

State Board of Embalmers and Funeral Directors

September 11, 2012

Division of Professional Registration

3605 Missouri Boulevard

Jefferson City, MO 65109

OPEN CONFERENCE CALL MINUTES

The meeting of the State Board of Embalmers and Funeral Directors was called to order by D. Todd Mahn, Chairman at 8:40 a.m.

Roll Call

Board Members Present

D. Todd Mahn, Chairman

James Reinhard, Vice Chairman

Gary Fraker

Eric Pitman

Archie Camden

Board Members Not Present

John McCulloch, Secretary – recused from the meeting

Staff Present

Sandy Sebastian, Executive Director

Tabatha Lenzini, Administrative Assistant

Sharon Euler, Division Legal Counsel

Approval of the Agenda

A motion was made by Gary Fraker and seconded by James Reinhard to approve open agenda. Motion carried with Eric Pitman and Archie Camden voting in favor with no votes in opposition. John McCulloch was not present for the meeting.

Executive Director Report

Sandy reported there has been a Interim Committee on Preneed Funeral Trust formed and consists of members of the legislature. We do not know what the topics of the committee are specifically however there is a hearing later today and is hopeful to have more information following that hearing.

Legal Counsel Report

Sharon reported that the pending case in Pennsylvania regarding their law found that their inspection process was unconstitutional and that inspections would need to be done by the board going to court and obtaining a search warrant. A motion for reconsideration been filed. Sharon indicated she would keep the board updated on the status of the case.

Move to Close

A motion was made by Eric Pitman and seconded by James Reinhard to move to closed for #1, 2 and 9 of the motions to close. Motion carried.

Open Discussion

Sandy reminded the board that the September 25, 2012 board meeting will be at the School Administrators Building and not the Professional Registration building. The draft rule relating to insurance funded preneed contracts will be presented and reviewed at the board meeting and encouraged the board to not vote on the rule at the September board meeting to allow for comments from the public to be considered.

Move to Open

A motion was made by James Reinhard and seconded by Eric Pitman to move to open. Motion carried with Archie Camden and Gary Fraker voting in favor with no votes in opposition. John McCulloch was not present for the meeting.

Executive Director: Sandy Sebastian

Approved by the Board on: 9-25-2012

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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