whether or not they keep an active license. Todd Mahn stated he would like to research this on his own and bring back to the March 2010 meeting for discussion.

Future Board Meeting

- **March 31, 2010 – 9:00 a.m., Best Western, 1200 W. Gannon Drive, Festus, MO**

This was provided for informational purposes only.

Emily Rowe, Unit Manager, MO HealthNet Program & Policy Unit, Family Services Division

Earl Kraus, Senior Legal Counsel, reviewed with the Board responses received from Emily Rowe, Unit Manager for Division of Family Services to questions on "spending down", individuals on state aid and the purchasing of preneed funeral plans, Chapter 208 and public assistance, etc., and her offer to meet with the Board.

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

Don Otto stated that the Missouri Funeral Directors and Embalmers Association would not be submitting any legislation this year to revise SB1. He stated that the Association may be introducing legislation to make it easier for funeral establishments to dispose of cremated remains.

Members of the public were going to address any concerns relating to the Continuing Education Proposal Rule in writing to the Board.

Closed Meeting

A motion was made by Gary Fraker and seconded by Joy Gerstein 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 324.001.8 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 324.001.9 RSMo 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 closed minutes of previous meetings. Motion carried with Gary Fraker, Todd Mahn, James Reinhard John McCulloch and Joy Gerstein voting in favor with no votes in opposition.

Adjournment

A motion was made by Todd Mahn and seconded by Gary Fraker to adjourn. Motion carried with Martin Vernon, James Reinhard, John McCulloch, and Todd Mahn voting in favor with no votes in opposition. The meeting adjourned at 4:30 p.m. on Thursday, February 4, 2010 . Joy Gerstein was absent from the closed portion of the meeting from 2:00 p.m.

Executive Director: Sandy Sebastian

Approved by the Board on: 9/27-29/2011