

State Board of Embalmers and Funeral Directors

March 3, 2011
Division of Professional Registration
3605 MO Blvd
Jefferson City, MO 65109

OPEN MEETING MINUTES

The meeting of the Missouri State Board of Embalmers and Funeral Directors was called to order by Gary Fraker, Chairman at 9:12 a.m. on March 3, 2011.

Roll Call

Board Members Present

D. Todd Mahn, Vice Chairman
John McCulloch, Secretary by Conference Call
Martin Vernon, Member
Archie Camden, Public Member
James Reinhard, Member

Staff Present

Sandy Sebastian, Executive Director
Lori Hayes, Inspector
Tabatha Lenzini, Administrative Assistant
Sharon Euler, Legal Counsel
Randall Jennings, Examiner
Michelle Hankinson, Examiner

A motion was made by James Reinhard and seconded by D. Todd Mahn to approve agenda

Motion carried with Gary Fraker, John McCulloch, Martin Vernon, and Archie Camden voting in favor with no votes in opposition.

Electronic Death Certificate Update-

Ivra Cross was scheduled to meet with the Board however was unable to attend due to scheduling conflict. A member of the public stated that there would need to be a discussion if the funeral director needs to sign the death certificate; Chapter 333 may need to be changed where it currently states "person acting as such needs to sign;" and that Lexi from the Department of Health told them to go ahead and accept a death certificate that is not signed by a funeral director or embalmer due to the electronic death certificate system.

Sandy Sebastian introduced Lisa Wildhaber as new Examiner Supervisor.

Executive Director Report-

- Update on Marts Memorial Services- stay was lifted 3-11-2011 at 5:00 p.m. Sharon Euler, Legal counsel stated that the court appointed an interim manager and that the manager reported that concerns were still not fixed.
- Sharon updated on Brandtonies stating that they were sentenced to 7 years in prison.
- Sandy Sebastian updated on revenue collected for preneed and stated it is now on website and shows 15,209 contracts sold in the reporting period totaling \$547,524.00. A member of the public questioned what would be done with the money and asked if it would go back to general revenue. Sandy stated that should the amount in the fund reach more than 2-3 times appropriation than sweep to general revenue could occur but that the fund is monitored.

Statistics

Statistics for 2010 were shared with the Board and have also been put on the website. This was handed out for informational purposes only, no votes were taken.

Legislation Status Update

- SB 340 and HB 668 bills will make changes to 333 if they pass.
- Don Otto- MFDEA likes what is in 340, however does not like one area where it references logs and register books. The association would like this rewritten to clearly state what the board is expecting from the establishments. The association is looking at cleanup language pertaining to chapter 436 where bank is to refund the money in 15 days. Banks are saying that they can not do that. The association looks to propose something like within 15 days the funeral director will get money to consumer. They are also looking at proposing that the provider and seller will notify the Board where records are kept. Mr. Otto stated that they will give final wording to Sharon Euler and Sandy Sebastian before submitting.

Preneed Financial Examination

Examiners Randall Jennings and Michelle Hankinson addressed the public on the process of the financial examinations. Informational only, no votes were taken.

Election of Officers

A motion was made by James Reinhard and seconded by Archie Camden to nominated D.Todd Mahn as chair. Motion carried with Gary Fraker, Martin Vernon and John McCulloch voting in favor with no votes in opposition.

A motion was made by Archie Camden and seconded by Martin Vernon to nominate James Reinhard as Vice Chairman. Motion carried with Gary Fraker, D. Todd Mahn and John McCulloch voting in favor with no votes in opposition.

A motion was made by D. Todd Mahn and seconded by James Reinhard to nominate John McCulloch for Secretary. Motion carried with Gary Fraker and Martin Vernon voting in favor. Archie Camden voted no in opposition.

Discussion of June, 2011 meeting

D. Todd Mahn mentioned that it should be held in Jefferson City. Sandy is going to look at dates and schedule the meeting.

Open Discussion/Dialogue

- Don Otto stated that at St. Francois there is a problem with preneed and is transferring them to another funeral home, problem is the correspondence with them. They would like a new seller to take over responsibility of the contracts. MFDEA would like the Board to work with the Attorney General's office to come up with an arrangement. The seller is located out of state and does not want to have any seller responsibility. MFDEA would like the Board to say that all funds have to be in Missouri so that they can be audited. Most of the contracts are under new law.
- Brian Boyer stated that an official letter went out to the families at St. Francois that their contracts have been moved to another seller, but those establishments do not have anything in writing. Boyer would like the Board to stand behind them and contact Saber Management so the consumer can be protected. Boyer has been told that if he pursues this that Saber Management will turn them in to the Attorney General's Office. D. Todd Mahn asked if they were filing a claim with Saber when somebody passes. Boyer stated that he is not sending checks anymore on someone who wants to transfer their contract to another establishment.
- Ken McGhee commented that he would like for the Board to consider posing discipline on web. He believes that it creates transparency to protect the industry and the public as well as consistency and fairness. He would also like the Board to do web casting of the meetings for people that can not come to the meeting but might be able to log in to the meeting. Mr. McGhee would also like the Board to consider doing a web cast. Gary Fraker agrees that the best way to understand is to be a part of the meeting.
- Don Lakin asked why there are so many violations at establishments. Lori Hayes stated it could be contributed to issues with the backflow and register log. Mr. Lakin also stated that he believes that the state exam questions are out of line. He believes that the board should look at the questions and be able to review the exam.
- Don Otto extended an invitation to the June 6-7 association meeting in Columbia, Missouri. Mr. Otto would like to have the Board give an update on what has been happening in the industry.
- Darlene Russell stated that the seller they are using for their provider is charging them \$100.00 and asked if the funeral home can pass this fee along to the consumer.
- Bill Williams with Funeral Services, Inc. is a third party administrator not a preneed seller out of Tallahassee, Florida. They would like to start working with Missouri and regulators. He stated that they work in several different states and it has worked very well.

A motion was made by Martin Vernon and seconded by Archie Camden to go in to closed session. Motion carried with Gary Fraker, D. Todd Mahn, John McCulloch and James Reinhard voting in favor with no votes in opposition.

Closed Meeting. The Board may move into closed session pursuant to Section 610.021 Subsection (14) and Section 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.

A motion was made by Archie Camden and seconded by D. Todd Mahn to adjourn the meeting. Motion carried with Gary Fraker, John McCulloch, James Reinhard and Martin Vernon voting in favor with no votes in opposition. The meeting adjourned at 3:57 on March 3, 2011.

Executive Director: Sandy Sebastian

Approved by the Board on: 9/27.29/2011