

State Board of Embalmers and Funeral Directors

March 16-17, 2015

Drury Inn & Suites – Brentwood
8700 Eager Road
Brentwood, MO 63144

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 2:00p.m.

Roll Call

Board Members Present

Collin Follis, Secretary
Jerald Dickey, Member
Eric Pitman, Member

Board Members Absent

Archie Camden, Vice Chairman, Public Member
Gary Fraker, Member

Staff Present

Sandy Sebastian, Executive Director
Tabatha Lenzini, Administrative Assistant
Sharon Euler, Division Legal Counsel
Nichole Bock, Assistant Attorney General (present on March 17th 10:44a.m. to 11:00a.m.)
Jamie Cox, Legal Counsel, Brydon, Swearingen and England (present on March 17th 10:30a.m. to 10:42a.m.)

Approval of Agenda

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

Future Board Meeting Dates

A motion was made by Collin Follis and seconded by Jerald Dickey to set the June, 2015 meeting date during the 3rd week in Jefferson City; the September meeting for the 2nd week on a Wednesday, Thursday Friday combination in Jefferson City; and the December meeting for the 2nd week on a Wednesday, Thursday Friday combination in Kansas City. Motion carried with Eric Pitman voting in favor with no votes in opposition. Archie Camden and Gary Fraker were not present.

Election of Officers (to be effective April 1, 2015)

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

A motion was made by Eric Pitman and seconded by Collin Follis to nominate James Reinhard for vice chairman and Jerald Dickey for secretary. Motion carried with Jerald Dickey voting in favor with no votes in opposition. Archie Camden and Gary Fraker were not present.

Move to Closed

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

Financial Examination Committee Appointment effective January 1, 2015

Jim announced that he had appointed Archie Camden to the financial examination committee effective January 1, 2015 to replace Collin Follis.

Executive Director Report

Sandy shared with the board that Katie Steele Danner had been appointment by Governor Nixon to serve as the director of the division. She also reported that Kristin Butler had started as an examiner in mid-December; Leah Hauck had joined the staff as a processing technician; and that Lauren Fennwald moved from an hourly employee into a full time position, working 24 hours a week. Sandy also reported that the office would be hiring an hourly examiner to assist with financial examinations.

Sandy shared with the board the financial report for January 31, 2015, which reflected that the board had collected more revenue than anticipated and if revenue and expenses continued to be similar to what they had been the board may need to evaluate fee reductions during the upcoming fiscal year.

Sandy updated the public on all of the bills that are before the general assembly that either have direct or indirect correlation to the funeral industry. The list included senate bills 498, 164, 333, 416, 107, 8, 95, 103, 348, 363, 459 and 536 and house bills 276, 283, 1113, 618, 32, and 422. Sandy stated the board staff and division staff will continue to monitor.

Sandy informed the board of the December 12, 2014 press release from The Conference regarding their announcement of settlement with AAMI litigation and the return to regular testing scheduled for AAMI students in May 2015.

Sandy informed the board that the license reports (new, closed/ceased, disciplined) covering December 1, 2014 to March 6, 2015 were included. There were no questions.

Sandy discussed the following conferences:

- 2015 FARB Forum – January 22-25, 2015 – Tucson, AZ
Sandy attended the conference and reported that there was much discussion about regulatory processes across states including similarities and differences; and that FARB was launching a top regulatory site so that cases would be available to its members
- The Conference – February 25-26, 2015 - Dallas Texas
Sandy reported that she and Collin both attended the conference; during the conference the body approved the model practice act, which was included in the board agenda materials.

Sandy shared with the board that Lexi Hall, Deputy Registrar with the Department of Health and Senior Services – Vital Statistics had retired.

Sandy mentioned the next meeting dates/location for June were already discussed at the beginning of the meeting and had nothing else to report.

The International Conference of Funeral Service Examining Boards Model Practice Act

Sandy updated that the conference has been working on this for a couple years. And at the meeting she attended they were discussing that act was a living document and there were already discussions of changes.

Legal Counsel Report

Sharon provided an update on National Prearranged Services litigation stating that the trial court issued an order regarding beneficiaries of the trust being the seller, provider and consumer.

Sharon provided an update on North Carolina State Board of Dental Examiners v Federal Trade Commission.

St. Louis Community College Presentation – David Coughran

David Coughran met with the board and provided an update on the status of the program's accreditation. He stated that they will be meeting in April with the accreditation board to hopefully get their accreditation back. He stated they were adding a funeral director practicum to their curriculum to help students with the Arts which will allow students to shadow or assist in a funeral establishment for whatever they will allow; the establishment must sign off on their activities; they have increased the prerequisites for admittance to the program; the class size is now at 17 and they are most comfortable with 15-20.

Open Session/Discussion

Don Otto with the Missouri Funeral Directors and Embalmers Association discussed legislation; informed the board that May 31-June 3 will be the association conference in St Charles and that Scott Gilligan would be coming from NFDA to speak.

A member of the public asked the board if there was any update regarding the Shelby Funeral Home and was informed there would be hearing on Wednesday regarding contempt relating to the injunction.

A member of the public encouraged the board to be aware of the activities of Polley Funeral Home and Toby Polley.

A member of the public suggested the board google "affordable cremation" and see what comes up as they believe they are making funeral arrangements by contacting funeral establishment in Missouri and contracting for them.

Discussion relating to Alkaline Hydrolysis

Joe Wilson and Jonathan Hughes met with the board to discuss the low pressure/low heat method of disposition. The board has draft regulations that prevent such in the state and they wanted to discuss. They are information relating to the machine that is manufactured in Indiana where Mr. Wilson works, including the cost variation between their machine and a high pressure/high heat. No motion was made relative to this discussion.

Gregory Crocker – Funeral Director – Disciplinary Hearing - Case #14-1545 EM

A disciplinary hearing was held with the board being represented by Jamie Cox. Licensee did not appear. The board deliberated in closed session.

Micah Wynes - Preneed Agent – Settlement Modification Hearing – Case EMB 15-004

A hearing was held with the board being represented by Sharon Euler. Licensee did not appear. The board deliberated in closed session.

Leland Kolkmeier – Embalmer, Funeral Director, Preneed Funeral Director Agent – Disciplinary Hearing – Case #14-1160 EM

A disciplinary hearing was held with the board being represented by Nichole Boch. Licensee did not appear. The board deliberated in closed session.

Move to Closed

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

Adjourn

A motion was made by Jerald Dickey and seconded by Eric Pitman to adjourn 2:46 p.m. Motion carried with Collin Follis voting in with no votes in opposition. Archie Camden and Gary Fraker were not present.

Approve by the board on: 9/9-10/2015

Executive Director: Sandy Sebastian

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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