

State Board of Embalmers and Funeral Directors

July 10-11, 2012
Division of Professional Registration
3605 Missouri Blvd
Jefferson City, MO 65109

OPEN AGENDA

July 10, 2012 – 10:30 am

1. Call to Order
2. Roll Call
3. (Tab 1) Approval of the Agenda
4. (Tab 2) Approval of Open Minutes
 - April 23, 2012 examination committee minutes
 - April 24-25, 2012 board meeting minutes
 - May 2, 2012 conference call minutes
 - May 23, 2012 examination committee minutes
 - June 7, 2012 conference call minutes
 - June 20, 2012 examination committee minutes
 - June 28, 2012 examination committee minutes
5. (Tab 3) Executive Director Report
 - *Staffing update*
 - *Embalmer/Funeral Director renewal update*
 - *Budget report*
 - *Sampling of cost of financial examinations*
 - *License statistics (new, closed/ceased, disciplined)*
6. Legal Counsel Report
14. (Tab 5) Legislative Proposals
15. Discussion/Dialogue
- LUNCH
16. (Tab 6) Probation Violation Hearing – 7/10 at 1:00pm
Leland Jones, Sr. – Case 13-001-PV
17. (Tab 7) Probation Violation Hearing – 7/10 at 2:15pm
George Treaster dba White Funeral Home – Case 12-005-PV
18. (Tab 8) Probation Violation Hearing – 7/10 at 3:30pm
Shelby Funeral Home, Inc. – Case 12-004-PV
16. Adjournment

**State Board of Embalmers and Funeral Directors
Examination Committee**

April 23, 2012

**State Board of Embalmers and Funeral Directors
Missouri Conference Room
3605 Missouri Boulevard
Jefferson City, MO 65109**

OPEN MINUTES

The meeting of the State Board of Embalmers and Funeral Directors Examination Committee was called to order by James Reinhard, Chairman, at 4:28 p.m.

Roll Call

Board Members Present

James Reinhard, Committee Chair
Archie Camden, Member

Staff Present

Sandy Sebastian, Executive Director
Lisa Wildhaber, Examiner Supervisor
Sharon Euler, Division Legal Counsel

Approval of Open Agenda

A motion was made by Archie Camden and seconded by James Reinhard to approve the open agenda.

Executive Director Report

No report

Legal Counsel Report

No report

Move to Closed

A motion was made by Archie Camden and seconded by James Reinhard to move to closed session pursuant to #1, #2 and #9.

Adjourn

Meeting Adjourned at 5:30 p.m.

Executive Director: _____

Approved by the Board on: _____

MOTIONS TO GO INTO CLOSED SESSION

1. DISCIPLINE

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (1) RSMo and 324.001.9 RSMo for deliberation on discipline

2. LEGAL ACTIONS/LITIGATIONS/PRIVILEGED COMMUNICATIONS

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under 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

3. PROMOTING/HIRING/DISCIPLINING/FIRING EMPLOYEES

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (3) RSMo discussing hiring, firing, disciplining or promoting an employee of this agency

4. DIAGNOSIS/TREATMENT OF DISCIPLINED LICENSEES

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (5) 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

5. EXAMINATION MATERIALS

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (7) RSMo for reviewing, testing and examination materials

6. EMPLOYEE PERFORMANCE RATINGS

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (13) RSMo for making performance ratings pertaining to individual employees

7. APPLICATIONS

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under 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

8. CLOSED MINUTES

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (14) and 324.017 RSMo for the purpose of reviewing and approving the closed minutes of previous meetings

9. COMPLAINTS/ INVESTIGATIVE REPORTS/AUDITS

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021 subsection (14) and section 620.010.14 subsection (7) RSMo for the purpose of discussing investigative reports and/or complaints and/or audits and/or other information pertaining to a licensee or applicant

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State Board of Embalmers and Funeral Directors

April 24-25, 2012
Division of Professional Registration
3605 Missouri Blvd
Jefferson City, MO 65109

OPEN MINUTES

The meeting of the State Board of Embalmers and Funeral Directors was called to order by D. Todd Mahn, Chairman at 8:30 a.m.

Roll Call

Board Members Present

D. Todd Mahn, Chairman

James Reinhard, Vice Chairman – present via telephone on April 24, 2012. He left the meeting at 10:30a.m. on April 24, 2012 for the day but was present on April 25, 2012

John McCulloch, Secretary

Gary Fraker, Board Member – left the meeting on 4/25 at 10:05a.m.

Archie Camden, Board Member

Board Members Not Present

Martin Vernon, Board Member

Staff Present

Sandy Sebastian, Executive Director

Lori Hayes, Inspector

Tabatha Lenzini, Administrative Assistant

Lisa Wildhaber, Examination Supervisor

Randall Jennings, Examiner – present for April 24, 2012

Michelle Hankinson, Examiner– present for April 24, 2012

Bob Beck, Examiner– present for April 24, 2012

Sharon Euler, Division Legal Counsel

Approval of Open Agenda

A motion was made by Archie Camden and seconded by Gary Fraker to approve the Open Agenda. Motion carried with John McCulloch and James Reinhard voting in favor with no votes in opposition.

Martin Vernon was not present.

Approval of Open Minutes

A motion was made by Gary Fraker and seconded by Archie Camden to approve the following open minutes:

- December 7, 2011 board meeting
- December 27, 2011 board conference call
- January 25, 2012 board meeting
- February 8, 2012 examination committee call
- March 2, 2012 board conference call
- March 5, 2012 examination committee call
- March 28, 2012 board conference call
- April 4, 2012 examination committee call
- April 9, 2012 examination committee call

April 11, 2012 board conference call

Motion carried with John McCulloch voting in favor with no votes in opposition. Martin Vernon and Jim Reinhard were not present.

Executive Director Report

Sandy Sebastian gave a report on the conference she attended in Arkansas put on by "The International Conference of Funeral Service Examining Boards".

Information relating to expense account must be submitted within 60 days from the event. If not submitted within the 60 day timeframe, the division will require a justification for the delay and the expenses could become 099 reportable as taxable income.

Members were asked if they had any questions relating to the license statistics (new, closed/ceased, disciplined since last report) information that was included with the open material. There were no questions.

Senate Bill 875 was discussed which related to individuals being able to put their money in to a small trust and not have to have a contract. It was shared that at the time of the meeting it did not appear that the bill was likely to move through the senate. Sandy shared that HB1770, which requires preneed agents to be licensed funeral directors, and HB1769, which requires education for funeral director applicants, have not had hearings and do not look to be moving through the legislative process.

It was announced that the Central Investigative Unit has hired Randy McDowell and to replace Pete Fleischman who retired. It was also announced that Katie Ortvals resigned her position with the board. Bob Beck was introduced as a part time financial examiner that will assist with conducting financial examinations of preneed seller records.

D. Todd Mahn thanked the board for reelecting him as chairman of the board.

A member of the public questioned how many financial examinations had been done to date and how much is each examination costing and asked that the information be available at the following meeting.

Sandy reported that as of April 15, 2012 1135 out of 3475 licensees have renewed and that second notices will be going out on May 1, 2012.

Legal Counsel Report

Sharon Euler reported that the matters relating to NPS in the court system are still pending.

Sharon also reported that the matters relating to Buescher Memorial Home are still in circuit court and pending.

436 Task Force Update

Todd gave up an update stating that the group had met recently and that the primary focus of the last meeting was final expenses and that members of the insurance division were invited to present information to the board regarding such and were scheduled later on the agenda. A member of the public expressed concerns that the board is meeting with other agencies and we are outside our scope and without minutes the industry won't know what's going on. Sharon reported that this task force is for an internal staffing and if something that pertains to the board they will bring it to the board.

Introduction of Craig Ward, State Registrar, Bureau of Vital Statistics

Craig Ward and Lexi Hall were present. Craig was introduced to the board and stated that became the state registrar with Vital Statistics effective February 1, 2012. Lexi Hall provided an update regarding

electronic death certificate system and stated that as of April 12, 2012 out of 846 funeral homes in Missouri that they are aware of 618 are electronic. Lexi also reported that 1078 out of 2558 funeral directors, 629 out of 1268 embalmers and 98 out of 115 coroners have registered. Lexi stated that out of the 2430 physicians that file more than 8 death certificates a year 862 have registered and that they are working to electronically register the physician's assistants which will be able to do everything but release the record.

Motion to Close

A motion was made by John McCulloch and seconded by Gary Fraker to close for #2. Motion carried with Archie Camden and James Reinhard voting in favor with no votes in opposition. Martin Vernon was not present.

Discussion regarding final expense insurance policies

Mark Stahlhuth, Angie Nelson, and Ross Caplin with Department of Insurance, Financial Institutions & Professional Registration presented information to the board relating to final expense insurance policies and discussed how the policies may be called such for marketing purposes but from the insurance perspective were life insurance policies like any other life insurance policy.

Discussion regarding \$36 fee for preneed contracts entered into when qualifying for state assistance

The board reviewed proposed language from Darlene Russell relating to preneed contracts that are entered into with consumers that are attempting to qualify for state assistance. The board discussed waiving the per contract fee in certain circumstances involving insurance funded and annuity funded preneed contracts that did not have a cap on the insurance policy/contract value. The board also discussed criteria for when the policy was purchased and the possibility of establishing a 2 year timeframe as a determiner for waiving the per contract fee. Following discussion by the board regarding the language and how different per contract fees could be set for different types of contracts, a motion was made by Gary Fraker and seconded by John McCulloch directing counsel to research a possible rule relating to beneficiary changes on insurance policies, including annuities, be exempt from the \$36 per contract reporting fee. Motion carried with D. Todd Mahn voting in favor. Archie Camden voted no. Martin Vernon and James Reinhard not present.

Discussion on proposed rule: "Abandoned Preneed Funds"

Following review of the draft rule from a previous meeting, a motion was made by John McCulloch and seconded by Gary Fraker to not pursue the abandoned preneed funds rule. Motion carried with D. Todd Mahn voting in favor. Archie Camden voted no. James Reinhard and Martin Vernon were not present.

Ceased/closed seller licenses – notifications

John McCulloch asked that notification be sent out when licenses close so that those that have relationships with the licensees that are ceasing/closing can take necessary steps to ensure they don't inadvertently conduct business with them and are aware they are no longer licensed. Following discussion a motion was not made regarding a process.

Inspection of funeral establishment updates/statistics

The board viewed information reporting that as of April 19, 2012 out of 59 establishment inspections 85 violations had been written. The top five violations found: backflow, register log matters, licenses not displayed, preneed contract related matters, problems with purchase agreements. Todd Mahn mentioned that he felt inspections needed to be focused on the sanitary conditions of the preparation rooms.

Sandy asked the board if they would want to add to as a part of the inspection process the inspectors to check web sites to see if the individuals that are listed on the web sites are licensed. A motion was made by Archie Camden to conduct as a pilot for 6 months and evaluate the outcome. Motion died for lack of a second.

Legislative Proposals

The board was provided with proposed language that had been previously discussed and approved to pursue as a board initiative as an opportunity to review and prepare for discussion at the following meeting. No decisions were made.

A member of the public indicated that they did not understand why the embalmer oral examination was removed as a requirement for licensure and that some times that is the only time that the new licensees know there is a board and that the association does not regulate the profession. Sandy stated that the rationale used in the board's proposal to remove such was that the candidates were receiving adequate testing on matters that related to such during the written Missouri law examination. Sandy also shared with the board that if they want to pursue legislation to reinstitute the oral examination as a licensure requirement they have to come up with a justification as to why in the previous legislative session the board did not feel it was necessary and that the justification would need to be substantial.

Open Discussion/Dialogue

A member of the public stated that there was proposed legislative language that exempts the funeral vehicles from the same regulations as an 18 wheeler and that the proposed bill to eliminate the requirement to be licensed as an embalmer doesn't appear to be moving.

Motion to Close

A motion was made by John McCulloch and seconded by Gary Fraker to move into closed for 1, 2, 4, 7, 8, 9. Motion carried with Archie Camden voting in favor with no votes in opposition. Martin Vernon and James Reinhard were not present.

Adjournment

A motion was made John McCulloch and seconded by Jim Reinhard to adjourn the meeting on April 25, 2012 at 2:45p.m. Martin Vernon was not present.

Executive Director: _____

Approved by the Board on: _____

**State Board of Embalmers and Funeral Directors
Conference Call**

May 2, 2012

**State Board of Embalmers and Funeral Directors
Missouri Conference Room
3605 Missouri Boulevard
Jefferson City, MO 65109**

OPEN MINUTES

The meeting of the State Board of Embalmers and Funeral Directors was called to order by D. Todd Mahn, Chairman at 9:33 a.m.

Roll Call

Board Members Present

D. Todd Mahn, Chairman
James Reinhard, Vice Chairman
Gary Fraker, Board Member
Martin Vernon, Board Member
Archie Camden, Board Member

Board Members Not Present

John McCulloch, Secretary – recused himself from the meeting

Staff Present

Sandy Sebastian, Executive Director
Lori Hayes, Inspector
Tabatha Lenzini, Administrative Assistant
Sharon Euler, Division Legal Counsel

Approval of Open Agenda

A motion was made by Gary Fraker and seconded by Martin Vernon to approve the open agenda. Motion carried with Archie Camden and James Reinhard voting in favor with no votes in opposition. John McCulloch recused himself from the meeting.

Executive Director Report

No report

Legal Counsel Report

No report

Move to Closed

A motion was made by Martin Vernon and seconded by Gary Fraker to close for number 1, 2, 8, and 9. Motion carried with Archie Camden and James Reinhard voting in favor with no votes in opposition. John McCulloch recused himself from the meeting.

Adjournment

A motion was made by Archie Camden and seconded by Gary Fraker to adjourn at 10:00 a.m. Motion carried with Gary Fraker and James Reinhard voting in favor with no votes in opposition. John McCulloch recused himself from the meeting.

Executive Director: _____

Approved by the Board on: _____

MOTIONS TO GO INTO CLOSED SESSION

1. DISCIPLINE

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (1) RSMo and 324.001.9 RSMo for deliberation on discipline

2. LEGAL ACTIONS/LITIGATIONS/PRIVILEGED COMMUNICATIONS

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under 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

3. PROMOTING/HIRING/DISCIPLINING/FIRING EMPLOYEES

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (3) RSMo discussing hiring, firing, disciplining or promoting an employee of this agency

4. DIAGNOSIS/TREATMENT OF DISCIPLINED LICENSEES

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (5) 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

5. EXAMINATION MATERIALS

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (7) RSMo for reviewing testing and examination materials

6. EMPLOYEE PERFORMANCE RATINGS

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (13) RSMo for making performance ratings pertaining to individual employees

7. APPLICATIONS

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under 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

8. CLOSED MINUTES

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (14) and 324.017 RSMo for the purpose of reviewing and approving the closed minutes of previous meetings

9. COMPLAINTS/ INVESTIGATIVE REPORTS/AUDITS

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021 subsection (14) and section 620.010.14 subsection (7) RSMo for the purpose of discussing investigative reports and/or complaints and/or audits and/or other information pertaining to a licensee or applicant

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**State Board of Embalmers and Funeral Directors
Examination Committee
Conference Call**

May 23, 2012

**State Board of Embalmers and Funeral Directors
Missouri Conference Room
3605 Missouri Boulevard
Jefferson City, MO 65109**

OPEN MINUTES

The meeting of the State Board of Embalmers and Funeral Directors Examination Committee was called to order by James Reinhard, Committee Chair at 8:42 a.m.

Roll Call

Board Members Present

James Reinhard, Committee Chair
Archie Camden, Member

Staff Present

Sandy Sebastian, Executive Director
Lisa Wildhaber, Examiner Supervisor
Sharon Euler, Division Legal Counsel

Approval of Open Agenda

A motion was made by Archie Camden and seconded by James Reinhard to approve the open agenda.

Executive Director Report

No report

Legal Counsel Report

No report

Move to Closed

A motion was made by Archie Camden and seconded by James Reinhard to move to closed session pursuant to #1, #2 and #9.

Adjourn

Meeting Adjourned at 9:15 a.m.

Executive Director: _____

Approved by the Board on: _____

MOTIONS TO GO INTO CLOSED SESSION

1. DISCIPLINE

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (1) RSMo and 324.001.9 RSMo for deliberation on discipline

2. LEGAL ACTIONS/LITIGATIONS/PRIVILEGED COMMUNICATIONS

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under 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

3. PROMOTING/HIRING/DISCIPLINING/FIRING EMPLOYEES

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (3) RSMo discussing hiring, firing, disciplining or promoting an employee of this agency

4. DIAGNOSIS/TREATMENT OF DISCIPLINED LICENSEES

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (5) 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

5. EXAMINATION MATERIALS

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (7) RSMo for reviewing testing and examination materials

6. EMPLOYEE PERFORMANCE RATINGS

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (13) RSMo for making performance ratings pertaining to individual employees

7. APPLICATIONS

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under 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

8. CLOSED MINUTES

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (14) and 324.017 RSMo for the purpose of reviewing and approving the closed minutes of previous meetings

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I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021 subsection (14) and section 620.010.14 subsection (7) RSMo for the purpose of discussing investigative reports and/or complaints and/or audits and/or other information pertaining to a licensee or applicant

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**State Board of Embalmers and Funeral Directors
Conference Call**

June 7, 2012
Division of Professional Registration
3605 Missouri Blvd
Jefferson City, MO 65109

OPEN MINUTES

The meeting of the State Board of Embalmers and Funeral Directors was called to order by D. Todd Mahn, Chairman at 9:15 a.m.

Roll Call

Board Members Present

D. Todd Mahn, Chairman
James Reinhard, Vice Chairman
John McCulloch, Secretary
Gary Fraker, Board Member – left the call at 11:00a.m.
Martin Vernon, Board Member
Archie Camden, Board Member

Staff Present

Sandy Sebastian, Executive Director
Lori Hayes, Inspector
Tabatha Lenzini, Administrative Assistant
Sharon Euler, Division Legal Counsel

Approval of the Open Agenda

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

Executive Director Report

No report

Legal Counsel Report

Sharon reported that the judge in the National Prearranged Services case has ordered the parties to appear criminal case for trial next Monday and hopes that at trial date will be set.

Move to closed

A motion was made by John McCulloch and seconded by James Reinhard to close for numbers 1, 2, 7, 9. Motion carried with Archie Camden and Martin Vernon voting in favor with no votes in opposition. Gary Fraker was not present for the vote.

Adjournment

Meeting adjourned at 11:15am

Executive Director: _____

Approved by the Board on: _____

MOTIONS TO GO INTO CLOSED SESSION

1. DISCIPLINE

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (1) RSMo and 324.001.9 RSMo for deliberation on discipline

2. LEGAL ACTIONS/LITIGATIONS/PRIVILEGED COMMUNICATIONS

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Revised 09-11

**State Board of Embalmers and Funeral Directors
Examination Committee
Conference Call**

June 20, 2012

**State Board of Embalmers and Funeral Directors
Missouri Conference Room
3605 Missouri Boulevard
Jefferson City, MO 65109**

OPEN MINUTES

The meeting of the State Board of Embalmers and Funeral Directors Examination Committee was called to order by James Reinhard, Committee Chair at 8:30 a.m.

Roll Call

Board Members Present

James Reinhard, Committee Chair
Archie Camden, Member

Staff Present

Sandy Sebastian, Executive Director
Lisa Wildhaber, Examiner Supervisor
Sharon Euler, Division Legal Counsel

Approval of Open Agenda

A motion was made by Archie Camden and seconded by James Reinhard to approve the open agenda.

Executive Director Report

No report

Legal Counsel Report

Cassidy's are set for a criminal trial for August 13, 2012.

Motion to Close

A motion was made by Archie Camden and seconded by James Reinhard to move to closed session pursuant to #1, #2 and #9.

Adjournment

Meeting Adjourned at 9:50 a.m.

Executive Director: _____

Approved by the Board on: _____

MOTIONS TO GO INTO CLOSED SESSION

1. DISCIPLINE

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (1) RSMo and 324.001.9 RSMo for deliberation on discipline

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I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (13) RSMo for making performance ratings pertaining to individual employees

7. APPLICATIONS

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under 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

8. CLOSED MINUTES

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (14) and 324.017 RSMo for the purpose of reviewing and approving the closed minutes of previous meetings

9. COMPLAINTS/ INVESTIGATIVE REPORTS/AUDITS

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021 subsection (14) and section 620.010.14 subsection (7) RSMo for the purpose of discussing investigative reports and/or complaints and/or audits and/or other information pertaining to a licensee or applicant

Revised 09-11

**State Board of Embalmers and Funeral Directors
Examination Committee
Conference Call**

June 28, 2012

**State Board of Embalmers and Funeral Directors
Missouri Conference Room
3605 Missouri Boulevard
Jefferson City, MO 65109**

OPEN MINUTES

The meeting of the State Board of Embalmers and Funeral Directors Examination Committee was called to order by James Reinhard, Committee Chair at 8:37 a.m.

Roll Call

Board Members Present

James Reinhard, Committee Chair
Archie Camden, Member

Staff Present

Sandy Sebastian, Executive Director
Lisa Wildhaber, Examiner Supervisor
Sharon Euler, Division Legal Counsel

Approval of Open Agenda

A motion was made by Archie Camden and seconded by James Reinhard to approve the open agenda.

Executive Director Report

No report

Legal Counsel Report

No report

Move to Closed

A motion was made by Archie Camden and seconded by James Reinhard to move to closed session pursuant to #1, #2 and #9.

Adjournment

Meeting Adjourned at 9:01 a.m.

Executive Director: _____

Approved by the Board on: _____

MOTIONS TO GO INTO CLOSED SESSION

1. DISCIPLINE

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (1) RSMo and 324.001.9 RSMo for deliberation on discipline

2. LEGAL ACTIONS/LITIGATIONS/PRIVILEGED COMMUNICATIONS

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under 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

3. PROMOTING/HIRING/DISCIPLINING/FIRING EMPLOYEES

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (3) RSMo discussing hiring, firing, disciplining or promoting an employee of this agency

4. DIAGNOSIS/TREATMENT OF DISCIPLINED LICENSEES

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (5) 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

5. EXAMINATION MATERIALS

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (7) RSMo for reviewing testing and examination materials

6. EMPLOYEE PERFORMANCE RATINGS

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (13) RSMo for making performance ratings pertaining to individual employees

7. APPLICATIONS

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under 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

8. CLOSED MINUTES

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (14) and 324.017 RSMo for the purpose of reviewing and approving the closed minutes of previous meetings

9. COMPLAINTS/ INVESTIGATIVE REPORTS/AUDITS

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021 subsection (14) and section 620.010.14 subsection (7) RSMo for the purpose of discussing investigative reports and/or complaints and/or audits and/or other information pertaining to a licensee or applicant

Revised 09-11

**Closed Funeral Establishments, Preneed Providers, and Preneed Sellers
Between 3/14/2012 and 7/2/2012**

Funeral Establishment	Name	Lic Number	Address	License Status	Exp Date	Closed Date
	Trimble Funeral Home, Inc.	002563	Maries St	Closed/Out of Business	12/31/2013	4/2/2012
	SCI Missouri Funeral Services, Inc.	2003025247	Westphalia, MO 65085 7814 S Broadway	Closed/Change of Location	12/31/2013	5/7/2012
	Lindley Funeral Homes, Inc.	001664	Saint Louis, MO 63111 Ludlow, MO 64061	Closed/Out of Business	12/31/2013	3/20/2012

No funeral establishment to be operated by unlicensed person--license requirements, application procedure--license may be suspended or revoked or not renewed.

333.061. 1. No funeral establishment shall be operated in this state unless the owner or operator thereof has a license issued by the board.

2. A license for the operation of a funeral establishment shall be issued by the board, if the board finds:

(1) That the establishment is under the general management and the supervision of a duly licensed funeral director;

(2) That all embalming performed therein is performed by or under the direct supervision of a duly licensed embalmer;

(3) That any place in the funeral establishment where embalming is conducted contains a preparation room with a sanitary floor, walls and ceiling, and adequate sanitary drainage and disposal facilities including running water, and complies with the sanitary standard prescribed by the department of health and senior services for the prevention of the spread of contagious, infectious or communicable diseases;

(4) Each funeral establishment shall have available in the preparation or embalming room a register book or log which shall be available at all times in full view for the board's inspector and the name of each body embalmed, place, if other than at the establishment, the date and time that the embalming took place, the name and signature of the embalmer and the embalmer's license number shall be noted in the book; and

(5) The establishment complies with all applicable state, county or municipal zoning ordinances and regulations.

3. [The board shall grant or deny each application for a license pursuant to this section within thirty days after it is filed. The applicant may request in writing up to two thirty-day extensions of the application, provided the request for an extension is received by the board prior to the expiration of the thirty-day application or extension period.] **If an applicant does not meet the requirements for licensure within six months from the date of the application, the applicant shall be required to file a new application and no fees previously paid previously shall apply toward the application fee.**

4. Licenses shall be issued pursuant to this section upon application and the payment of a funeral establishment fee and shall be renewed at the end of the licensing period on the establishment's renewal date.

5. The board may refuse to renew or may suspend or revoke any license issued pursuant to this section if it finds, after hearing, that the funeral establishment does not meet any of the requirements set forth in this section as conditions for the issuance of a license, or for the violation by the owner of the funeral establishment of any of the provisions of section [333.121] **333.330**. No new license shall be issued to the owner of a funeral establishment or to any corporation controlled by such owner for three years after the revocation of the license of the owner or of a corporation controlled by the owner. Before any action is taken pursuant to this subsection the procedure for notice and hearing as prescribed by section [333.121] **333.330** shall be followed.