State Board of Embalmers and Funeral Directors

March 30-31, 2010
Best Western, Jefferson Room
1200 Gannon Drive
Festus, MO 63028

OPEN MEETING MINUTES

Tuesday, March 30, 2010 - 9:30 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 Tuesday, March 30, 2010 in the Jefferson meeting room of the Best Western, located at 1200 Gannon Drive, Festus, Missouri.

Roll Call
Board Members Present
Martin Vernon, Chairman
Gary Fraker, Vice-Chairman
Todd Mahn, Secretary
John McCulloch, Member
Joy Gerstein, Public Member

Board Member Absent
James Reinhard, Member

Staff Present
Becky Dunn, Executive Director
Lori Hayes, Inspector
Pamela Schnieders, Administrative Assistant
Earl Kraus, Senior Legal Counsel

Closed Meeting
Motion was made by John McCulloch 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 324.001.8 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, John McCulloch and Joy Gerstein voting in favor with no votes in opposition. James Reinhard was absent for the entirely of the meeting.

Wednesday, March 31, 2010 – 9:00 a.m.

The meeting of the Missouri State Board of Embalmers and Funeral Directors was called to order by Martin Vernon, Chairman, at 9:10 a.m. on Wednesday, March 31, 2010 in the Jefferson meeting room of the Best Western, located at 1200 Gannon Drive, Festus, Missouri.

Roll Call

Board Members Present

Martin Vernon, Chairman
Gary Fraker, Vice-Chairman
Todd Mahn, Secretary
John McCulloch, Member
Joy Gerstein, Public Member

Board Members Absent

James Reinhard

Staff Present

Becky Dunn, Executive Director
Lori Hayes, Inspector
Pamela Schnieders, Administrative Assistant
Earl Kraus, Senior Legal Counsel
Sharon Euler, Assistant Attorney General

Approval of Agenda

A motion was made by Todd Mahn and seconded by Gary Fraker to approve the open agenda. Motion carried with Gary Fraker, Todd Mahn, John McCulloch, and Joy Gerstein voting in favor with no votes in opposition. James Reinhard was absent for the entirely of the meeting.

Approval of Open Meeting and Mail Ballot Minutes

Motion was made by Gary Fraker and seconded by Todd Mahn to approve the following Open Meeting and Mail Ballot Minutes as submitted. Motion carried with Gary Fraker, Todd Mahn, John McCulloch, and Joy Gerstein voting in favor with no votes in opposition. James Reinhard was absent for the entirely of the meeting.

March 30-April 1, 2009 Open Meeting Minutes

August 4-5, 2009 Open Meeting Minutes
August 11, 2009 Open Meeting Minutes
August 19, 2009 Open Meeting Minutes
August 25, 2009 Open Meeting Minutes

Executive Director's Report

Becky Dunn reported on the FY2010 Financial Statement as of February 28, 2010

	Year-To-Date	Projected	Remaining
FY 2010 Beginning Fund Balance	$1,111,382.33		
Revenue	346,279.86	1,023,412.00	677,132.14
Expense and Equipment	76,205.02	145,393.00	69,187.98
Total Transfers	276,560.22	583,800.19	307,239.97
Ending Fund Balance	**1,104,896.95**		

FY 2010 OA Cost Allocation

Board Cost:	**OA Expenditures**	**Auditor Expenditures**	**Governor Expenditures**	**Lt. Governor Expenditures**	**Sec. of State Expenditures**	
	$578.36	$0.00	$119.16	$24.22	$576.75	
	Atty General Expenditures	**Gen Assembly Expenditures**	**Capitol Police**	**DOR Receipts**		**Total**
	$0.00	$1,694.34	$88.12	$3,935.85		**$7,016.80**
Division Cost:	**OA Expenditures**	**Auditor Expenditures**	**Governor Expenditures**	**Lt. Governor Expenditures**	**Sec. of State Expenditures**	
	$82.40	$0.00	$16.98	$3.45	$82.17	
	Atty General Expenditures	**Gen Assembly Expenditures**	**Capitol Police**	**DOR Receipts**		**Total**
	$0.00	$241.40	$12.55	$0.00		**$438.95**
FY2010 Total Cost:						**$7,455.75**

Duane E. Harvey - Disciplinary Hearing

The Board held a Disciplinary Hearing at 11:27 a.m. for Duane E. Harvey. Duane E. Harvey was present, with no legal counsel present. Sharon Euler, Assistant Attorney General represented the State of Missouri and Earl Kraus, Senior Legal Counsel, was advisor to the board on procedural and evidentiary matters. Board members present were Martin Vernon, Gary Fraker, Todd Mahn, and Joy Gerstein. John McCulloch recused from the discussion and vote. James Reinhard was absent for the entirely of the meeting.

SB1 Implementation
The Board reviewed the public's comments pertaining to Senate Bill 1, and discussion was held.

Future Meeting
Martin Vernon suggested a need to identify changes to SB1. Comments from the public will be needed to gather this information. A motion was made by John McCulloch and seconded by Joy Gerstein to plan a meeting for SB1 Clearing House. Motion carried with Gary Fraker, Todd Mahn, John McCulloch, and Joy Gerstein voting in favor with no votes in opposition. James Reinhard was absent for the entirely of the meeting.

Rules
The board discussed having a Temporary License for Preneed Agent. Earl Kraus advised the board that this would require a statute change.

The board discussed putting a length of time of how long a Preneed Agent Application is good for, to complete process and pass the examination. A motion was made by Todd Mahn and seconded by Gary Fraker to table this matter until a later date. Motion carried with Gary Fraker, Todd Mahn, and John McCulloch voting in favor, and Joy Gerstein voting no in opposition. James Reinhard was absent for the entirely of the meeting.

A motion was made by John McCulloch and seconded by Joy Gerstein to draft an emergency rule to extend the Notice of Intent period. After discussion was held, John McCulloch and Joy Gerstein rescinded their motion.

The board discussed having a Preneed Agent Apprenticeship, and suggested drafting a rule. Earl Kraus and Sharon Euler advised the board there is no statutory authority to have such rule. A motion was made by Todd Mahn and seconded by John McCulloch to draft a rule to have Preneed Agent apply for a temporary license and give 6 months to pass the Missouri Law Exam. Motion carried with Gary Fraker, Todd Mahn, and John McCulloch voting in favor, and Joy Gerstein voting no in opposition. James Reinhard was absent for the entirely of the meeting.

Closed Meeting at 12:32 pm
A motion was made by Todd Mahn and seconded by Joy Gerstein to move into closed session 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 324.001.8 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, John McCulloch, and Joy Gerstein voting in favor with no votes in opposition. James Reinhard was absent for the entirely of the meeting.

Wednesday, March 31, 2010 – 3:39 p.m.
The meeting of the Missouri State Board of Embalmers and Funeral Directors reconvened in open session at approximately 3:39 p.m. on Wednesday, March 31, 2010. The meeting was called to order by Martin Vernon, Chairman, in the Jefferson meeting room of the Best Western, located at 1200 Gannon Drive, Festus, Missouri.

Roll Call
Board Members Present
Martin Vernon, Chairman
Gary Fraker, Vice-Chairman
Todd Mahn, Secretary
John McCulloch, Member
Joy Gerstein, Public Member

Board Members Absent
James Reinhard

Staff Present
Becky Dunn, Executive Director
Lori Hayes, Inspector
Pamela Schnieders, Administrative Assistant
Don Eggen, Division Central Investigative Unit
Earl Kraus, Senior Legal Counsel

Rules – continued
The board discussed forming a subcommittee to come up with ideas for the board to give a
Missouri Law Exam for Preneed Agent and other possibilities to expedite the process. A motion was made by John McCulloch and seconded by Gary Fraker to have John McCulloch and Martin Vernon be members of this subcommittee. Motion carried with Gary Fraker, Todd Mahn, and John McCulloch voting in favor with no votes in opposition. Joy Gerstein was absent for this portion of the meeting. James Reinhard was absent for the entirely of the meeting.

The board reviewed the following rules for possible changes to the existing rule. Areas bolded are new language and those in brackets will be deleted.

Existing Rule
20 CSR 2120-2.060 Funeral Directing
[13]**(14)** An applicant shall be exempt from the requirement of successful completion of the Missouri Law examination if the applicant has successfully completed the Missouri Law examination for another **Missouri** license [*within twelve(12) months of the date that the board receives the new application]* **within the jurisdiction of the board if the current license remains in active status.**

Draft new language:
(14) An applicant shall be exempt from the requirement of successful completion of the Missouri Law examination if the applicant has successfully completed the Missouri Law examination for another Missouri license within the jurisdiction of the board if **(1)** the current license remains in active status[.], **or (2) the applicant was a registered funeral director apprentice at the time of the examination and such examination occurred within the last 24 months.**
A motion was made by John McCulloch and seconded by Gary Fraker to approve and proceed with filing the rule as drafted. Motion carried with Gary Fraker, Todd Mahn, and John McCulloch voting in favor with no votes in opposition. Joy Gerstein was absent for this portion of the meeting. James Reinhard was absent for the entirely of the meeting.

Existing Rule
20 CSR 2120-2.010 Embalmer's Registration and Apprenticeship
(8) Effective July 30, 2004 the Missouri State Board embalmers' examination shall consist of the National Board Funeral Service Arts section, the National Board Funeral Service Science section, and Missouri Law section. Application, payment, scheduling and administration for the national board examinations will be made directly through the International Conference of Funeral Service Examining Boards, Inc., or other designee of the board. An applicant shall be exempt from the requirement of successful completion of the Missouri Law section if the applicant has successfully completed the Missouri Law section for another **Missouri** license **and the license is in active status .** [within twelve (12) months of the date that the board receives the new application.] In lieu of the National Board Funeral Service Arts examination, successful completion of the Missouri Funeral Service Arts examination results will be accepted, or the board may accept successful completion of an examination administered by another state, territory or province of the United States that is substantially equivalent or more stringent than the Missouri Funeral Service Arts examination.

Draft new language:
20 CSR 2120-2.010 Embalmer's Registration and Apprenticeship
(8) Effective July 30, 2004 the Missouri State Board embalmers' examination shall consist of the National Board Funeral Service Arts section, the National Board Funeral Service Science section, and Missouri Law section. Application, payment, scheduling and administration for the national board examinations will be made directly through the International Conference of Funeral Service Examining Boards, Inc., or other designee of the board. An applicant shall be exempt from the requirement of successful

completion of the Missouri Law section if the applicant has successfully completed the Missouri Law section for another Missouri license **within the jurisdiction of the board if (1)** [and] the **current** license [is] **remains** in active status**, or (2) the applicant was a registered embalmer apprentice at the time of the examination and such examination occurred within the last 24 months**. In lieu of the National Board Funeral Service Arts examination, successful completion of the Missouri Funeral Service Arts examination results will be accepted, or the board may accept successful completion of an examination administered by another state, territory or province of the United States that is substantially equivalent or more stringent than the Missouri Funeral Service Arts examination.

A motion was made by John McCulloch and seconded by Gary Fraker to approve and proceed with filing the rule as drafted. Motion carried with Gary Fraker, Todd Mahn, and John McCulloch voting in favor with no votes in opposition. Joy Gerstein was absent for this portion of the meeting. James Reinhard was absent for the entirely of the meeting.

Existing Rule

20 CSR 2120-2.040 Licensure by Reciprocity

(F) The reciprocity applicant will be required to successfully complete the reciprocity examination with a score of seventy five percent (75%) or better within twenty four (24) months after the board's receipt of the reciprocity application. If an applicant by reciprocity has received either an embalmer or funeral director license from the board [within twelve (12) months prior to applying for a license] for which the reciprocity examination is required, that applicant will be exempt from taking the reciprocity examination for the second license if the original Missouri license remains in active status;

Draft new language:

(D) The reciprocity applicant will be required to successfully complete the reciprocity examination with a score of seventy five percent (75%) or better within twenty four (24) months after the board's receipt of the reciprocity application. If an applicant by reciprocity has received either an embalmer or funeral director license from the board for which the reciprocity examination is required, that applicant will be exempt from taking the reciprocity examination for the second license if **(1)** the original Missouri license remains in active status[;]**, or (2) the applicant successfully completed the reciprocity examination within the last 24 months;**

A motion was made by John McCulloch and seconded by Gary Fraker to approve and proceed with filing the rule as drafted. Motion carried with Gary Fraker, Todd Mahn, and John McCulloch voting in favor with no votes in opposition. Joy Gerstein was absent for this portion of the meeting. James Reinhard was absent for the entirely of the meeting.

The board reviewed the following draft rule, not approved by the board. Areas bolded are new language and those in brackets will be deleted.

PROPOSED RULE

(rule #) Purchaser approval of payment certification after disposition

PURPOSE: This rule clarifies the certification and approval of payment process following disposition.

To the extent the purchaser must approve the certification that the provider has furnished the final disposition, funeral, and burial services and facilities, and merchandise as required by the preneed contract, or has provided alternative funeral benefits for the beneficiary under special arrangements made with the purchaser, if the purchaser is deceased or is otherwise unavailable, ~~then the person taking financial responsibility for the final disposition expenses shall be authorized to act on behalf of the purchaser. If no person is taking financial responsibility,~~ then the person **with** ~~authorized to exercise~~ the right of sepulcher of the beneficiary shall be authorized to act on behalf of the purchaser to approve the certification required under the statute. ~~such approval is not required where the purchaser and the beneficiary are the same person.~~

AUTHORITY: sections 333.340 and 436.455.

A motion was made Gary Fraker and seconded by John McCulloch to approve the rule as drafted and give Earl Kraus authority to make changes in the language to reference the right of sepulcher. Motion carried with Gary Fraker, John McCulloch and Joy Gerstein voting in favor with no votes in opposition. Todd Mahn was absent for this portion of the meeting. James Reinhard was absent for the entirely of the meeting.

The board reviewed the following draft rule, not approved by the board. Areas bolded are new language and those in brackets will be deleted.

PROPOSED RULE

20 CSR 2120-2.160 Cemetery Exception

PURPOSE: This rule describes the exception to preneed contract requirements under sections 436.400 to 436.520 for endowed care cemeteries.

(1) Pursuant to section 333.310, RSMo, a cemetery shall be exempt from the licensure requirements of section 333.315 and 333.320, RSMo when all of the following conditions are satisfied—

(A) The cemetery has a current and valid license issued pursuant to section 214.275, RSMo;

(B) All sales of merchandise made by the cemetery that would otherwise be defined as a preneed contract for funeral merchandise are either: ~~made pursuant to a contract whereby such merchandise is either~~

1. Subject to the provisions of Section 214.320 or other provision of Chapter 214 that requires the funds be deposited into an endowed care fund; or

~~Purchased in conjunction with an interment right or grave space subject to section 214.320, RSMo; or~~

2. For funeral merchandise that is owned by the purchaser and before the death of the beneficiary the merchandise is either installed on the cemetery

premises or delivered to the purchaser, such as grave markers, urns, monuments or tombstones.

~~Made to be delivered to an interment right or grave subject to section 214.320, RSMo that is owned by the purchaser and identified in the contract.~~

(C) After completion of an examination or audit, the Office of Endowed Care Cemeteries has made no finding of non-compliance with section 214.385 or 214.387, RSMo.

~~The cemetery has not been found to be in non-compliance with sections 214.385 or 214.387 RSMo by the Office of Endowed Care Cemeteries pursuant to a completed examination or audit; and~~

(D) The contract does not include preneed payments for services that may only be provided by a licensed funeral director or embalmer nor does it include any funeral merchandise not excepted by this rule.

~~The cemetery does not offer for sale caskets or services that may only be provided by a Missouri licensed funeral director or embalmer.~~

*AUTHORITY: section 333.340 and 436.410, as amended by Senate Bill 1, 95th General Assembly, First Regular Session (2009). Emergency amended filed_____, effective _____, and expires _____, *Original rule filed: _____.*

A motion was made by Gary Fraker and seconded by John McCulloch to table this draft rule until after we find out what happens to Chapter 214 in legislative session. Motion carried with Gary Fraker, Todd Mahn, John McCulloch and Joy Gerstein voting in favor with no votes in opposition. James Reinhard was absent for the entirely of the meeting.

Fingerprinting draft rule

The board reviewed the following draft rule for fingerprints upon initial application with the board.

DRAFT

Rule re: Fingerprints upon initial application with the Board

Title: All applicants for licensure or registration with the Board shall provide proof of submitting fingerprints to the Missouri State Highway Patrol.

Purpose: This rule describes the requirement of all applicants for licensure or registration with the Board to provide proof of submitting his or her fingerprints to the Missouri State Highway Patrol or the Missouri State Highway Patrol's approved vendor for both a Missouri State Highway Patrol and a Federal Bureau of Investigation fingerprint background check.

(1) All applicants for licensure or registration with the Missouri Board of Embalmers and Funeral Directors shall, upon application with the Board after (DATE), provide proof of having submitted fingerprints to the Missouri State Highway Patrol's approved vender for both a Missouri State Highway Patrol and a Federal Bureau of Investigation fingerprint background check.

(2) Any fees due to fingerprint background checks shall be paid by the applicant directly to the Missouri State Highway Patrol or its approved vendor.

(3) Applicants seeking renewal of a license or registration with the Board shall be exempt from this requirement.
Authority: 333.031, 333.041, 333.042, 333.051, 333.061, 333.111, 333.315, 333.320, 333.325, 333.340, and 436.520.
A motion was made by Gary Fraker and seconded by Todd Mahn to proceed with rule as drafted. Motion carried with Gary Fraker, Todd Mahn, John McCulloch and Joy Gerstein voting in favor with no votes in opposition. James Reinhard was absent for the entirely of the meeting.

Legislative Update
The board was provided a handout of the Professional Registration Bill Status Report as of March 29, 2010. This was provided for informational purposes.

Professional Registration
Bill Status Report
03-29-2010 - 11:19:55

Embalmers		
HB 1582	Sutherland	Requires statements of no tax due from the Department of Revenue as a prerequisite to the issuance or renewal of certain state and local licenses or the receipt of a payment from the State Legal Expense Fund.
	Bill History:	02-04-10 H Public hearing completed

SUMMARY: Beginning January 1, 2012, this bill requires statements of no tax due from the Department of Revenue as a prerequisite to the issuance or renewal of state and local business and occupation licenses or to the receipt of payments from the State Legal Expense Fund. The department director may enter into an agreement with any state agency responsible for issuing business and occupation licenses to provide the names and tax identification numbers of applicants for these licenses. Tax delinquencies may result in the suspension of licenses.
NOTE: Possible amendment to the bill for a revision to section 324.010, RSMo to correct the intersection references for Chapter 436.

HB 1845	Wells	Changes the laws regarding endowed care cemeteries.
	Bill History:	01-28-10 H Read second time

SUMMARY: The bill:
1) Allows the division to bring suit in Cole County against cemetery operators;
(2) Requires all contracts sold by cemetery operators for cemetery services or for graves, cemetery markers, and crypts to meet certain requirements. If these requirements are not met, all payments will be recoverable by the purchaser plus 10% interest and any reasonable collection costs including attorney fees;
(3) Requires any person, entity, or political subdivision that purchases, receives, or holds real estate used for the burial of human remains, excluding a family burial ground, to notify the Office of Endowed Care Cemeteries within

the department of the name, location, and address of the real estate before October 1, 2010, or within 30 days of acquiring the land;

(4) Exempts cemetery operators from the provisions of Chapter 436, RSMo, regarding prearranged funeral contracts but prohibits them from adjusting or establishing prices for items with the intent of evading the trust or escrow provisions of the chapter. Provisions related to deposits into endowed care trust funds based on the sales price of certain products are revised;

(5) Removes the provisions requiring a financial institution serving as the trustee of an endowed care trust to be located in Missouri but requires all activities of the trust to be controlled by Missouri law and all funds held in trust to remain in Missouri;

(6) Requires a cemetery operator to notify the division in writing at least 20 days prior to selling a majority of its assets;

(7) Allows, for agreements entered into after August 28, 2010, a cemetery prearranged merchandise products contract to be canceled within 30 days of receipt of the executed contract and requires all payments to be fully refunded;

(8) All expenses of administering a trust, including, without limitation, trustee's fees, expenses in establishing the trust, legal and accounting fees, investment expenses, taxes, and other necessary and reasonable expenses shall be paid from trust income, and shall not be paid from trust principal.

(9) Allows the division to direct a trustee, financial institution, or escrow agent to suspend the distribution of money from an endowed care trust fund if the cemetery operator is not licensed, has failed to file an annual report, or has failed to file a corrective action plan after an audit has revealed a deficiency; and

(10) Exempts, if a cemetery was owned by a city, any subsequent cemetery owner from liability for any deficiency existing prior to the city's ownership.

NOTE: Similar to SB754.

HB 2231	Wasson	Changes the laws regarding the disposition of cremated human remains by a licensed funeral establishment.
	Bill History:	03-23-10 H Set on the House Calendar

SUMMARY: Allows a licensed funeral establishment to dispose of cremated human remains in accordance with a cremation contract except if otherwise prohibited by law.

HB 2290	Wasson	Specifies that the value of certain life insurance policies will not be considered an asset when determining eligibility and the amount of benefits under federally aided state public assistance programs.
	Bill History:	03-23-10 H Set on the House Calendar

SUMMARY: Supporters say that life insurance policies which are used to pay the cost of irrevocable preneed funeral contracts are currently included as assets when

determining eligibility for public assistance. The bill specifies that these policies should not be included in an applicant's current assets.

HB 2305	Kelly	Authorizes the transfer of specified maximum amounts of money from a list of 23 state funds to the General Revenue Fund by June 30, 2011.
	Bill History:	03-15-10 H Read second time

SUMMARY: This bill authorizes the transfer of specified maximum amounts of money from a list of 23 state funds to the General Revenue Fund by June 30, 2011. The following boards within Professional Registration are included in the bill: Endowed Care Cemetery Audit; State Board of Accountancy; State Board of Registration for the Healing Arts; State Board of Nursing; Board of Pharmacy; Licensed Professional Counselors; State Board of Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects; Athletic Fund; Board of Cosmetology and Barber Examiners; Marital and Family Therapist Fund; Respiratory Care Practitioners Fund; Missouri Board of Occupational Therapy; and Dietitian Fund.
NOTE: Similar to SB1000.

HB 2320	Ruzicka	Allows $9,999 in an irrevocable trust for certain funeral expenses to not be considered an asset when determining eligibility for public assistance.

SUMMARY: This bill specifies that in determining eligibility and the amount of benefits to be granted under federally aided state public assistance programs, any amounts up to $9,999 placed in an irrevocable trust to pay for funeral services, facilities, and merchandise which are not part of a preneed funeral contract will not be taken into account or considered an asset of the beneficiary. Funds remaining after paying the specified funeral expenses must be paid to the state up to the amount of public assistance provided with any remaining moneys given to those designated in the trust.
NOTE: Similar to SB1025.

SB 753	Dempsey	Allows county commissions to invest cemetery trust funds in certificates of deposit.
	Bill History:	03-03-10 H Read second time

SB 754	Dempsey	Modifies provision related to cemeteries.
	Bill History:	03-15-10 H Read second time

NOTE: Similar to HB8145.

SB 991	Scott	Eliminates, combines, and revises certain state boards, commissions, committees, and councils.
	Bill History:	03-23-10 S Set on the Senate Calendar

SB 1000	Green	Transfers certain stated amounts from twenty-three funds to the state general revenue fund.
	Bill History:	03-03-10 S Hearing conducted

NOTE: Similar to SB2305.

SB 1025	Goodman	Allows $9,999 in an irrevocable trust for certain funeral expenses to not be considered an asset when determining eligibility for public assistance.
	Bill History:	03-04-10 S Referred to Senate Committee on Senate-General Laws

NOTE: Similar to HB2320.

Preneed Seller/Provider/Funeral Director Agent/Agent - Licensure and Registration update (Lori Hayes)
The board has approved 1029 preneed agent registrations.
930 are preneed agent funeral director registrations
99 are preneed agent registrations

The board has 383 pending preneed agents applicants.
149 are pending preneed agent funeral director applicants
234 are pending preneed agent applicants

Funeral Director/Embalmer Renewals
As of today's date, the board has approved 761 embalmer and funeral director renewal licenses. 162 licensees renewed by paper, and 599 renewed online.

MFDEA Update Don Otto
This years Missouri Funeral Director and Embalmer Association Convention will be held in conjunction with Kansas and Nebraska. The convention will be held May 2-5, 2010 in Overland Park, Kansas. Don Otto advised the board that he was at the hearing yesterday on the electronic death certificate bill that they are supporting. The hearing went really well. A representative of the Department of Health and Senior Services was there and pretty much said they are fine with the bill.

11:00 am Personal Appearance/Representative from MO HealthNet Program & Policy Unit /Question and Answers
Emily Rowe, Missouri Department of Health/ Mo HealthNet Program met with the board on today's date. Documents provided by Emily Rowe to the Board are as follows:
1)Board Meeting Talking Points/March 31. 2009
2)Policy Clarification on Assignment of Life Insurance to Fund Burial Contracts, and
3)Summary Paper Prepared by Third Party Liability Unit on Burial Plans.

Election of Officers
Chairman:
A motion was made by Todd Mahn and seconded by Joy Gerstein to nominate and vote in by acclamation Gary Fraker as Chairman of the State Board of Embalmers and Funeral Directors. Motion carried with Gary Fraker, Todd Mahn, John McCulloch and Joy Gerstein voting in favor with no votes in opposition. James Reinhard was absent for the entirely of the meeting.
Vice-Chairman:
A motion was made by Todd Mahn and seconded by Joy Gerstein to nominate and vote in by acclamation Todd Mahn as Vice-Chairman of the State Board of Embalmers and Funeral Directors. Motion carried with Gary Fraker, Todd Mahn, John McCulloch and Joy Gerstein voting in favor with no votes in opposition. James Reinhard was absent for the entirely of the meeting.
Secretary:
A motion was made by Todd Mahn and seconded by Joy Gerstein to nominate and vote in by acclamation John McCulloch as Secretary of the State Board of Embalmers and Funeral Directors. Motion carried with Gary Fraker, Todd Mahn, John McCulloch and Joy Gerstein voting in favor with no votes in opposition. James Reinhard was absent for the entirely of the meeting.

Closed Meeting
A motion was made by Gary Fraker and seconded by John McCulloch to move into closed session 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 324.001.8 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, John McCulloch and Joy Gerstein voting in favor with no votes in opposition. James Reinhard was absent for the entirely of the meeting.

Open Discussion – Dialogue with General Public Attending Open Session Continuation and/or Completion of any Unfinished Open Session Business
No discussion was held.

Other
No discussion was held.

Adjournment

A motion was made by Gary Fraker and seconded by Todd Mahn to adjourn the meeting. Motion carried with Gary Fraker, Todd Mahn, and John McCulloch voting in favor with no votes in opposition. Joy Gerstein was absent for this portion of the meeting. James Reinhard was absent for the entirety of the meeting. The meeting adjourned at 8:00 p.m. on Wednesday, March 31, 2010.

Executive Director: Sandy Sebastian

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