

State Board of Embalmers and Funeral Directors

December 9-10, 2014

Kansas City Marriott Country Club Plaza
4445 Main Street
Kansas City MO 64111

OPEN MINUTES

Call to Order

The meeting of the State Board of Embalmers and Funeral Directors was called to order by James Reinhard, chairman, at 3:30p.m.

Roll Call

Board Members Present

James Reinhard, Chairman

Collin Follis, Secretary

Gary Fraker, Member – was present on the telephone December 9th and also on December 10th from 8am-12pm

Jerald Dickey, Member

Eric Pitman, Member– was present on the telephone on December 10th from 1pm-3pm

Board Members Not Present

Archie Camden, Vice Chairman, Public Member

Staff Present

Sandy Sebastian, Executive Director

Tabatha Lenzini, Administrative Assistant

Lori Hayes, Inspector

Sharon Euler, Division Legal Counsel

Diana Carter, Litigation Counsel, Brydon, Swearingen and England – was present on the telephone on December 9th from 4:00p.m. to 4:30p.m.

Approval of Amended Agenda

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

Move to Closed

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

Financial Examination Committee Appointment

Sandy announced that Archie Camden is stepping down from the examination committee temporarily and Collin Follis will be assuming that role and that Jim had made the appointment October 15, 2014.

Review of Open Minutes

A motion was made by Collin Follis and seconded by Jerald Dickey to approve the following open minutes -

March 11, 2014 Mail Ballot

November 25, 2014 Conference Call

Motion carried Gary Fraker voting in favor with no votes in opposition. Archie Camden and Eric Pitman WERE not present.

Executive Director Report

Sandy discussed the Financial Report from October 31, 2014 however the projections are still being working on with administration and have not yet been added to the statement. Sandy shared with the board that license reports for new, closed/ceased and disciplined licenses for the period September 12, 2014 and December 1, 2014 were included. Sandy reported that preneed agent renewal had just ended November 30 and letters would be going out to those that had not renewed as well as to preneed sellers with whom the agent has a relationship registered with the board. She discussed upcoming conferences and asked if any board members would be interested in attending 2015 FARB Forum, January 22-25, 2015 in Tucson, AZ or The Conference, February 25-26, 2015, in Dallas Texas. In planning for the March meeting, Sandy asked board members to let her know what dates would not work for them. It was discussed to have the meeting in Jefferson City. Sandy shared with the board that Kristin Butler was hired to replace Micelle Hankinson as a financial examiner.

Legal Counsel Report

Sharon gave an update on the National Prearranged Services criminal case and indicated that as of recent restitution amount of about \$6,400 has been paid back by the defendants; and that some legal matters were set for argument on December 17-18 regarding independent investment advisor and beneficiary of a preneed contract/trust. Sharon shared that Randall Sutton, one of the defendants, passed away in prison.

Open Session/Discussion

Don Otto, with the Missouri Funeral Directors and Embalmers Association, discussed the new electronic death certificate system and the discussions he's had with the Department of Health and Senior Services (DHSS) regarding the downtime of the system; he indicated that DHSS indicated they had put in for funds to update the current system to include email notification to the physician; and that DHSS was looking into the option of letting the physician fax to the funeral director the cause of death and have the funeral director enter it into the electronic system. Don Otto also shared with the board that during the next legislative session the association would still be working to get rid of the \$36 for insurance assignments on pre-existing policies); looking at the right of sepulcher when there are multiple people in a category to change it to majority rules; to make changes language regarding disinterment of a body. Don reported that March 11 is legislative day at the capitol for the association.

A member of the public indicated that they would like the board to talk to Department of Health and Senior Services regarding correction of death certificates. A motion was made by Collin Follis and seconded by Jerald Dickey write a letter to the Department of Health and Senior Services regarding concerns the board has with the system and process. Motion carried Gary Fraker voting in favor with no votes in opposition. Archie Camden and Eric Pitman were not present.

A member of the public asked if the financial examiners did an exit interview with licensees as a part of the examination process. It was discussed that a formal exit process has not been established but that examiners and licensees have discussions at that time as well as follow up after they have completed the onsite prior the reports being finalized.

Move to Closed

A motion was made by Collin Follis and seconded by Jerald Dickey to move to closed for #1, 2, 3, 7, 8 and 9 of the attached motions to close. Motion carried Gary Fraker voting in favor with no votes in opposition. Archie Camden and Eric Pitman were not present.

Adjournment

A motion was made by Collin Follis and seconded by Jerald Dickey to adjourn the meeting at 3:00 p.m. Motion carried with Eric Pitman voting in favor with no votes in opposition. Archie Camden and Gary Fraker were not present.

Executive Director: Sandy Sebastian

Approved by the board: 9/9-10/2015

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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