

Meeting Notice

State Board of Embalmers and Funeral Directors

June 25, 2014

8:30 a.m.

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

Notification of special needs as addressed by the American with Disabilities Act should be forwarded to the Missouri State Board of Embalmers and Funeral Directors, P.O. Box 423, 3605 Missouri Boulevard, Jefferson City, Missouri 65102 or by calling (573) 751-0813 to ensure available accommodations. The text telephone for the hearing impaired is (800) 735-2966.

Except to the extent disclosure is otherwise required by law, the Missouri State Board of Embalmers and Funeral Directors is authorized to close meetings, records and votes, to the extent they relate to the following: Sections 610.021(1), (3), (5), (7), (13) and (14), RSMo, and Sections 324.001.8 and 324.001.9 RSMo.

The board may go into closed session at any time during the meeting. If the meeting is closed the appropriate section will be announced to the public with the motion and vote recorded in open session minutes.

Agenda attached.

State Board of Embalmers and Funeral Directors

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8:30 a.m.

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OPEN AGENDA

1. Call to Order
2. Roll Call
3. Approval of Agenda
4. Executive Director Report
 - Update on communications to DHSS/Vital Statistics
 - New Licenses – Closed/Ceased Licenses – Disciplinary Actions
 - Budget/Expenditures
5. Legal Counsel Report
- 6.(Tab 1) Legislative Proposals
7. CLOSED
8. Adjourn

**Board of Embalmers
Financial Statement - FY 2014
as of April 30, 2014**

	Year-To-Date	Projected	Remaining
FY 2014 Beginning Fund Balance	2,319,852.36		
Revenue	1,203,058.00	1,486,605.00	283,547.00
Expense and Equipment	72,843.60	164,200.00	91,356.40
Total Transfers	591,698.40	931,686.25	339,987.85
Ending Fund Balance	2,858,368.36		

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	
	FY 2014 Actual																FY 2014 Projections	
	July	August	September	October	November	December	January	February	March	April	May	June	July	YTD Total	Projected	Remaining (Projected - YTD Total)		
1	Embalmers - 0633																	
2	FY 2014 Monthly Fund Balance Sheet																	
3																		
4	Beginning Fund Balance	2,319,852.36	2,268,043.57	2,207,796.52	2,277,807.36	2,745,709.64	2,776,958.15	2,722,538.31	2,654,178.91	2,750,360.16	2,858,368.36	2,858,368.36	2,858,368.36	1,203,058.00	1,486,605.00	283,547.00		
5	Revenue	6,920.00	7,940.00	134,478.00	534,457.00	82,918.00	74,350.00	4,466.00	155,852.00	180,283.00	0.00	0.00	0.00	0.00	1,203,058.00	283,547.00		
6	Start-up Loan Transfer - Lenders Revenue	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		
7	Total Revenue	6,920.00	7,940.00	134,478.00	534,457.00	82,918.00	74,350.00	4,466.00	155,852.00	180,283.00	0.00	0.00	0.00	0.00	1,203,058.00	283,547.00		
8	Total Funds Available	2,326,772.36	2,275,983.57	2,342,274.52	2,812,264.36	2,828,626.64	2,840,251.14	2,798,352.15	2,810,030.91	2,930,663.16	2,858,368.36	2,858,368.36	2,858,368.36	1,203,058.00	3,805,457.36	283,547.00		
9	Appropriation Costs:																	
10	Expense and Equipment	5,001.47	5,001.73	6,694.51	9,423.77	3,636.30	8,006.15	5,306.48	4,963.48	9,027.77	0.00	0.00	0.00	72,843.60	164,200.00	91,356.40		
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		
12	Total Appropriation Costs	5,001.47	5,001.73	6,694.51	9,423.77	3,636.30	8,006.15	5,306.48	4,963.48	9,027.77	0.00	0.00	0.00	72,843.60	164,200.00	91,356.40		
13	Licensure System Cost	0.00	0.00	0.00	3,103.10	634.09	0.00	0.00	0.00	0.00	0.00	0.00	0.00	3,737.19	18,985.64	15,248.45		
14	PR Appropriated Transfers (HB 7,540):																	
15	Rent	0.00	575.16	575.16	575.71	601.00	1,179.43	575.16	0.00	1,150.32	0.00	0.00	0.00	5,231.94	7,031.54	1,799.60		
16	DIFP Department Cost Allocation	0.00	604.39	585.57	0.00	0.00	563.07	0.00	0.00	563.07	0.00	0.00	0.00	2,316.10	2,383.45	67.35		
17	License Refunds	0.00	0.00	0.00	320.00	0.00	806.00	0.00	0.00	657.00	0.00	0.00	0.00	1,783.00	1,500.00	(283.00)		
18	Start-up Loan - Borrower's Expense	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		
19	Division PR Transfer:																	
20	Division-Wide Costs	0.00	2,454.34	1,770.73	1,545.06	2,029.69	1,644.82	3,712.25	1,710.84	1,653.19	2,051.26	0.00	0.00	18,582.18	33,844.91	15,262.73		
21	Purchasing Staff	0.00	44.24	41.12	26.84	35.37	32.93	40.76	33.91	47.50	0.00	0.00	0.00	343.24	414.79	71.55		
22	PRIT Staff	0.00	1,067.54	1,413.21	1,061.31	490.08	1,093.16	512.38	757.44	547.86	0.00	0.00	0.00	7,948.33	8,984.73	1,036.40		
23	Legal Team	0.00	5,312.77	3,513.57	4,738.10	3,624.99	6,631.69	4,494.62	3,394.49	3,933.59	0.00	0.00	0.00	40,002.81	57,124.66	17,121.75		
24	CRP Staff	0.00	241.70	257.93	251.40	392.07	513.41	687.72	311.83	300.82	0.00	0.00	0.00	3,629.76	4,836.63	1,206.87		
25	Board Specific:																	
26	Expense/Equipment	0.00	21.48	112.60	163.46	2,650.55	0.00	2,421.08	2,008.18	134.72	0.00	0.00	0.00	7,512.07	5,847.05	(1,665.02)		
27	Personal Services	0.00	30,733.64	27,523.73	27,033.24	28,780.57	27,719.11	28,440.20	28,419.96	29,322.83	0.00	0.00	0.00	256,353.11	397,956.58	141,603.47		
28	Fringe Benefits	0.00	13,033.08	12,787.53	12,749.97	12,883.69	12,911.65	13,496.70	13,656.74	13,626.77	0.00	0.00	0.00	118,598.77	194,560.97	75,962.20		
29	Technical Support Staff	0.00	98.87	115.65	292.20	294.97	357.22	310.81	247.72	395.37	0.00	0.00	0.00	2,498.57	5,125.64	2,626.97		
30	Central Mail Processing	0.00	173.47	171.79	164.88	228.31	189.11	191.42	228.31	198.89	0.00	0.00	0.00	1,742.89	2,038.68	295.79		
31	CUI Investigators	0.00	6,252.64	7,300.68	4,261.91	4,443.82	4,174.74	4,917.97	4,942.05	4,513.66	0.00	0.00	0.00	79,252.28	37,799.23	41,453.05		
32	Total Division PR Transfer	0.00	59,433.77	55,008.54	52,288.37	55,854.11	55,267.84	58,953.52	56,768.30	54,677.77	0.00	0.00	0.00	492,664.98	789,986.92	287,321.94		
33	Total PR Appropriated Transfers (HB 7,540)	0.00	60,613.32	56,169.27	53,184.08	56,455.11	61,502.02	57,343.46	54,677.77	56,783.15	0.00	0.00	0.00	511,996.02	800,901.91	288,905.89		
34	GR Transfer (HB 7,535):																	
35	Attorney General	0.00	0.00	0.00	173.27	0.00	5,740.84	0.00	0.00	3,823.38	0.00	0.00	0.00	9,737.49	41,000.00	31,262.51		
36	Administrative Hearing Comm.	0.00	0.00	0.00	39.50	0.00	332.50	0.00	9.50	28.50	0.00	0.00	0.00	429.00	5,000.00	4,571.00		
37	Total GR Transfer	0.00	0.00	0.00	212.77	0.00	6,073.34	0.00	9.50	3,851.88	0.00	0.00	0.00	10,166.49	46,000.00	35,833.51		
38	Other Transfers:																	
39	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		
40	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		
41	Board Staff Fringe Benefits	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		
42	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		
43	OA Cost Allocation Transfer	0.00	2,632.00	0.00	2,632.00	0.00	2,632.00	0.00	0.00	2,632.00	0.00	0.00	0.00	10,528.00	10,528.00	0.00		
44	FY 2013 Transfers Carried Over:																	
45	FY 2013 June PR Transfer	53,727.82	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	53,727.82	53,727.82	0.00		
46	FY 2013 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		
47	FY 2013 PR Transfer Adjustment	0.00	0.00	(2,283.75)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	(2,283.75)	(2,283.75)	0.00		
48	FY 2013 Final Rent Transfer Adj	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		
49	FY 2013 Final DIFP Transfer Adj	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		
50	FY 2013 AG - June	9.50	0.00	3,837.13	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	3,837.13	3,837.13	0.00		
51	Total FY 2013 Transfers Carried Over	53,727.82	0.00	1,543.38	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	57,064.95	57,064.95	0.00		
52	Total Transfers	59,727.32	63,245.32	57,712.65	59,131.95	57,089.20	55,286.84	70,207.36	54,687.27	63,267.03	0.00	0.00	0.00	591,698.40	931,698.25	339,897.85		
53	Total Appropriation Costs and Transfers	58,728.79	68,247.05	64,407.16	68,555.72	60,725.50	63,292.99	75,513.84	59,650.75	72,294.80	0.00	0.00	0.00	664,442.00	1,095,886.25	431,444.25		
54	Ending Fund Balance	2,268,043.57	2,207,736.52	2,277,807.36	2,743,708.64	2,765,901.14	2,776,958.15	2,722,838.31	2,654,178.91	2,750,360.16	2,858,368.36	2,858,368.36	2,858,368.36	1,203,058.00	3,805,457.36	283,547.00		
55	Total PR Transfer - HB 7,540	53,727.82	60,613.32	56,169.27	53,184.08	56,455.11	61,502.02	57,343.46	54,677.77	56,783.15	0.00	0.00	0.00	567,157.28	836,714.00	289,556.72		
56	Total GR Transfer - HB 7,535	9.50	0.00	3,837.13	0.00	0.00	6,073.34	0.00	9.50	3,851.88	0.00	0.00	0.00	14,013.12	80,000.00	70,986.88		
57	Total	53,727.82	60,613.32	57,712.65	56,499.55	57,089.20	55,286.84	57,576.36	54,687.27	60,635.03	0.00	0.00	0.00	581,170.40	921,714.00	340,543.60		

Unlicensed person not to engage in practice of embalming or funeral directing.

333.021. 1. No person **or entity** shall engage in the practice of embalming, **funeral directing or act as a preneed agent, seller, provider or funeral establishment** in this state unless **[he has a]** that person or **entity holds the appropriate** license(s) as required by this chapter.

2. No person **or entity** shall **[engage in the practice of funeral directing unless he has a license issued under this chapter nor shall any person]** use in connection with his name or business any of the words "undertaker", "mortician", "funeral home", "funeral parlor", "funeral chapel", "funeral consultant", "funeral director" or other title implying that he is in the business **of acting as a funeral director, embalmer, establishment, seller or provider, as defined [as funeral directing]** herein, unless **[he or the individual having control, supervision or management of his business is duly licensed to practice funeral directing in this state]** the person or entity holds a valid license to act as such as required by this chapter.

License, application for [Qualifications of] embalmer applicants—qualifications for, examinations—licenses[--board may waive requirements in certain cases].

333.041. 1. [Each applicant for a license to practice funeral directing shall furnish evidence to establish to the satisfaction of the board that he or she is:

(1) At least eighteen years of age, and possesses a high school diploma, a general equivalency diploma, or equivalent thereof, as determined, at its discretion, by the board; and

(2) A person of good moral character.

2.] Every person [desiring to enter the profession of embalming dead human bodies within the state of Missouri and] who is enrolled in a program accredited by the American Board of Funeral Service Education, any successor organization, or other accrediting entity as approved by the board **and needs to complete an embalming practicum in Missouri** shall [register with] **apply to** the board **for a license** as a practicum student [upon] **on** the form provided by the board **and pay the current fee established by the board before beginning any such practicum.** After [such registration] **receipt of a practicum license,** a student may assist, under the direct supervision of Missouri licensed embalmers and funeral directors, in Missouri licensed funeral establishments, while serving his or her practicum. [The form for registration as a practicum student shall be accompanied by a fee in an amount established by the board.]

[3] 2. Each applicant for a license to practice embalming shall **submit to the board a written application on forms furnished by the board, pay the current application fees, and shall** furnish evidence to establish to the satisfaction of the board that he or she:

(1) Is at least eighteen years of age, and possesses a high school diploma, a general equivalency diploma, or equivalent thereof, as determined, at its discretion, by the board;

(2) Is a person of good moral character;

(3) Has completed a funeral service education program accredited by the American Board of Funeral Service Education, any successor organization, or other accrediting entity as approved by the board. [If an applicant does not complete all requirements for licensure within five years from the date of his or her completion of an accredited program, his or her registration as an apprentice embalmer shall be automatically cancelled. The applicant shall be required to file a new application and pay applicable fees. No previous apprenticeship shall be considered for the new application];

(4) [Upon due examination administered by the board, is possessed of a knowledge of the subjects of embalming, anatomy, pathology, bacteriology, mortuary administration, chemistry, restorative art, together with statutes, rules and regulations governing the care, custody, shelter and disposition of dead human bodies and the transportation thereof or has passed the national board] **Has submitted proof of successful completion of the National Board Funeral Service Arts or the Missouri Funeral Service Arts examination and the National Board Funeral Service Science examinations** of the Conference of Funeral Service Examining Boards, **or successor organization. The board shall by rule and regulation prescribe the standard for successful completion of the examinations.** [If any applicant fails to pass the state examination, he or she may retake the examination [at the next regular examination meeting. The applicant shall notify the board office of his or her desire to retake the examination at least thirty

days prior to the date of the examination. Each time the examination is retaken, the applicant shall pay a new examination fee in an amount established by the board];

(5) Has arranged to serve an apprenticeship under the supervision of a Missouri licensed embalmer in a Missouri licensed funeral establishment licensed for embalming. Upon issuance of an apprentice license, the apprentice licensee shall devote at least twelve consecutive months and at least 30 hours per week to his or her duties as an apprentice. [Has been employed full time in funeral service in a licensed funeral establishment and] The apprentice licensee shall submit proof to the board, on forms provided by the board, that the he or she has personally embalmed at least twenty-five dead human bodies under the personal supervision of [an] a Missouri licensed embalmer [who holds a current and valid Missouri embalmer's license or an embalmer who holds a current and valid embalmer's license in a state with which the Missouri board has entered into a reciprocity agreement during an apprenticeship of not less than twelve consecutive months]. "Personal supervision" means that the licensed embalmer shall be physically present during the entire embalming process in the first six months of the apprenticeship period and physically present at the beginning of the embalming process and available for consultation and personal inspection within a period of not more than one hour in the remaining six months of the apprenticeship period. [All transcripts and other records filed with the board shall become a part of the board files.]; and

(6) Meets all other requirements for licensure as required by statute or rule or regulation.

4. If the applicant does not complete the application process within the five years after his or her completion of an approved program, then he or she must file a new application and no fees paid previously shall apply toward the license fee.

5. Examinations required by this section and section 333.042 shall be held at least twice a year at times and places fixed by the board. The board shall by rule and regulation prescribe the standard for successful completion of the examinations.]

3. The applicant shall submit proof of successful completion of the Missouri Law examination of the Conference of Funeral Service Examining Boards, or successor organization. The board shall by rule and regulation prescribe the standard for successful completion of the examination.

[6] 4. Upon establishment of his or her qualifications as specified by this section [or section 333.042], the board shall issue to the applicant a license to practice [funeral directing or] embalming [, as the case may require,] and shall register the applicant as a duly licensed [funeral director or a duly licensed] embalmer. [Any person having the qualifications required by this section and section 333.042 may be granted both a license to practice funeral directing and to practice embalming.]

5. If an applicant does not complete all requirements for embalming licensure within twenty-four consecutive months from the date of his or her application, the application for licensure shall be cancelled. The applicant shall be required to file a new application, pay applicable fees, and fulfill the requirements for licensure outlined in this section. No previous apprenticeship shall be considered for the new application.

6. Any person meeting the qualifications required by this section and section 333.042 may be granted both a license to practice funeral directing and to practice embalming, upon proper application and paying applicable fees.

[7. The board shall, upon request, waive any requirement of this chapter and issue a temporary funeral director's license, valid for six months, to the surviving spouse or next of kin or the personal representative of a licensed funeral director, or to the spouse, next of kin, employee or conservator of a licensed funeral director disabled because of sickness, mental incapacity or injury.]

(L. 1965 p. 522 § 4, A.L. 1969 H.B. 56, A.L. 1977 S.B. 6, A.L. 1981 S.B. 16, A.L. 1983 S.B. 44 & 45, A.L. 1993 S.B. 27, A.L. 1998 S.B. 854, A.L. 2001 H.B. 48, A.L. 2011 H.B. 265 merged with S.B. 325)

License, [A]application for funeral director applicants – [and examination fees for funeral directors,] apprenticeship requirements--examinations [content for applicants--apprenticeship duties--appearance before board]--limited license only for cremation--exemptions from apprenticeship.

333.042. 1. [Every person desiring to enter the profession of funeral directing in this state] **Each applicant for a license to practice funeral directing shall [make] submit to the board a written application on forms furnished by the board, [with the state board of embalmers and funeral directors and] pay the current application [and examination] fees, and shall furnish evidence to establish to the satisfaction of the board that he or she:** [Except as otherwise provided in section 41.950, applicants not entitled to a license pursuant to section 333.051 shall serve an apprenticeship for at least twelve consecutive months in a funeral establishment licensed for the care and preparation for burial and transportation of the human dead in this state or in another state which has established standards for admission to practice funeral directing equal to, or more stringent than, the requirements for admission to practice funeral directing in this state. The applicant shall devote at least fifteen hours per week to his or her duties as an apprentice under the supervision of a Missouri licensed funeral director. Such applicant shall submit proof to the board, on forms provided by the board, that the applicant has arranged and conducted ten funeral services during the applicant's apprenticeship under the supervision of a Missouri licensed funeral director. Upon completion of the apprenticeship, the applicant shall appear before the board to be tested on the applicant's legal and practical knowledge of funeral directing, funeral home licensing, preneed funeral contracts and the care, custody, shelter, disposition and transportation of dead human bodies. Upon acceptance of the application and fees by the board, an applicant shall have twenty-four months to successfully complete the requirements for licensure found in this section or the application for licensure shall be cancelled.]

(1) Is at least eighteen years of age, and possesses a high school diploma, a general equivalency diploma, or equivalent thereof, as determined, at its discretion, by the board; [and]

(2) A person of good moral character[.];

(3) [Except as otherwise provided in section 41.950, applicants not entitled to a license pursuant to section 333.051 s]Has arranged to serve an apprenticeship of at least twelve consecutive months in a Missouri licensed funeral establishment licensed for the care and preparation for burial and transportation of the human dead. Upon issuance of an apprentice license, the apprentice licensee shall devote at least fifteen hours per week to his or her duties as an apprentice under the supervision of a Missouri licensed funeral director. The apprentice licensee shall submit proof to the board, on forms provided by the board, that he or she has arranged and conducted ten funeral services during the apprenticeship under the supervision of a Missouri licensed funeral director[.];

(4) Upon completion of the apprenticeship, the applicant shall submit proof of successful completion of the National Board Funeral Service Arts examination or the Missouri Funeral Service Arts examination, and the Missouri Law examination of the Conference of Funeral Service Examining Boards, or successor organization. The board shall by rule and regulation prescribe the standard for successful completion of the examinations; and

(5) Meets all other requirements for licensure as required by statute or rule or regulation.

2. If a person applies for a limited license to work only in a funeral establishment which is licensed only for cremation, including transportation of dead human bodies to and from the funeral establishment, he or she shall

make application, pay the current application [and examination] fees and successfully complete the Missouri law examination. He or she shall be exempt from the twelve **consecutive [-]** month apprenticeship required by subsection 1 of this section and the [practical] **National Board Funeral Service Arts examination or the Missouri Funeral Service Arts** examination before the board. If a person has a limited license issued pursuant to this subsection, he or she may obtain a full funeral director's license if he or she fulfills the apprenticeship and successfully completes the **required** examination.

3. If an applicant does not complete all requirements for funeral director licensure within twenty-four consecutive months from the date of his or her application the application for licensure shall be cancelled. The applicant shall be required to file a new application, pay applicable fees, and fulfill the requirements for licensure outlined in this section. No previous apprenticeship shall be considered for the new application.

[3] 4. If an individual is a Missouri licensed embalmer or has completed a program accredited by the American Board of Funeral Service Education, any successor organization, or other accrediting entity as approved by the board or has successfully completed a course of study in funeral directing offered by an institution accredited by a recognized national, regional or state accrediting body and approved by the state board of embalmers and funeral directors, and desires to enter the profession of funeral directing in this state, the individual shall comply with all the requirements for licensure as a funeral director pursuant to subsection 1 of section 333.041 and subsection 1 of this section; however, the individual is exempt from the twelve **consecutive [-]** month apprenticeship required by subsection 1 of this section.

5. Upon establishment of his or her qualifications as specified by this section the board shall issue to the applicant a license to practice funeral directing and shall register the applicant as a duly licensed funeral director.

Recognition of persons licensed in other states, --fees.

333.051. 1. [Any individual holding a valid, unrevoked and unexpired license as a funeral director or embalmer in the state of his or her residence may be granted a license to practice funeral directing or embalming in this state on application to the board and on providing the board with such evidence as to his or her qualifications as is required by the board.

2. Any individual holding a valid, unrevoked and unexpired license as an embalmer or funeral director in another state having requirements substantially similar to those existing in this state may apply for a license to practice in this state by filing with the board a certified statement from the examining board of the state or territory in which the applicant holds his or her license showing the grade rating upon which the license was granted, together with a recommendation, and the board shall grant the applicant a license upon his or her successful completion of an examination over Missouri laws as required in section 333.041 or section 333.042 if the board finds that the applicant's qualifications meet the requirements for funeral directors or embalmers in this state at the time the applicant was originally licensed in the other state.

3. A person holding a valid, unrevoked and unexpired license to practice funeral directing or embalming in another state or territory with requirements less than those of this state may, after five consecutive years of active experience as a licensed funeral director or embalmer in that state, apply for a license to practice in this state after passing a test to prove his or her proficiency, including but not limited to a knowledge of the laws and regulations of this state as to funeral directing and embalming.]

Any individual holding a valid, unrevoked and unexpired license as a funeral director or embalmer in any other state may be granted a license to practice funeral directing or embalming in this state on application to the board, payment of applicable fees, and upon providing the board with evidence as to his or her qualifications for licensure.

2. Any individual holding a valid, unrevoked and unexpired license as an embalmer or funeral director in another state having licensure requirements substantially similar to those existing in this state may apply for a license to practice in this state by filing with the board:

a. An application for licensure showing that the applicant is eligible for licensure in this state and payment of any fees the Board shall establish by rule;

b. A statement from the examining board(s) of the state in which the applicant holds a current and unrevoked license as an embalmer and/or funeral director;

c. Written documentation of any discipline imposed on any professional license held by the applicant;

d. Documentation of successful completion of the National Board Funeral Service Arts examination of the Conference of Funeral Service Examining Boards, or successor organization, if seeking licensure as a funeral director, and National Board Funeral Service Arts examination and National Board Funeral Service Sciences examinations of the Conference of Funeral Service Examining Boards, or successor organization, if seeking licensure as an embalmer, or evidence of licensure for the preceding five consecutive years as a funeral director and/or embalmer; and

e. Evidence of successful completion of the Missouri Law exam of the Conference of Funeral Service Examining Boards, or successor organization.

.(L. 1965 p. 522 § 5, A.L. 1981 S.B. 16, A.L. 1998 S.B. 854, A.L. 2011 H.B. 265 merged with S.B. 325)

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 **funeral establishment** 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.

Applicability of law.

333.310. The provisions of sections 333.310 to 333.340 shall not apply to a cemetery operator **licensed pursuant to section 214.275** who sells contracts or arrangements for **funeral merchandise or** services for which payments received by, or on behalf of, the purchaser are **deposited either to an escrow account, or a preneed trust, governed by an agreement approved by the Office of Endowed Care Cemeteries [required to be placed in an endowed care fund or for which a deposit into a segregated account is required under chapter 214;]** provided that a cemetery operator shall comply with sections 333.310 to 333.340 if the contract or arrangement sold by the operator includes services that may only be provided by a licensed funeral director or embalmer. **A cemetery operator claiming an exemption pursuant to this section and section 436.410, shall, concurrent with the application for renewal of licensure pursuant to section 214.275, file a statement of exemption with the State Board of Embalmers and Funeral Directors and Office of Endowed Care Cemeteries. If requested by the State Board of Embalmers and Funeral Directors, the cemetery operator shall provide proof of licensure pursuant to section 214.275.**

Provider license required--application procedure--renewal of licensure--expiration of license.

333.315. 1. No person shall be designated as a provider or agree to perform the obligations of a provider under a preneed contract unless, at the time of such agreement or designation, such person is licensed as a preneed provider by the board. Nothing in this section shall exempt any person from meeting the licensure requirements for a funeral establishment as provided in this chapter.

2. An applicant for a preneed provider license shall:

- (1) File an application on a form established by the board and pay an application fee in an amount established by the board by rule;
- (2) Be authorized and registered with the Missouri secretary of state to conduct business in Missouri;
- (3) Identify the name and address of a custodian of records responsible for maintaining the books and records of the provider relating to preneed contracts;
- (4) Identify the name and address of each seller authorized by the provider to sell preneed contracts in which the provider is designated or obligated as the provider;
- (5) File with the state board a written consent authorizing the state board to inspect or order an investigation, examination, or audit of the provider's books and records which contain information concerning preneed contracts sold for or on behalf of a seller or in which the applicant is named as a provider; and
- (6) If the applicant is a corporation, each officer, director, manager, or controlling shareholder shall be eligible for licensure if they were applying for licensure as an individual.

3. Each preneed provider shall apply to renew his or her license on or before [October thirty-first of each year or] a date established by the division of professional registration pursuant to section 324.001. A license which has not been renewed prior to the renewal date shall expire. Applicants for renewal shall:

- (1) File an application for renewal on a form established by the board [by rule];
- (2) Pay a renewal fee in an amount established by the board by rule, however no renewal fee shall be required for any funeral establishment whose Missouri license is current and active;
- (3) Be authorized and registered with the Missouri secretary of state to conduct business in Missouri;
- (4) File an annual report with the state board which shall contain:
 - (a) The name and address of a custodian of records responsible for maintaining the books and records of the provider relating to preneed contracts;
 - (b) The business name or names used by the provider and all addresses from which it engages in the practice of its business;

(c) The name and address of each seller with whom it has entered into a written agreement since last filing an annual report with the board authorizing the seller to designate or obligate the licensee as the provider in a preneed contract; and

(d) Any information required by any other applicable statute or regulation enacted pursuant to state or federal law.

4. A license which has not been renewed as provided by this section shall expire. A licensee who fails to apply for renewal may apply for reinstatement within two years of the renewal date by satisfying the requirements of subsection 3 of this section and paying a delinquent fee as established by the board by rule.

Seller license required--application procedure--renewal of licensure--expiration of license.

333.320. 1. No person shall sell, perform, or agree to perform the seller's obligations under, or be designated as the seller of, any preneed contract unless, at the time of the sale, performance, agreement, or designation, such person is licensed by the board as a seller and authorized and registered with the Missouri secretary of state to conduct business in Missouri.

2. An applicant for a preneed seller license shall:

(1) File an application on a form established by the board and pay an application fee in an amount established by the board by rule;

(2) Be an individual resident of Missouri who is eighteen years of age or older, or a business entity registered with the Missouri secretary of state to transact business in Missouri;

(3) If the applicant is a corporation, each officer, director, manager, or controlling shareholder, shall be eligible for licensure if they were applying for licensure as an individual;

(4) Meet all requirements for licensure;

(5) Identify the name and address of a custodian of records responsible for maintaining the books and records of the seller relating to preneed contracts;

(6) Identify the name and address of each licensed provider that has authorized the seller to designate such person as a provider under a preneed contract;

(7) Have established, as grantor, a preneed trust or an agreement to utilize a preneed trust with terms consistent with sections 436.400 to 436.520. A trust shall not be required if the applicant certifies to the board that the seller will only sell insurance-funded or joint account-funded preneed contracts;

(8) Identify the name and address of a trustee or, if applicable, the financial institution where any preneed trust or joint accounts will be maintained; and

(9) File with the board a written consent authorizing the state board to inspect or order an investigation, examination, or audit of the seller's books and records which contain information concerning preneed contracts sold by or on behalf of the seller.

3. Each seller shall apply to renew his or her license on or before [October thirty-first of each year or] a date established by the division of professional registration pursuant to section 324.001. A license which has not been renewed prior to the renewal date shall expire. Applicants for renewal shall:

(1) File an application for renewal on a form established by the board [by rule];

(2) Pay a renewal fee in an amount established by the board by rule; and

(3) File annually with the board a signed and notarized annual report as required by section 436.460.

4. Any license which has not been renewed as provided by this section shall expire. A licensee who fails to apply for renewal [within two years of the renewal date] may apply for reinstatement **within two years of the renewal date** by satisfying the requirements of subsection 3 of this section and paying a delinquent fee as established by the board by rule.

Registration as a preneed agent required--application procedure--renewal of registration--expiration of registration.

333.325. 1. No person shall sell, negotiate, or solicit the sale of preneed contracts for, or on behalf of, a seller unless registered with the board as a preneed agent except for individuals who are licensed as funeral directors under this chapter. The board shall maintain a registry of all preneed agents registered with the board. The registry shall be deemed an open record and made available on the board's web site.

2. An applicant for a preneed agent registration shall be an individual who shall:

(1) File an application on a form established by the board and pay an application fee in an amount established by the board by rule which shall not exceed fifty percent of the application fee established by the board under this chapter for a funeral director license;

(2) Be eighteen years of age or older; **and possess a high school diploma, a general education equivalency diploma, or equivalent thereof, as determined, at its discretion, by the board;**

(3) Be otherwise eligible for registration under section 333.330;

(4) Have successfully passed the Missouri law examination as designated by the board [;

(5) Provide the name and address of each seller for whom the applicant is authorized to sell, negotiate, or solicit the sale of preneed contracts for, or on behalf of].

3. If an applicant does not meet the requirements for registration within one year from the date of application, the applicant shall be required to file a new application and no fees paid previously shall apply toward the registration fee.

[3] 4. Each preneed agent shall apply to renew his or her registration on or before [October thirty-first of each year or] a date established by the division of professional registration pursuant to section 324.001. A registration which has not been renewed prior to the renewal date shall expire. Applicants for renewal shall:

(1) File an application for renewal on a form established by the board [by rule];

(2) Pay a renewal fee in an amount established by the board by rule which shall not exceed fifty percent of the application fee established by the board under this chapter for a funeral director license renewal; and

(3) Provide the name and address of each seller for whom the preneed agent is authorized to sell, negotiate, or solicit the sale of preneed contracts for or on behalf of.

[4] 5. Any funeral director **licensed in this state desiring to** act[ing] as a preneed agent shall:

(1) File an application on a form established by the board;

(2) [be required to report] Provide the name and address of each preneed seller for whom the funeral director is authorized to sell, negotiate, or solicit the sale of preneed contracts **for, or on behalf of** [as part of their biennial renewal form. Each funeral director preneed agent shall be included on the board's registry.]

6. Each preneed agent funeral director shall apply to renew his or her registration on or before a date established by the division of professional registration pursuant to section 324.001. A registration which has not been renewed prior to the renewal date shall expire. Applicants for renewal shall:

(1) File an application for renewal on a form established by the board;

(2) Provide the name and address of each seller for whom the preneed agent is authorized to sell, negotiate, or solicit the sale of preneed contracts for or on behalf of.

7. A preneed agent shall be required to keep the board apprised of the name and address of each preneed seller for whom the preneed agent is authorized to sell, negotiate, or solicit the sale of preneed contracts.

[5] 8. Any registration which has not been renewed as provided by this section shall expire and the registrant shall be immediately removed from the preneed agent registry by the board. A registrant who fails to apply for renewal may apply for reinstatement within two years of the renewal date by satisfying the requirements of [subsection 3 of] this section and paying a delinquent fee as established by the board.

Refusal of registration, when--complaint procedure--injunctive relief authorized, when--reapplication after revocation, when.

333.330. 1. The board may refuse to issue any certificate of registration or authority, permit, or license required under this chapter for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his or her right to file a complaint with the administrative hearing commission as provided by chapter 621.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate of registration or authority, permit, or license required by this chapter, or any person who has failed to renew or has surrendered his or her certificate of registration or authority, permit, or license for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by this chapter;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions, or duties of any profession licensed or regulated under this chapter, for any offense involving a controlled substance, or for any offense an essential element of which is fraud, dishonesty, or an act of violence;

(3) Use of fraud, deception, misrepresentation, or bribery in securing any certificate of registration or authority, permit, or license issued under this chapter or in obtaining permission to take any examination given or required under this chapter;

(4) Obtaining or attempting to obtain any fee, charge, tuition, or other compensation by fraud, deception, or misrepresentation;

(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation, or dishonesty in the performance of the functions or duties of any profession licensed or regulated by this chapter;

(6) Violation of, or assisting or enabling any person to violate, any provision of this chapter, or of any lawful rule or regulation adopted pursuant thereto;

(7) Impersonation of any person holding a certificate of registration or authority, permit, or license or allowing any person to use his or her certificate of registration or authority, permit, license, or diploma from any school;

(8) Disciplinary action against the holder of a license or other right to practice any profession [regulated by this chapter] granted by **this or** another state, territory, federal agency, or country **[upon grounds for which revocation or suspension is authorized in this state or];**

(9) A person is finally adjudged mentally incompetent by a court of competent jurisdiction;

- (10) Misappropriation or theft of preneed funds;
- (11) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by this chapter regulating preneed who is not licensed or registered and currently eligible to practice thereunder;
- (12) Issuance of a certificate of registration or authority, permit, or license based upon a material mistake of fact;
- (13) Failure to display a valid certificate or license if so required by this chapter regulating preneed or any rule established thereunder;
- (14) Violation of any professional trust or confidence;
- (15) Making or filing any report required by sections 436.400 to 436.520 regulating preneed which the licensee knows to be false or knowingly failing to make or file a report required by such sections;
- (16) Use of any advertisement or solicitation which is false, misleading, or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed; or
- (17) Willfully and through undue influence selling a funeral;
- (18) Willfully and through undue influence selling a preneed contract;
- (19) Violation of any of the provisions of chapter 193, 194, 407, or 436;
- (20) Presigning a death certificate or signing a death certificate on a body not yet embalmed by, or under the personal supervision of, the licensee;
- (21) Failure to execute and sign the death certificate on a body embalmed by, or under the personal supervision of, a licensee;
- (22) Failure to refuse to properly guard against contagious, infectious, or communicable diseases or the spread thereof;
- (23) Refusing to surrender a dead human body upon request by the next of kin, legal representative, or other person entitled to the custody and control of the body.

3. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the board may, singly or in combination, censure or place the person named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke any certificate of registration or authority, permit, or license issued under this chapter.

4. In addition to all other powers and authority granted by the board, the board may seek an injunction, restraining order or other order from the circuit court of Cole County to enjoin any seller

from engaging in preneed sales upon a showing by the board that the seller has failed to make deposits into the preneed trust, has obtained funds out of the trust to which the seller is not entitled or has exercised influence or control over the trustee or has engaged in any other act that has resulted in a shortage in any preneed trust or joint account which exceeds twenty percent of the total amount required to be held or deposited into the trust or joint account under the provisions of sections 436.400 to 436.520. In addition to the power to enjoin for this conduct, the circuit court of Cole County shall also be entitled to suspend or revoke the preneed seller's license and any other license issued pursuant to this chapter, held by the seller.

5. An individual whose certificate of registration or authority, permit, or license has been revoked shall wait three years from the date of revocation to apply for any certificate of registration or authority, permit, or license under this chapter, either as an individual or as a manager, director, shareholder, or partner of any business entity. Any certificate of registration or authority, permit, or license shall be issued at the discretion of the board after compliance with all the requirements of this chapter relative to the licensing or registration of the applicant for the first time.

6. Use of the procedures set out in this section shall not preclude the application of the provisions of subsection 2 of section 333.335.

Between 3/18/2014 and 6/19/2014

Funeral Establishment	Name	Lic Number	Address	License Status	Exp Date	Closed Date
	R & L Schulz, LLC	2006025928	Hwy T at RA	Closed/Change of Owner	12/31/2015	6/12/2014
	Ed & Sharon Andrews	000032	Wappapello, MO 63966 416 S Front Street	Closed/Change of Owner	12/31/2015	3/21/2014
	Southern Missouri Crematory LLC	2011023076	Grant City, MO 64456 701 Vine St Ste 1	Closed/Change of Owner	12/31/2015	6/12/2014
	R & L Schulz, LLC	2006025932	Poplar Bluff, MO 63901 701 Vine St	Closed/Change of Owner	12/31/2015	6/12/2014
	Roll Enterprises LLC	2011039142	Poplar Bluff, MO 63901 211 S Oak	Closed/Change of Owner	12/31/2015	5/22/2014
	Golden Gate Funeral Chapel of Kansas City LLC	2013042830	California, MO 65018 2800 E 18th St	Closed/Change of Owner	12/31/2015	6/12/2014
Preneed Provider			Kansas City, MO 64127			
	Golden Gate Funeral Chapel of Kansas City LLC	2013042831	2800 E 18th St	Closed/Change of Owner	10/31/2014	6/12/2014
	Roll Enterprises LLC	2011039144	Kansas City, MO 64127 211 S Oak	Closed/Change of Owner	10/31/2014	5/22/2014
	R & L Schulz, LLC	2009038322	California, MO 65018 701 Vine St	Closed/Change of Owner	10/31/2014	6/12/2014
	Andrews Funeral Home	2009037519	Poplar Bluff, MO 63901 416 S Front PO Box 159	Closed/Change of Owner	10/31/2014	3/21/2014
Preneed Seller						
	R & L Schulz LLC	2009038323	Grant City, MO 64456 701 Vine St	Closed/Change of Owner	10/31/2014	6/12/2014
	Poplar Bluff, MO 63901		Poplar Bluff, MO 63901			

**Closed Funeral Establishments, Preneed Providers, and Preneed Sellers
Between 3/18/2014 and 6/19/2014**

Preneed Seller	Name	Lic Number	Address	License Status	Exp Date	Closed Date
	Andrews Funeral Home	2009037520	416 S. Front PO Box 159	Closed/Change of Owner	10/31/2014	3/21/2014
	Roll Enterprises LLC	2011039143	Grant City, MO 64456 211 S Oak	Closed/Change of Owner	10/31/2014	5/22/2014

California, MO 65018

6/19/2014

Disciplinary Actions Initiated
Between 03/18/2014 and 06/19/2014

Board Name

Embalmers & Funeral Directors

Funeral Director

006595	Collier, Mark E	Probation
2013035815	Robinson, John Edward	Suspended 324.010
Total Revoked: 0		Total Revoked 324.010: 0
Total Suspension: 0		Total Suspended 324.010: 1
Total Probation: 1		Total Other: 0
Total Suspension/Probation: 0		

Funeral Establishment

2014016391	Woods Memorial Group, LLC	Issued Probated License
Total Revoked: 0		Total Revoked 324.010: 0
Total Suspension: 0		Total Suspended 324.010: 0
Total Probation: 0		Total Other: 1
Total Suspension/Probation: 0		

Preneed Agent Funeral Director

2009036228	Collier, Mark E	Probation
2010000223	Kortkamp, Angela E	Suspended 324.010
Total Revoked: 0		Total Revoked 324.010: 0
Total Suspension: 0		Total Suspended 324.010: 1
Total Probation: 1		Total Other: 0
Total Suspension/Probation: 0		

Preneed Provider

2009039893	Ferry Funeral Home, Inc	Probation
2014017843	Woods Memorial Group LLC	Issued Probated License
Total Revoked: 0		Total Revoked 324.010: 0
Total Suspension: 0		Total Suspended 324.010: 0
Total Probation: 1		Total Other: 1
Total Suspension/Probation: 0		

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

Robinson, John Edward

Johnson, Raileigh Clint

Lindner, Andrew Evan

Hess, Chandra Eileen

McClendon, Jason Allen

Rhodes, Christopher Jerome

Toth, Andrew Spencer

Asbury, Mark Douglas

Meinders, Christopher Carl

License #

2014008681

2014010249

2014010331

2014011779

2014012255

2014015979

2014015981

2014016642

2014018295

Orig Issue Date

3/20/2014

4/2/2014

4/3/2014

4/17/2014

4/22/2014

5/27/2014

5/27/2014

6/3/2014

6/11/2014

Embalmer

9

Licensee Name

Lindsey, Ashton Elizabeth

License #

2014011343

Orig Issue Date

4/15/2014

Funeral Director Limited

1

Licensee Name

Lindner, Andrew Evan

Nelums, Davida Yavette

Zempel, Elizabeth Ann

McClendon, Jason Allen

Spencer, Erica Renee

Fowler, Joshua Wade

Hierholzer, Blake Tyler

Stahlhut, David Ralph

Toth, Andrew Spencer

Tuggle-Waller, Buffie Marie

Fowler, April

Asbury, Mark Douglas

Jenkins, Christopher Wayne

License #

2014008868

2014009866

2014011781

2014012256

2014014408

2014015332

2014015335

2014015980

2014015982

2014015983

2014015985

2014016643

2014019184

Orig Issue Date

3/21/2014

3/31/2014

4/17/2014

4/22/2014

5/14/2014

5/21/2014

5/21/2014

5/27/2014

5/27/2014

5/27/2014

5/27/2014

6/3/2014

6/18/2014

Funeral Director

13

Licensee Name

Andrews-Hann Funeral Home, LLC

Midlawn Memorial Gardens, Inc

Mount Wheeler Consulting Services LLC

Ozarks Memorial Crematory LLC

Phillips Funeral Home, Inc.

Woods Memorial Group, LLC

The New Golden Gate Funeral Chapel LLC

Premier Funeral Management Group III LLC

Premier Funeral Management Group III LLC

License #

2014008795

2014011635

2014012290

2014015274

2014015498

2014016391

2014018440

2014018452

2014018453

Orig Issue Date

3/21/2014

4/16/2014

4/22/2014

5/21/2014

5/22/2014

5/30/2014

6/12/2014

6/12/2014

6/12/2014

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

Premier Funeral Management Group III LLC

License #

2014018454

Orig Issue Date

6/12/2014

Funeral Establishment

10

Licensee Name

Johnson, Raileigh Clint

License #

2014008688

Orig Issue Date

3/20/2014

Monroe, Andre

2014008748

3/20/2014

Weir, Carol Ann

2014011570

4/16/2014

Benson, Bryan Michael

2014012678

4/25/2014

Hathcock, Daniel R

2014013714

5/9/2014

Fricke, Jordan

2014013715

5/9/2014

Scott, Mary Elizabeth

2014014409

5/14/2014

Lancaster, Keith Warren

2014015337

5/21/2014

Marshall, Gary

2014016637

6/3/2014

Preneed Agent Funeral Director

9

Licensee Name

Brown, Cecelia Anne

License #

2014005741

Orig Issue Date

3/20/2014

Brown, Cecelia Anne

2014005741

3/20/2014

Piloski, Kathleen Ann

2014009955

4/1/2014

Phillips, Deborah K

2014010991

4/10/2014

Moluf, Larry Frederick

2014011182

4/11/2014

Bremer, Sheryl Ann

2014011324

4/14/2014

Dicandia, Deanna Lynn

2014011339

4/15/2014

McBee, Stephen Allen

2014011341

4/15/2014

Williams, Dion Harold

2014011342

4/15/2014

Appel, Stacie Lynn

2014011827

4/17/2014

Yates, Gary P

2014014326

5/14/2014

Webb, Andrea Michelle

201401441C

5/14/2014

Brown, Mark Anthony Neal

2014014424

5/15/2014

Klestinske, Kelley Lou-Dee

2014015336

5/21/2014

Fowler, Gregory Don

2014015862

5/27/2014

Brooks, Mark Anthony

2014016661

6/3/2014

Lane, Bradley Russell

2014018001

6/10/2014

Preneed Agent

17

Licensee Name

Andrews-Hann Funeral Home, LLC

License #

2014008796

Orig Issue Date

3/21/2014

Phillips Funeral Home, Inc.

2014015499

5/22/2014

Mount Wheeler Consulting Services LLC

2014016635

6/3/2014

Woods Memorial Group LLC

2014017843

6/9/2014

Premier Funeral Management Group III LLC

2014018451

6/12/2014

6/19/2014

Original Licenses Issued
Between 03/18/2014 and 06/19/2014

Board Name

Embalmers & Funeral Directors

Licensee Name	License #	Orig Issue Date
Premier Funeral Management Group III LLC	201401845E	6/12/2014

Preneed Provider 6

Licensee Name	License #	Orig Issue Date
Andrews-Hann Funeral Home, LLC	201400879E	3/21/2014
Mount Wheeler Consulting Services, LLC	201401663E	6/3/2014
Premier Funeral Management Group III LLC	201401845C	6/12/2014

Preneed Seller 3

Total count for the Embalmers & Funeral Directors board: 68

Podiatrists

Licensee Name	License #	Orig Issue Date
Sabers, Alex M	201401533E	5/21/2014

Podiatrist/Ankle 1

Licensee Name	License #	Orig Issue Date
Harry, Franklin W	2014009972	4/1/2014
Lewis, Eric Andrew	2014014351	5/14/2014
DeLutis, Tiffany Monique	201401737E	6/5/2014
Hunziker, Brian David	2014018361	6/12/2014

Podiatrist 4

Licensee Name	License #	Orig Issue Date
Wishau, Tyler J	201401830E	6/11/2014
Nielsen, Todd William	201401906E	6/17/2014
Williamson, Matthew O	201401908E	6/17/2014

Temporary Podiatrist 3

Total count for the Podiatrists board: 8

6/19/2014

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Disciplinary Actions

Ordered From 03/16/2014 Through 06/19/2014

Complaint: 2012-007211 Collier, Mark PNA 2009036228 FD006595 2 YRS PROBATION
Collier, Mark E S/C:
04/16/2014

Disciplinary Actions

Ordered From 03/18/2014 Through 06/19/2014

Probation

Joint Stipulation of Facts and Conclusions of Law

The parties agree and stipulate to the following findings of fact and conclusions of law:

Parties and Background

The Board is an agency of the State of Missouri created and established pursuant to Section 333.151, RSMo, and vested with the authority to execute and enforce the provisions of Chapter 333 and portions of Chapter 436, RSMo.

Mark E. Collier is an individual who has registered his address with the Board as 3380 Falcon Crest Court, Bridgeton, Missouri 63044.

Collier holds preneed agent registration number 2009036228 that lapsed, as of October 31, 2012 as Collier failed to provide all information necessary for the Board to renew the preneed agent registration.

Collier holds funeral director license number 006595 which is current and active and has been so at all times relevant to this Settlement Agreement.

Collier submitted his "2012 Renewal License Preneed Agent Funeral Director" to the Board that he dated as being signed on September 25, 2010. (the "Agent Renewal"). The Board received the Agent Renewal on September 26, 2012.

Basis for Discipline

On the Agent Renewal, Collier answered "yes" to question 6 that stated:

Since last renewal, have you been arrested, charged with any violation of any federal, state or municipal law, ordinance or rule whether or not sentence was imposed (includes suspended imposition of sentence (SIS)).

Along with the Agent Renewal, Collier explained that he was arrested on June 10, 2012 for DWI, but that he had not yet been convicted or charged.

Criminal Case

On June 10, 2012, Collier was charged with "Dwi-Alcohol {Misdemeanor B RSMo: 577.010}" in the Circuit Court of St. Charles County in State v. Mark E. Collier, Case number 1311-CR02644 (the "DWI Case").

On May 21, 2013, Collier entered a guilty plea and was sentenced by the Court in the DWI Case.

The Court imposed sentence in the DWI Case of 120 days incarceration, with a suspended execution of sentence, and placed Collier on supervised probation for a period of 2 years beginning on May 21, 2013.

Cause to Discipline

Driving while intoxicated is an offense reasonably related to the qualifications, functions and duties of a licensee of the Board and alcohol is a controlled substance.

Collier failed to notify the Board of the final adjudication of these charges and more than 30 days has passed since his final adjudication.

The Board has cause to discipline Collier's funeral director license and preneed agent registration pursuant

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Disciplinary Actions

Ordered From 03/18/2014 Through 06/19/2014

Missouri Division of Professional Registration pursuant
to Section 333.330.2 (1), (2), RSMo.

6/19/2014

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Disciplinary Actions

Ordered From 03/18/2014 Through 06/19/2014

Complaint: 2012-007211 Collier, Mark PNA 2009036228 FD006595 2 YRS PROBATION
Collier, Mark E S/C:
 04/16/2014

Disciplinary Actions

Ordered From 03/18/2014 Through 06/19/2014

Probation

Joint Stipulation of Facts and Conclusions of Law

The parties agree and stipulate to the following findings of fact and conclusions of law:
Parties and Background

The Board is an agency of the State of Missouri created and established pursuant to Section 333.151, RSMo, and vested with the authority to execute and enforce the provisions of Chapter 333 and portions of Chapter 436, RSMo.

Mark E. Collier is an individual who has registered his address with the Board as 3380 Falcon Crest Court, Bridgeton, Missouri 63044.

Collier holds preneed agent registration number 2009036228 that lapsed, as of October 31, 2012 as Collier failed to provide all information necessary for the Board to renew the preneed agent registration.

Collier holds funeral director license number 006595 which is current and active and has been so at all times relevant to this Settlement Agreement.

Collier submitted his "2012 Renewal License Preneed Agent Funeral Director" to the Board that he dated as being signed on September 25, 2010. (the "Agent Renewal"). The Board received the Agent Renewal on September 26, 2012.

Basis for Discipline

On the Agent Renewal, Collier answered "yes" to question 6 that stated:
Since last renewal, have you been arrested, charged with any violation of any federal, state or municipal law, ordinance or rule whether or not sentence was imposed (includes suspended imposition of sentence (SIS)).

Along with the Agent Renewal, Collier explained that he was arrested on June 10, 2012 for DWI, but that he had not yet been convicted or charged.

Criminal Case

On June 10, 2012, Collier was charged with "Dwi-Alcohol (Misdemeanor B RSMo: 577.010)" in the Circuit Court of St. Charles County in State v. Mark E. Collier, Case number 1311-CR02644 (the "DWI Case").

On May 21, 2013, Collier entered a guilty plea and was sentenced by the Court in the DWI Case.

The Court imposed sentence in the DWI Case of 120 days incarceration, with a suspended execution of sentence, and placed Collier on supervised probation for a period of 2 years beginning on May 21, 2013.

Cause to Discipline

Driving while intoxicated is an offense reasonably related to the qualifications, functions and duties of a licensee of the Board and alcohol is a controlled substance.

Collier failed to notify the Board of the final adjudication of these charges and more than 30 days has passed since his final adjudication.

The Board has cause to discipline Collier's funeral

6/19/2014

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Disciplinary Actions

Ordered From 03/18/2014 Through 06/19/2014

Missouri records and records system registration pursuant
to Section 333.330.2 (1), (2), RSMo.

6/19/2014

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Disciplinary Actions

Ordered From 03/18/2014 Through 06/19/2014

Complaint: 2013-006617 Ferry Funeral Home, Inc/ Ferry Funeral Home 2009039893 PNP Late Renewal PROBATION
Ferry Funeral Home, Inc S/C:
DBA:Ferry Funeral Home 05/24/2014

Disciplinary Actions

Ordered From 03/18/2014 Through 06/19/2014

Probation

Joint Stipulation of Facts and Conclusions of Law

The parties agree and stipulate to the following findings of fact and conclusions of law:
 Parties and Licenses

The Board is an agency of the State of Missouri created and established pursuant to Section 333.151, RSMo, and vested with the authority to execute and enforce the provisions of Chapter 333 and portions of Chapter 436, RSMo.

Ferry Funeral Home, Inc. is a Missouri corporation in good standing and has registered its address with the Board as 301 S. Washington, Nevada, Missouri 64772.

Ferry Funeral holds provider license number 2008039893. This license was current and active at all times relevant to this Settlement Agreement, except for when the license lapsed due to non-renewal from November 1, 2013 until it was renewed on November 19, 2013.

Conduct Giving Cause for Discipline

Unlicensed Practice as a Provider

By letter dated November 12, 2013, the Board notified Ferry Funeral that because its provider license expired and was not renewed prior to October 31, 2013, that Ferry Funeral could not lawfully practice as a provider. This letter also instructed Ferry Funeral as to how to seek reinstatement of its license.

Ferry Funeral signed its "2013Renewal Notice/Annual Report Preneed Provider" (the "Provider Renewal") on September 13, 2013, but did not submit it to the Board on or before the due date of October 31, 2013. The Board received the Provider Renewal on November 15, 2013.

Ferry Funeral signed its "Reinstatement" request for its provider license on November 15, 2013 and the Board received it on November 18, 2013.

The Board issued a renewed provider license to Ferry Funeral on November 19, 2013.

The Board conducted an investigation to determine whether Ferry Funeral acted as a provider during the time when its provider license lapsed.

Ferry Funeral continued to act as a provider on its existing preneed contracts while its license was lapsed.

Ferry Funeral continued to be designated as a provider of preneed contracts while its license was lapsed and held out as such to the public.

Ferry Funeral provided 4 preneed contracts while its license was lapsed.

Cause to Discipline

Ferry Funeral practiced as a provider during a period when it held no valid license to do so.

The Board has cause to discipline Ferry Funeral's provider licenses pursuant to Section 333.330.2, (6), (7), (14), and (19) RSMo.

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Disciplinary Actions

Ordered From 03/18/2014 Through 06/19/2014

Complaint: 2014-001165 **Kortkamp, Angela** PFD 2010000223 **DOR HB600**

Kortkamp, Angela E

S/C:

03/22/2014

Suspended 324.010

This license has been suspended by operation of law pursuant to Section 324.010, RSMo, which requires suspension of the professional license of individuals who fail to file state tax returns or fail to pay state tax liabilities.

Complaint: 2014-002115 **Robinson, John** **DOR HB600**

Robinson, John Edward

S/C:

04/26/2014

Suspended 324.010

This license has been suspended by operation of law pursuant to Section 324.010, RSMo, which requires suspension of the professional license of individuals who fail to file state tax returns or fail to pay state tax liabilities.

Disciplinary Actions

Ordered From 03/18/2014 Through 06/19/2014

Complaint: 2014-002884 Woods Memorial Group LLC/Tyler M Woods Funeral Director PNP2014017843 5 years probation

Woods Memorial Group LI S/C:

DBA:Tyler M. Woods Funeral D 06/09/2014

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Disciplinary Actions

Ordered From 03/18/2014 Through 06/19/2014

Issued Probated License

Issued preneed provider license subject to 5 years probation

Parties and Background

The Board is an agency of the State of Missouri created and established pursuant to Section 333.151, RSMo, and vested with the authority to execute and enforcing the provisions of Chapter 333 and portions of Chapter 436, RSMo.

Woods Memorial Group L.L.C. d/b/a Tyler M. Woods Funeral Director is a Missouri limited liability corporation, in good standing.

Tyler M. Woods Funeral Director is registered with the Missouri Secretary of State as a fictitious name owned by Woods Memorial Group L.L.C.

Woods Memorial applied for a Missouri provider license by filing its "Provider Application" (the "Application") with the Board.

The Board received the Application on March 31, 2014.

The Application lists Tyler M. Woods as the funeral director in charge of Woods Memorial.

Woods Memorial currently holds a funeral establishment license for a location located at 3216 B6 Emerald Lane, Jefferson City, Missouri 65109 that operates under the registered name of Memorial Cremation and Burial Services, establishment license number 2012035250.

On May 30, 2014, the Board issued to Woods Memorial a funeral establishment license for a location located at 611 E. Capital Avenue, Jefferson City, Missouri 65101 operating under the name Tyler M. Woods Funeral Director, establishment license number 2014016391 (the "New Establishment License").

The Application became finally submitted on May 30, 2014.

Basis for Probation

On March 30, 2014, an advertisement appeared in the Jefferson City New Tribune for a funeral home advertising the name "Tyler M. Woods Funeral Director."

On April 25, 2014, Licensee held out to the public on Facebook as providing "Burial & Cremation Service... Funeral Service" as a business under the name "Tyler M. Woods Memorial Cremation & Burial Services."

Prior to issuance of the New Establishment License, Licensee held out to the public on its website www.woodsmemorialservices.com that it was a funeral establishment that provided funeral services, including in-house embalming, under the name "Tyler M. Woods Funeral Director."

Prior to issuance of the New Establishment License, Licensee held out to the public on its website www.woodsmemorialservices.com, that it operated several businesses including "Tyler M. Woods Funeral Director - Jefferson City, MO... Tyler M. Woods Funeral Director, Ashland, MO..."

Disciplinary Actions

Ordered From 03/18/2014 Through 06/19/2014

Prior to issuance of the New Establishment License, Licensee held out in obituaries published on the website located at <http://www.cremationsjeffersoncity.com> that arrangements for funerals were under the direction of "MEMORIAL CREMATION & BURIAL SERVICES & TYLER M. WOODS."

While Memorial Cremation and Burial Services is a licensed funeral establishment and authorized to make funeral arrangements, prior to issuance of the New Establishment License, Tyler M. Woods was not a licensed funeral establishment name and was not a funeral establishment authorized to make funeral arrangements.

Tyler M. Woods Memorial Cremation & Burial Services is not a name registered with the Board as authorized for any Licensee to use in an advertisement.

Prior to issuance of the New Establishment License, no entity registered with the Board the name "Tyler M. Woods Funeral Director" as an authorized name for holding out to the public as a funeral establishment.

Licensee holds no license to operate a funeral establishment in Ashland, Missouri.

Licensee holds no license for a funeral establishment authorized for "in-house embalming."

By letter dated April 28, 2014, the Board requested Licensee to appear before the Board to discuss the Application.

On May 5, 2014, Licensee appeared before the Board and discussed the Application with the Board, including Licensee's use of a non-registered name for its business.

On May 28, 2014, prior to issuance of the New Establishment License, Licensee sent an e-mail to the Board with a signature block using the name "Tyler M. Woods Funeral Director" as an establishment name.

Cause for Discipline

Licensee held out to the public and represented itself as a licensed funeral establishment at a time when it held no such license, held itself out as operating a funeral establishment in Ashland, Missouri where Licensee had no funeral establishment located, and held itself out as providing in-house embalming when it held no such license, and thus the Board has cause to deny the Application pursuant to Section 333.330.2 (5), (6), (7), and (14), RSMo.

The Board finds that issuance of a probated provider license, subject to certain terms and conditions, in lieu of denial, will ensure protection of the public.

Disciplinary Actions

Ordered From 03/18/2014 Through 06/19/2014
