

State Board of Embalmers and Funeral Directors

September 24-25, 2013

Division of Professional Registration
3605 Missouri Boulevard
Jefferson City, Missouri 65109

OPEN MINUTES

Tuesday, September 24, 2013

The open meeting of the State Board of Embalmers and Funeral Directors was called to order by James Reinhard Chairman at 9:00a.m.

Roll Call

Board Members Present

James Reinhard, Chairman
Collin Follis, Secretary
Gary Fraker, Member
Eric Pitman, Member
Jerald Dickey, Member

Board Members Not Present

Archie Camden, Vice President, Public Member

Staff Present

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

Open Agenda

A motion was made by Gary Fraker and seconded by Collin Follis to approve the open agenda. Motion carried with Eric Pitman and Jerald Dickey voting in favor with no votes in opposition. Archie Camden was not present.

Open Minutes

A motion was made by Eric Pitman and seconded by Gary Fraker to approve the open minutes from the following meetings -

September 16, 2011 Mail Ballot

December 11-12, 2012 Board Meeting (minutes previously approved but are being returned with corrections/additions that are noted in grey)

May 14, 2013 Financial Examination Committee

Motion carried with Collin Follis and Jerald Dickey voting in favor with no votes in opposition. Archie Camden not present.

Closed Session

A motion was made by Collin Follis and seconded by Eric Pitman to move to closed session for #1, 2, 7, 8 and 9 of the attached motions to close. Motion carried with Gary Fraker and Jerald Dickey voting in favor with no votes in opposition. Archie Camden was not present.

Wednesday, September 25, 2013

Recognition of Past Board Member

The board recognized in open session John McCulloch and thanked him for his service on the board.

Executive Director Report

Sandy reported that the board had been provided information on license statistics (new, closed/ceased, disciplined) that had occurred since the previous meeting.

Sandy provided the board with an updated on legislative matters and notified the board that the legislative package that the board had proposed was not approved to move forward. She further shared that while the proposals included language to add clarifying language to the agent renewal date, the move could be accomplished by a rule change to the division renewal rule, as the renewal dates for each of the professions were in a division rule. This rule could set the deadline date for agents to be 30 days later than sellers, which the board office feels would streamline the process and assist the agents who renew and sit pending waiting for at least one of their associated sellers to renew. A motion was made by Eric Pitman and seconded by Gary Fraker to pursue the change in the renewal date for agents as Sandy discussed. Motion carried with Collin Follis and Jerald Dickey voting in favor with no votes in opposition. Archie Camden was not present.

Sandy shared with the board that the Governor's veto relating to House Bill 329 was overturned on September 11, 2013 by the legislature and was to become law within 30 days of that date. This related to the additional language in chapter 208 relating to individuals being able to designate funds for a preneed funeral and eliminate such from being considered an asset when applying for state assistance. While the language is not in the board statute the board would have an interest and the office anticipates working with other agencies that may be impacted.

Sandy provided the board with an update on the renewal status relating to preneed sellers, providers and agents. She also shared that funeral establishments would be mailed post card renewals around October 1 and that the deadline to renew was December 31.

Sandy shared with the board with an update relating to the new licensing system, stating that process was in motion.

Sandy discussed with the board the possibility of having a meeting October 15, 2013 to discuss rules. The board looked at moving the date into November. Sandy said she would work on some date options.

Sandy discussed "The Conference" annual meeting scheduled for February, 2014. The board authorized Sandy to attend the meeting and any other members that may want to go would be determined at a later date.

Sandy shared with the board that the program in Mountain Home, Arkansas had lost their accreditation and were seeking reaccreditation. She advised she would keep the board updated.

Collin Follis gave an update on the board member training through The Conference that he attended in Arlington, Virginia. He stated that it was beneficial and he learned a lot and would encourage others to attend.

Legal Counsel Report

Sharon provided an update regarding National Prearranged Services.

Open Discussion/Dialogue

A member of the public announced that tomorrow is the last Missouri Funeral Directors and Embalmers Association anniversary celebration and it is being held in Chillicothe.

Closed

A motion was made by Eric Pitman and seconded by Gary Fraker to move to closed for #2 and 9 of the attached motions to close. Motion carried with Collin Follis and Jerald Dickey voting in favor with no votes in opposition. Archie Camden was not present.

Employer Notification of License Status Changes – Section 324.014

Sandy discussed the statute with the board and the intent the notifications be sent to known employers. She explained that at renewal letters are sent to known relationships (employers) notifying them if a licensee did not renew but during the year the process has not been handled similarly. She feels the office needs to notify known employers of status changes, which includes disciplinary action. A motion was made by Gary Fraker and seconded by Collin Follis for the office to proceed with notifications. Motion carried with Jerald Dickey voting in favor with no votes in opposition. Eric Pitman was not present for the vote. Archie Camden was not present.

Closed

A motion was made by Gary Fraker and seconded by Eric Pitman to move to closed for #1, 2, and 9 of the attached motions to close. Motion carried with Collin Follis and Jerald Dickey voting in favor with no votes in opposition. Archie Camden was not present.

Adjournment

A motion was made by Collin Follis and seconded by Jerald Dickey to adjourn 11:42a.m. Motion carried with Gary Fraker and Eric Pitman voting in favor with no votes in opposition. Archie Camden was not present.

Executive Director Signature: Sandy Sebastian

Approved by the Board: March 27, 2014

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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