

**State Board of Embalmers and Funeral Directors**

**September 8-9, 2010  
Division of Professional Registration  
3605 Missouri Blvd.  
Jefferson City, Missouri**

**Open Meeting Minutes**

**Wednesday, September 8, 2010**

The meeting of the State Board of Embalmers and Funeral Directors was called to order by Gary Fraker, Chairman, at 8:20 a.m. on Wednesday September 8, 2010 at the Division of Professional Registration, 3605 Missouri Blvd, Jefferson City, Missouri.

**Roll Call**

**Board Members Present**

Gary Fraker, Chairman  
John McCulloch, Secretary  
James Reinhard, Member  
Martin Vernon, Member  
Joy Gerstein, Public Member

**Board Members Absent**

D. Todd Mahn, Vice Chairman

**Staff Present**

Sandy Sebastian, Executive Director  
Lori Hayes, Inspector  
Pam Schnieders, Administrative Assistant  
Sharon Euler, Board's Legal Counsel

**Approval of Agenda**

A motion was made by Martin Vernon and seconded by Joy Gerstein to approve the open agenda. Motion carried with John McCulloch and James Reinhard voting in favor with no votes in opposition. D. Todd Mahn was absent from the vote.

**Approval of Open Meeting and Mail Ballot Minutes**

A motion was made by Joy Gerstein and seconded by Martin Vernon to approve the following open meeting and mail ballot minutes. Motion carried with John McCulloch and James Reinhard voting in favor with no votes in opposition. D. Todd Mahn was absent from the vote.

*June 18, 2009 Open Mail Ballot Minutes  
July 1, 2009 Open Mail Ballot Minutes  
November 17, 2009 Open Mail Ballot Minutes  
November 23, 2009 Open Mail Ballot Minutes*

*December 8-9, 2009 Open Meeting Minutes*  
*December 30, 2009 Open Mail Ballot Minutes*  
*January 12, 2010 Open Mail Ballot Minutes*  
*March 17, 2010 Open Mail Ballot Minutes*  
*April 13, 2010 Open Mail Ballot Minutes*  
*April 19, 2010 Open Mail Ballot Minutes*  
*April 27, 2010 Open Mail Ballot Minutes*  
*May 10, 2010 Open Mail Ballot Minutes*  
*June 1, 2010 Open Mail Ballot Minutes*  
*June 21, 2010 Open Mail Ballot Minutes*  
*June 24, 2010 Open Mail Ballot Minutes*  
*July 6, 2010 Open Mail Ballot Minutes*  
*July 9, 2010 Open Mail Ballot Minutes*  
*July 13, 2010 Open Mail Ballot Minutes*  
*July 23, 2010 Open Mail Ballot Minutes*  
*July 30, 2010 Open Mail Ballot Minutes*  
*August 6, 2010 Open Mail Ballot Minutes*  
*August 11, 2010 Open Mail Ballot Minutes*

### **Legal Counsel Update**

Sandy Sebastian introduced Sharon Euler as the new Division counsel, she will be serving as legal counsel for the Board of Embalmers & Funeral Directors.

### **Closed Meeting**

Motion was made by Joy Gerstein and seconded by John McCulloch 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 (14) of 610.021 RSMo for the purpose of reviewing and approving the closed minutes of previous meetings. Motion carried with James Reinhard and Martin Vernon voting in favor with no votes in opposition. D. Todd Mahn was absent for the vote.

**Thursday, September 9, 2010-9:15 a.m.**

The meeting of the Missouri State Board of Embalmers and Funeral Directors was called to order by Gary Fraker, Chairman, at 10:00 a.m. on Thursday September 9, 2010 at the Division of Professional Registration, 3605 Missouri Blvd, Jefferson City, Missouri.

**Roll Call**

**Board Members Present**

Gary Fraker, Chairman  
D. Todd Mahn, Vice Chairman  
John McCulloch, Secretary  
James Reinhard, Member  
Martin Vernon, Member  
Joy Gerstein, Public Member

**Staff Present**

Sandy Sebastian, Executive Director  
Lori Hayes, Inspector  
Pam Schnieders, Administrative Assistant  
Sharon Euler, Board's Legal Counsel

**Executive Director Report**

Sandy Sebastian reported that she was in the process of hiring new staff.

**Year End Statistics (July 1, 2009 – June 30, 2010)**

It was shared with the Board that the year end statistics had been posted on the Board's website. This was for informational purposes only.

**Rules**

Information relating to the Emergency Rule regarding new fees being effective August 5, 2010 was shared with the Board.

Discussion was held regarding a previously approved drafted rule relating to fingerprinting new applicants and not renewal applicants, the questionable legality of not fingerprinting both, and the fact the Division planned to explore the potential of modifying the language in the existing statute. Following discussion a motion was made by James Reinhard and seconded by Joy Gerstein to withdraw the proposed fingerprinting rule and revisit this rule in the future. Motion carried with John McCulloch and Martin Vernon voting in favor with no votes in opposition. D. Todd Mahn was absent from the vote.

**Legislation**

No updates at this time

### **Preneed Provider, Preneed Seller, Preneed Funeral Director, Preneed Agent renewal status**

The board reviewed statistics regarding renewals of Preneed Providers, Preneed Sellers, Preneed Funeral Director Agents and Preneed Agents. 2054 renewals were sent out. As of this date 345 have been approved, some are on hold, and 1653 have not been received in the Board office. This was for informational purposes only.

### **Preneed Provider and Preneed Seller Self Reporting Forms Update**

The board reviewed an update on the Preneed Provider and Preneed Seller Self Reporting Forms. This was for informational purposes only.

### **Dept. of Health and Senior Services - Electronic Registration System Update**

Ivra Cross from the Department of Health and Senior Services presented an update to the board and is giving monthly updates to the industry on electronic registration system for filing death certificates. Ivra introduced Michelle Zeilman who has joined Vital Records to assist Ivra Cross. This was for informational purposes only. No vote was taken.

### **American Veterans STLA**

The Better Business Bureau has requested affirmation that this is okay. Sharon Euler, Legal Counsel, advised that this is not within the Boards jurisdiction.

### **Location of December Board Meeting**

A motion was made by James Reinhard and seconded by Martin Vernon to hold the December 2010 Board Meeting in Springfield with tentative dates of December 7, 8, & 9. A notice will be posted on the website when dates are confirmed. Motion carried with Gary Fraker, John McCulloch and Joy Gerstein voting in favor with no votes in opposition. D. Todd Mahn was absent for the vote.

### **Legal Counsel Introduction**

Gary Fraker introduced Sharon Euler as new counsel with the Division who will be serving the Board as general counsel.

### **Open Discussion/Dialogue**

Members of the public in attendance discussed with the Board the following items:

- Concerns relating to section E of the preneed provider annual report and the lack of statutory language authorizing the board to ask for some of the information.
- Concerns relating to information being requested on the preneed seller annual report.
- Questions regarding information being maintained confidential if submitted on the voluntary self reporting forms
- Concerns that insurance funded preneed are done as spend down and that those should not be subject to the \$36.00 contract fee.
- Issues with public administrator cases when writing preneed contracts.
- Questions relating to insurance contracts versus insurance preneed contracts and what is not reportable.

- Questions of whether or not accepting money from a customer constitutes a preneed contract.

Gary Fraker, chair, requested that individuals put their concerns in writing to the Board.

**Other**

No further business at this time.

**Adjournment**

A motion was made by Joy Gerstein and seconded by John McCulloch to adjourn the meeting. Motion carried with no votes in opposition. The meeting adjourned at 11:25 a.m. on Thursday, September 9, 2010.

Executive Director: Sandy Sebastian

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