

## State Board of Embalmers and Funeral Directors

September 25, 2012  
Missouri Council of School Administrators  
3550 Amazonas Drive  
Jefferson City, MO 65109

### OPEN AGENDA

#### September 25, 2012

##### 11:00 am

1. Call to Order
  2. Roll Call
  3. (Tab 1) Approval of the Agenda
  4. CLOSED
- LUNCH

##### 1:30p.m.

5. (Tab 2) Approval of Open Minutes
  - July 10-11, 2012 Board meeting minutes
  - August 21, 2012 Board meeting minutes
  - August 23, 2012 Board conference call minutes
  - September 11, 2012 Board conference call minutes
6. (Tab 3) Executive Director Report
  - *Embalmer/Funeral Director renewal update*
  - *Budget report*
  - *License statistics (new, closed/ceased, disciplined)*
7. Legal Counsel Report
8. (Tab 4) Discussion of Propose Rule  
*"Insurance Funded Preneed Contracts"*
9. Discussion/Dialogue
10. Adjournment

**State Board of Embalmers and Funeral Directors**

**July 10-11, 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 10:50 a.m. on July 10, 2012.

**Roll Call**

**Board Members Present**

D. Todd Mahn, Chairman  
James Reinhard, Vice Chairman, was present via telephone for parts of the meeting  
John McCulloch, Secretary  
Martin Vernon joined the meeting at 11:18 a.m. on July 10, 2012  
Archie Camden, Board Member  
Gary Fraker, Board Member, was present via telephone for parts of the meeting

**Staff Present**

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

**Approval of Agenda**

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

**Move to Close**

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

**Approval of Open Minutes**

A motion was made by Archie Camden and seconded by John McCulloch to approve the following 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

Motion carried with James Reinhard voting in favor with no votes in opposition. Gary Fraker and Martin Vernon were not present.

### **Executive Director Report**

Sandy Sebastian announced that Jill is now working part time and we have hired another part time employee Sally Klindt and that they would essentially be job sharing and working 48 hours a week between the two of them.

Information was regarding the status of the embalmer/funeral director renewals was discussed.

Sandy mentioned that the board had in their materials a budget report, a sampling of cost of financial examinations and license statistics new, closed/ceased, and disciplined licenses.

Sandy also discussed meeting schedules with the board and suggested that keeping meetings at March, June, September and December and in lieu of conference calls, unless absolutely necessary, having a one day meeting in between regular meetings where individuals could for drive in for the day. The board indicated they were in favor of trying such.

### **Legal Counsel Report**

Sharon Euler reported that the NPS trial is set for August 2013 for those criminally charged.

### **Legislative Proposals**

Sandy asked if the board desired to put forth a legislative package this year and shared that there was a movement last session from a group seeking to deregulate several professions, including embalmers, and wanted to make the board aware that if they were to seek legislation and open the statute it could provide a conduit for others to pursue changes to the existing statutes. Sandy also shared that at the end of legislative session last year there was talked about how that same group would be back stronger.

A member of the public stated that Chapter 333 really needed to be rewritten but agreed not opening the statutes was a good idea.

A motion was made by Martin Vernon and seconded by Archie Camden to not purpose any legislation for the next session. Motion carried with James Reinhard and John McCulloch voting in favor with no votes in opposition. Gary Fraker was not present.

### **Open Discussion/Dialogue**

There was discussion relating to the statutes governing insurance funded preneed contracts that included the following topics from board members and public in attendance:

- the possibility of setting a fee lesser than the \$36 per contract fee for contracts that are below a set monetary threshold
- only requiring contracts when there are beneficiary changes
- insurance assignments are not the sale of a preneed contract, only consideration until it provides services

Following discussion a motion was made by Martin Vernon directing staff to draft a proposed rule requiring a preneed contract for any insurance policy used to fund a preneed and is subject to the \$36 per contract fee. Motion was withdrawn.

A motion was made by James Reinhard to draft a proposed rule to clarify insurance funded preneed contracts. Motion was withdrawn.

A motion was made by Martin Vernon and seconded by Archie Camden directing staff to draft a proposed rule that clarifies that at any time a life insurance policy is used to fund a preneed contract it requires a written preneed contract and requires the \$36 fee be submitted to the board. Motion carried with James Reinhard voting in favor. John McCulloch voted no. Gary Fraker was not present.

**Leland Jones, Sr. – Case 13-001-PV - Probation Violation Hearing**

A motion was made by Martin Vernon and seconded by John McCulloch to dismiss the hearing. Motion carried by Archie Camden and James Reinhard voting in favor and no votes in opposition. Gary Fraker not present.

**George Treaster dba White Funeral Home – Case 12-005-PV - Probation Violation Hearing**

A motion was made by Archie Camden and seconded by John McCulloch to ratify the chair recommendation to continue to the hearing. Motion carried with no votes in opposition. Gary Fraker was not present.

**Shelby Funeral Home, Inc. – Case 12-004-PV- Probation Violation Hearing**

A motion was made by Archie Camden and seconded by John McCulloch to ratify chair recommendation to continue the hearing against Shelby. Motion carried Martin Vernon and James Reinhard voting in favor with no votes in opposition. Gary Fraker not present.

**Move to Close**

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

**Adjournment**

A motion was made by Martin Vernon and seconded by John McCulloch to adjourn the meeting at 2:15 p.m. Motion carried with Archie Camden voting in favor and no votes in opposition. Gary Fraker and James Reinhard were not present for the meeting.

Executive Director: \_\_\_\_\_

Approved by the Board on: \_\_\_\_\_

DRAFT

## 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

# State Board of Embalmers and Funeral Directors

August 21, 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 8:42 a.m.

### Roll Call

#### **Board Members Present**

D. Todd Mahn, Chairman  
James Reinhard, Vice Chairman  
John McCulloch, Secretary  
Eric Pitman, Board Members

#### **Board Members Not Present**

Archie Camden  
Gary Fraker

#### **Staff Present**

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

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#### **Approval of Agenda**

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

#### **Move to Close**

A motion was made by John McCulloch and seconded by Eric Pitman to close for #1 and 2 of the motions to close. Motion carried with James Reinhard voting in favor with no votes in opposition. Archie Camden and Gary Fraker were not present for the meeting.

#### **Executive Director Report**

Sandy shared with the board that the office would be sending out some additional information to preneed sellers regarding their renewals/annual report forms that were recently mailed. While the new section relating to insurance assignments was added based on board directive the information pertaining to annuities was inadvertently omitted.

A member of the public asked if it was possible for the board to work on a process to verify the tax compliance and the corporation status for renewals rather than having the licensee provide that information. Sandy stated that the board office would explore options and had looked into briefly but the timelines were not possible for this renewal period.

Sandy researched at the request of the chairman, costs associated with having the September board meeting at Lake Ozark and reported that the cost might be close to double that from a meeting in Jefferson City. The board decided to have the meeting in Jefferson City and looked at September 18 and 19 as possible date options. Sandy said she would check and communicate with them.

Sandy shared the agenda from the upcoming NFDA convention and there was discussion of agenda items and applicability to regulation. The board indicated they would look over the agenda. No decision was made regarding attempting to send someone from the board to the convention.

**Legal Counsel Report**

Sharon reported there was nothing new with Cassidy’s trial and that it’s still set for August of next year. Sharon reported that Ronald Marts was criminally charged for misappropriation of preneed funds.

**Missouri Electronic Vital Records (MoEVR) Process**

Harold Kirbey, Director, Division of Community and Public Health, DHSS met with the board and provided an update regarding the implementation of the new MoEVR system. He stated that in order to facilitate the process, if the funeral establishment is utilizing the system and the certifier (physician) is not and the establishment begins the process in the system and then drops to paper and obtains physical signature and takes the paper to the local health department, they will be able to stamp them. Kirbey stated that the university or VA could be done if all paper. He stated that options are being explored to allow exporting of data from the MoEVR system to assist the users (funeral establishments) and facilitate data feeds into the users system to eliminate duplication of entry.

**George Treaster dba White Funeral Home – Case 12-005-PV – Probation Hearing**

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

**Move to Close**

A motion was made by James Reinhard and seconded by Eric Pitman to close for # 1, 2, 7, and 9 of the motions to close. Motion carried with John McCulloch voting in favor with no votes in opposition. Archie Camden and Gary Fraker were not present for the meeting.

**Open Discussion/Dialogue**

Don Otto shared with the group that in early May 2013 the joint association conventions between Kansas and Missouri would be held.

**Adjournment**

James Reinhard and seconded by John McCulloch to adjourn. Motion carried with Eric Pitman voting in favor with no votes in opposition. Archie Camden and Gary Fraker were not present for 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

August 23, 2012  
Division of Professional Registration  
3605 Missouri Blvd  
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 8:15 a.m.

#### **Roll Call**

##### **Board Members Present**

D. Todd Mahn, Chairman  
James Reinhard, Vice Chairman  
Gary Fraker  
Eric Pitman – left the call at 8:50 a.m.  
Archie Camden

##### **Board Members Not Present**

John McCulloch, Secretary – recused from the meeting

##### **Staff Present**

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

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##### **Approval of the Agenda**

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

##### **Executive Director Report**

Sandy reminded the board that the next Board Meeting was September 25, 2012 in Jefferson City and would be at the Missouri Council on School Administrators building.

##### **Legal Counsel Report**

Sharon shared with the board that a Pennsylvania court ruled it was unconstitutional for the Pennsylvania board to go in and do inspections without a search warrant. She anticipated an appeal of the case to be filed and would continue to monitor as she believes their statutory language relating to inspections is similar to Missouri's.

The Ronald Marts hearing is scheduled to later this afternoon. There has been a motion for continuance but no ruling at this time. She will continue to monitor.

##### **Move to Close**

A motion was made by Jams Reinhard and seconded by Archie Camden to move to closed for #1, 7, 2, 8, 9 of the motions to close. Motion carried.

**Adjournment**

Meeting adjourned at 8:57 a.m.

**Executive Director:** \_\_\_\_\_

**Approved by the Board on:** \_\_\_\_\_

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## 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

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 December 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:** \_\_\_\_\_

**Approved by the Board on:** \_\_\_\_\_

DRAFT

## 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

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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 (3) RSMo discussing hiring, firing, disciplining or promoting an employee of this agency

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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

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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 324.017 RSMo for the purpose of reviewing and approving the closed minutes of previous meetings

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Revised 09-11

**Board of Embalmers  
Financial Statement - FY 2012  
as of June 30, 2012**

	Year-To-Date	Projected	Remaining
<b>FY 2012 Beginning Fund Balance</b>	1,595,638.26		
<b>Revenue</b>	1,508,850.80	1,518,025.00	9,174.20
<b>Expense and Equipment</b>	70,130.28	209,781.00	139,650.72
<b>Total Transfers</b>	698,538.85	972,451.01	273,912.16
<b>Ending Fund Balance</b>	<b>2,335,819.93</b>		

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q		
	FY 2012 Actual																	FY 2012 Projections	
	July	August	September	October	November	December	January	February	March	April	May	June	July	Lapsed July	YTD Total	Projected	Remaining (Projected - YTD Total)		
1	Embalmers - 0633																		
2	FY 2012 Monthly Fund Balance Sheet																		
3																			
4																			
5	Beginning Fund Balance	1,595,638.26	1,542,455.16	1,481,463.71	1,451,540.10	1,751,869.20	1,993,401.80	2,028,591.96	1,925,585.10	2,018,264.58	2,108,297.05	2,335,393.06	2,335,819.93	0.00	1,508,850.80	1,518,025.00	9,174.20		
6	Revenue	7,909.00	8,531.00	27,926.00	359,775.00	301,893.00	102,762.00	21,245.00	151,607.60	157,240.00	291,073.20	70,273.00	0.00	0.00	1,508,850.80	1,518,025.00	9,174.20		
7	Total Funds Available	1,603,547.26	1,550,986.16	1,509,389.71	1,811,315.10	2,053,762.20	2,096,163.80	2,049,836.96	2,077,192.70	2,175,504.58	2,399,370.25	2,405,666.06	2,335,819.93	0.00	1,508,850.80	1,518,025.00	9,174.20		
8																			
9	Appropriation Costs:																		
10	Expense and Equipment	1,934.34	5,353.38	5,721.53	4,538.68	5,872.02	5,819.91	10,005.24	4,797.84	3,746.67	9,859.29	7,008.75	0.00	0.00	70,130.28	209,781.00	139,650.72		
11	Personal Service and Per Diem	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
12	Total Appropriation Costs	1,934.34	5,353.38	5,721.53	4,538.68	5,872.02	5,819.91	10,005.24	4,797.84	3,746.67	9,859.29	7,008.75	0.00	0.00	70,130.28	209,781.00	139,650.72		
13																			
14	Transfer Costs:																		
15	Rent	0.00	544.72	0.00	1,112.63	0.00	1,089.44	568.79	544.72	571.15	0.00	1,658.42	0.00	0.00	6,634.59	6,629.45	(5.14)		
16	Workers Compensation	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
17	Board Staff Fringe Benefits/Unemployment	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
18	DIFF Department Cost Allocation	545.15	0.00	0.00	536.47	207.14	0.00	533.18	0.00	0.00	0.00	320.59	0.00	0.00	2,142.53	2,188.53	46.00		
19	Licensee Refunds	0.00	0.00	0.00	250.00	0.00	4,388.00	0.00	0.00	7,530.00	0.00	400.00	0.00	0.00	12,568.00	0.00	(12,568.00)		
20	Biennium Sweep	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
21																			
22																			
23																			
24																			
25																			
26	PR Transfer:																		
27	Division-Wide Costs	0.00	1,585.19	1,915.66	2,566.01	1,802.81	1,787.86	2,042.81	1,451.94	1,434.58	1,898.93	2,022.64	0.00	0.00	19,988.02	37,836.36	17,850.34		
28	Purchasing Staff	0.00	35.22	52.55	58.17	52.56	56.29	50.36	49.84	49.14	52.52	38.76	0.00	0.00	545.52	416.89	(128.63)		
29	PR/IT Staff	0.00	1,442.70	1,549.80	1,366.56	1,373.64	952.27	849.05	576.02	1,091.68	824.07	597.19	0.00	0.00	11,437.50	13,792.42	2,354.92		
30	Legal Team	0.00	5,319.11	4,120.19	5,051.10	4,111.99	5,044.07	5,595.26	3,376.20	5,295.83	4,482.37	5,107.83	0.00	0.00	53,434.10	65,468.35	12,034.25		
31	CRR Staff	0.00	224.78	263.07	653.34	923.45	429.41	439.04	301.68	908.81	748.69	655.34	0.00	0.00	5,835.34	5,338.76	(496.58)		
32	Board Specific:																		
33	Expense/Equipment	0.00	85.00	349.52	227.99	844.78	430.98	110.37	264.70	1.39	702.94	358.40	0.00	0.00	3,376.07	13,783.00	10,406.93		
34	Start-up Loan Costs	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
35	Personal Services	0.00	27,422.86	27,530.49	24,518.32	25,137.22	25,897.17	27,583.27	26,849.91	25,054.18	24,883.05	26,343.24	0.00	0.00	265,766.81	405,917.47	120,150.66		
36	Fringe Benefits	0.00	11,443.48	11,450.41	11,267.41	11,304.30	11,509.71	11,526.36	11,353.04	11,018.10	10,521.87	10,659.24	0.00	0.00	123,273.98	198,453.05	75,179.07		
37	Technical Support Staff	0.00	410.40	383.50	638.74	466.31	712.67	565.72	473.18	288.41	370.37	341.37	0.00	0.00	4,984.85	6,184.60	1,219.75		
38	Central Mail Processing	0.00	132.95	131.62	142.65	171.95	170.41	141.48	156.30	193.35	163.32	148.71	0.00	0.00	1,706.92	1,744.80	37.88		
39	CIJ Investigations	0.00	4,310.61	4,352.77	6,400.83	6,667.39	6,486.31	4,323.59	8,652.16	8,494.82	9,856.32	8,526.44	0.00	0.00	74,893.55	93,462.47	18,568.92		
40	Total PR Transfer	0.00	52,412.10	52,095.58	52,843.77	52,819.51	53,271.74	53,210.86	51,774.42	53,479.71	54,117.90	54,804.83	0.00	0.00	585,222.66	842,400.17	257,177.51		
41																			
42	Total OA Cost Allocation Transfer	0.00	1,878.00	0.00	0.00	0.00	0.00	0.00	0.00	1,880.00	0.00	0.00	0.00	0.00	7,514.00	7,514.00	0.00		
43																			
44	GR Transfer:																		
45	Attorney General	0.00	0.00	0.00	0.00	1,452.23	7,381.25	0.00	1,801.64	0.00	0.00	4,618.74	0.00	0.00	15,253.86	41,000.00	25,746.14		
46	Administrative Hearing Comm.	0.00	228.00	28.50	164.35	9.50	9.50	0.00	9.50	0.00	0.00	1,035.00	0.00	0.00	1,484.35	5,000.00	3,515.65		
47	Total GR Transfer	0.00	228.00	28.50	164.35	1,461.73	7,390.75	0.00	1,811.14	0.00	0.00	5,653.74	0.00	0.00	16,738.21	46,000.00	29,261.79		
48																			
49	FY 2011 Transfers Carried Over:																		
50	FY 2011 June PR Transfer	58,574.61	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	58,574.61	58,574.61	0.00		
51	FY 2011 July Lapse PR Transfer	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
52	FY 2011 PR Transfer Adjustment	0.00	2,777.22	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,777.22	2,777.22	0.00		
53	FY 2011 Final Rent Transfer Adj	0.00	(7.78)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	(7.78)	(7.78)	0.00		
54	FY 2011 Final DIFP Transfer Adj	0.00	(15.69)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	(15.69)	(15.69)	0.00		
55	FY 2011 AG - June	0.00	6,352.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	6,352.50	6,352.50	0.00		
56	FY 2011 AHC - June	38.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	38.00	38.00	0.00		
57	Total FY 2011 Transfers Carried Over	58,612.61	9,106.25	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	67,718.86	67,718.86	0.00		
58	Total Transfers	59,157.76	64,169.07	52,125.08	54,907.22	54,488.38	61,751.93	59,222.34	54,130.28	63,460.86	54,117.90	62,837.38	0.00	0.00	698,538.85	972,451.01	273,912.16		
59	Total Appropriation Costs and Transfers	61,092.10	69,522.45	57,849.61	59,445.90	60,360.40	67,571.84	64,694.97	58,928.12	67,207.53	63,977.19	69,846.13	0.00	0.00	768,669.13	1,192,232.01	413,562.88		
60	Ending Fund Balance	1,542,455.16	1,481,463.71	1,451,540.10	1,751,869.20	1,993,401.80	2,028,591.96	1,993,401.80	2,018,264.58	2,108,297.05	2,335,393.06	2,335,819.93	2,335,819.93	0.00	1,508,850.80	1,518,025.00	9,174.20		

**Board Name****Embalmers & Funeral Directors**

Licensee Name	License #	Orig Issue Date
Simmons, Austin James	2012024977	7/19/2012

**Embalmer Apprentice** 1

Licensee Name	License #	Orig Issue Date
Thornton, Kimberly R	2012023639	7/11/2012
Gamble, Dennis B	2012023706	7/11/2012
Renshaw, Jon Francis	2012023849	7/12/2012
McCullough, Curtis Ray	2012024858	7/18/2012
Hieber, Thomas D	2012025846	7/25/2012
Milner, Joshua Kyle	2012025847	7/25/2012
Seago, Matthew James	2012028648	8/15/2012
Stingley, Tyler Morrison	2012028649	8/15/2012
Montgomery, Jere T	2012030203	8/28/2012
Hathcock, Daniel	2012032815	9/18/2012

**Embalmer** 10

Licensee Name	License #	Orig Issue Date
Eighmy, Michael Dean	2012025905	7/25/2012

**Funeral Director Apprentice** 1

Licensee Name	License #	Orig Issue Date
Woods, Tyler M	2012023850	7/12/2012
Cordes, John Eric	2012025065	7/20/2012
Gobber, Adam M	2012026935	8/2/2012
Dicker, Lila Rose	2012027708	8/7/2012
Hill, David Allen	2012027711	8/7/2012
Ellis, Christopher Byron	2012027978	8/9/2012
Simmons, Austin James	2012028042	8/9/2012
Bland, Randall Joe	2012028478	8/14/2012
Willcuts, Kristina Danniell	2012028481	8/14/2012
Nordyke, Kevin Bryant	2012029508	8/22/2012
Hall-Boland, Sarah Elizabeth	2012030202	8/20/2012
Barcomb, Sheila Diann	2012030211	8/28/2012
Stygar, Gregory Jerome	2012030621	8/30/2012
Parker, Jessie Dawn	2012031589	9/7/2012
Woratzeck, Heather Leigh	2012032302	9/13/2012
Ford, Joshua E	2012032321	9/13/2012

**Funeral Director** 16

Licensee Name	License #	Orig Issue Date
John W. German Funeral Homes, LLC	2012023905	7/12/2012
John W. German Funeral Home, LLC	2012023906	7/12/2012
Bentley Cemeteries LLC	2012024909	7/18/2012

**Board Name****Embalmers & Funeral Directors**

Licensee Name	License #	Orig Issue Date
Hixson-Klein Funeral Home, LLC	2012026243	7/27/2012
Hixson-Klein Funeral Home, LLC	2012026244	7/27/2012
Hixson-Klein Funeral Home, LLC	2012026245	7/27/2012
Gary G. And Tina Weber, LLC	2012029571	8/22/2012

**Funeral Establishment** 7

Licensee Name	License #	Orig Issue Date
Post, Myron L	2012023304	7/10/2012
McKague, Nicholas Rhyan	2012028814	8/16/2012
Nordyke, Kevin Bryant	2012029509	8/22/2012
Dicker, Lila Rose	2012030310	8/28/2012
Hlavaty, Rudolf Joseph	2012030467	8/29/2012
Speight, Melissa D	2012030737	8/30/2012
Wing, Kenneth Marvin	2012031588	9/7/2012
Barcomb, Sheila Diann	2012032770	9/17/2012
Seesing, Mark J	2012032771	9/17/2012

**Preneed Agent Funeral Director** 9

Licensee Name	License #	Orig Issue Date
Seyer, Christopher Alan	2012024763	7/18/2012
Johnson, Michael William	2012025561	7/24/2012
Dreyer, Dennis L	2012026020	7/27/2012
Campbell, Cynthia Ann	2012028022	8/9/2012
Garcia, Juan P	2012028479	8/14/2012
Shivley, Carolyn	2012028480	8/14/2012
Smith, Lisa Anne	2012028602	8/15/2012
Shine, Karen R	2012030317	8/28/2012
Moline-Reyes, Susan Ranee	2012031591	9/7/2012
Pagliaro, Anthony Richard	2012031600	9/7/2012

**Preneed Agent** 10

Licensee Name	License #	Orig Issue Date
John W. German Funeral Homes, LLC	2012023907	7/12/2012
John W. German Funeral Homes, LLC	2012023908	7/12/2012
Bentley Cemeteries LLC	2012026018	7/27/2012
Hixson-Klein Funeral Home, LLC	2012026242	7/27/2012
Hixson-Klein Funeral Home, LLC	2012026246	7/27/2012
Hixson-Klein Funeral Home, LLC	2012026247	7/27/2012
Gary G. And Tina Weber LLC	2012029574	8/22/2012

**Preneed Provider** 7

Licensee Name	License #	Orig Issue Date
John W. German Funeral Homes, LLC	2012023909	7/12/2012



**Closed Funeral Establishments, Preneed Providers, and Preneed Sellers  
Between 7/3/2012 and 9/19/2012**

<b>Name</b>	<b>Lic Number</b>	<b>Address</b>	<b>License Status</b>	<b>Exp Date</b>	<b>Closed Date</b>
<b>Funeral Establishment</b>					
Hixson-Klein Funeral Home	2003030342	104 Church St	Closed/Change of Name	12/31/2013	7/27/2012
John W German Funeral Home	000618	Smithville, MO 64089 407 S Walnut	Closed/Change of Name	12/31/2013	7/12/2012
John W German Funeral Home	000109	Steele, MO 63877 208 N 3rd St	Closed/Change of Name	12/31/2013	7/12/2012
Walker-Dowd Funeral Home, Inc.	2004031868	Hayti, MO 63851 11 North Business Hwy 71	Closed/Change of Owner	12/31/2013	7/12/2012
Hixson-Klein Funeral Home	001370	Anderson, MO 64831 109 N 3rd St	Closed/Change of Name	12/31/2013	7/27/2012
Hixson-Klein Funeral Home	001369	Gower, MO 64454 Hwy Z	Closed/Change of Name	12/31/2013	7/27/2012
<b>Preneed Provider</b>		Edgerton, MO 64444			
Jacob Klein	2009039703	303 Hwy Z	Closed/Change of Name	10/31/2012	7/27/2012
Jacob Klein	2009039884	Edgerton, MO 64444 109 N. 3rd St PO Box 167	Closed/Change of Name	10/31/2012	7/27/2012
John W. German Funeral Home	2009037971	Gower, MO 64454 407 S Walnut	Closed/Change of Name	10/31/2012	7/12/2012
John W. German Funeral Home	2009037964	Steele, MO 63877 208 N 3rd St	Closed/Change of Name	10/31/2012	7/12/2012
BKG Company	2009037460	Hayti, MO 63851 13415 Rt C	Closed/Change of Owner	10/31/2012	8/19/2012
		Russellville, MO 65074			

**Closed Funeral Establishments, Preneed Providers, and Preneed Sellers  
Between 7/3/2012 and 9/19/2012**

	<b>Name</b>	<b>Lic Number</b>	<b>Address</b>	<b>License Status</b>	<b>Exp Date</b>	<b>Closed Date</b>
<b>Preneed Provider</b>	Jacob Klein	2009039714	104 W. Church St.	Closed/Change of Name	10/31/2012	7/27/2012
	Stumpff Family Funeral Directors, LTD	2009039075	Smithville, MO 64089 5th & Maple	Closed/Out of Business	10/31/2012	7/16/2012
<b>Preneed Seller</b>	Jacob Klein	2009039701	Galena, MO 65656 109 N. 3rd St PO Box 167	Closed/Change of Name	10/31/2012	7/27/2012
	BKG Company	2009037461	Gower, MO 64454 13415 Rt C	Closed/Change of Owner	10/31/2012	8/19/2012
	John W German Funeral Home	2009037965	Russellville, MO 65074 208 N 3rd St	Closed/Change of Name	10/31/2012	7/12/2012
	Gebken-Benz Mortuary, Inc	2009039292	Hayti, MO 63851 2842 Meramec st  Saint Louis, MO 63118	Closed/Out of Business	10/31/2011	7/10/2012

9/20/2012

Disciplinary Actions Initiated  
Between 07/03/2012 and 09/19/2012

Board Name

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**Embalmers & Funeral Directors**

**Embalmer**

2012025846	Hieber, Thomas D	Issued Probated License
2012028648	Seago, Matthew James	Issued Probated License
2012028649	Stingley, Tyler Morrison	Issued Probated License

**Total Revoked: 0**

**Total Revoked 324.010: 0**

**Total Suspension: 0**

**Total Suspended 324.010: 0**

**Total Probation: 0**

**Total Other: 3**

**Total Suspension/Probation: 0**

## Proposed Rule – Insurance Funded Preneed Contracts

Statutory Authority: 436.405.1(4), 436.450, RSMo

1. A preneed contract shall be presumed to be formed any time a seller, provider, establishment, funeral director, embalmer, or preneed agent is named as beneficiary or assignee of a life insurance policy before the time of need if:
  - a. The person making the assignment or beneficiary designation does so with the intent to pay in advance for the goods and services required for final disposition of the insured's body; and
  - b. The named beneficiary or assignee acknowledges the assignment or beneficiary designation and agrees to use the funds from the insurance proceeds to provide the goods and services for final disposition of the insured's body at the time of need. This acknowledgment and agreement may be found if the beneficiary or assignee holds evidence of the beneficiary designation or assignment or by any other evidence of which the Board becomes aware.
2. If a preneed contract is formed by beneficiary designation or assignment of a life insurance policy, there must be a written contract between a licensed seller and the purchaser and all other statutory requirements for a preneed contract found in Chapters 333 and 436, RSMo, must be met. It shall be deemed the unlicensed practice of seller if an establishment, provider, funeral director, embalmer or preneed agent forms a preneed contract with a consumer unless that licensee also holds a current seller's license.
3. A preneed contract funded by insurance assignment or beneficiary designation shall be written and provided to the consumer for signature as soon as is practical after the assignment or beneficiary designation, but in no event later than 30 days from the date the beneficiary or assignee becomes aware of the assignment or beneficiary designation.
4. All statutory requirements for a preneed contract must be met, including a written contract between a licensed seller and the purchaser, when an insurance assignment or beneficiary designation is made to assist the consumer in qualifying for public assistance benefits commonly known as "spenddown."
5. The date the insurance policy is purchased shall not be the only factor considered to determine whether a preneed contract is formed by assignment or beneficiary designation.

6. An insurance funded preneed contract may be formed without regard to whether the insurance policy is purchased at the location of a preneed seller or if the insurance policy is purchased from another location.
7. The presumption of the formation of a preneed contract may be rebutted upon a showing by the licensee, to the Board's satisfaction, that the assignment or beneficiary designation was not done with the intent to form a preneed contract. The presumption of the formation of a preneed contract shall not apply, absent other evidence to the contrary, to any situation where there is a family relationship between the insured and the beneficiary or assignee.
8. An insurance policy that names as beneficiary or assignee "the funeral establishment that provides for my final disposition" or similar beneficiary designation that does not name a specific funeral establishment or seller as beneficiary shall not be deemed as providing funding for a preneed contract unless there is evidence that there is also an agreement between the purchaser and a seller, provider, funeral establishment, funeral director, embalmer or preneed agent that a specified and named funeral establishment will receive the insurance proceeds and agrees to provide the goods and services for final disposition of the insured's body at the time of need.
9. An insurance funded preneed contract may contain a provision that allows the preneed contract to be cancelled by the seller if the purchaser removes the seller as beneficiary of the insurance policy or if the purchaser cancels the assignment of the insurance policy to the seller prior to the time of need.