

State Board of Embalmers and Funeral Directors

June 25, 2015

Missouri Association of School Administrators
3550 Amazonas Dr
Jefferson City, MO 65109

OPEN AGENDA

For the convenience of those that wish to participate in the open session of this meeting to hear the board's discussions, individuals may call 866-204-4916 to participate. This number will be available from 8:00a.m. to 10:00a.m.

June 25, 2015 8:00 a.m.

1. Call to Order
2. Roll Call
3. Approval of Agenda
4. (Tab 1) Executive Director Report
 - Financial Statement
 - License Reports (new, closed/ceased, disciplined)
 - The Conference Exam Administration Updates – Press release dated June 1, 2015
 - Out of state travel to evaluate low temperature alkaline hydrolysis system(s)
5. Legal Counsel Report
6. Examination Committee Appointments
7. (Tab 2) Litigation Counsel Contract Renewal
8. (Tab 3) Upcoming Conferences –
 - FARB – 23rd Annual Regulatory Law Seminar – October 1-4, 2015
 - CLEAR Annual Education Conference – September 17-19, 2015
9. (Tab 4) Legislative Proposal Discussion
10. (Tab 5) Review of Regulations –
 - 20 CSR 2120-2.010 Embalmer's Registration and Apprenticeship to include discussion relating to embalmer apprentice authorized locations
 - 20 CSR 2120-2.060 Funeral Directing to include discussion relating to funeral director apprentice authorized locations
 - 20 CSR 2120-2.070 Funeral Establishments to include discussion relating to establishments destroyed by fire or some other disaster or act of God
11. Open Session/Discussion
12. CLOSED
13. Adjourn

**Board of Embalmers
Financial Statement - FY 2015
as of April 30, 2015**

	Year-To-Date	Projected	Remaining
FY 2014 Beginning Fund Balance	3,009,200.72		
Revenue	770,954.20	704,565.00	(61,740.20)
Expense and Equipment	100,376.25	164,200.00	83,112.77
Total Transfers & Licensure System	590,596.47	939,819.42	413,431.22
Ending Fund Balance	3,089,182.20		

Line	FY 2015 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 2015 Monthly Fund Balance Sheet																								
3																									
4	Beginning Fund Balance																								
5	3,009,200.72	2,950,315.54	2,871,889.95	2,871,853.07	3,328,390.27	3,434,759.32	3,366,787.71	3,299,197.08	3,225,200.79	3,168,030.49	3,089,182.20	3,089,182.20	3,089,182.20	3,089,182.20	704,565.00	(65,389.20)									
6	Revenue	10,161.00	6,529.00	36,165.00	524,575.00	8,184.00	3,621.00	5,211.20	7,171.00	4,649.00	0.00	0.00	0.00	0.00	770,954.20	704,565.00									
7	Start-up Loan Transfer - Lender's 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									
8	Total Revenue	10,161.00	6,529.00	36,165.00	524,575.00	8,184.00	3,621.00	5,211.20	7,171.00	4,649.00	0.00	0.00	0.00	0.00	770,954.20	704,565.00									
9	Total Funds Available	3,019,361.72	2,956,844.54	2,928,054.95	3,396,428.07	3,431,778.27	3,370,708.71	3,305,408.28	3,232,371.79	3,172,679.49	3,089,182.20	3,089,182.20	3,089,182.20	3,089,182.20	3,713,765.72	0.00									
10	Appropriation Costs:																								
11	Expense and Equipment																								
12	6,062.10	3,772.13	2,403.35	7,570.25	6,913.54	18,330.21	14,414.84	15,110.26	6,510.55	19,289.02	0.00	0.00	0.00	100,376.25	164,200.00	63,823.75									
13	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									
14	Total Appropriation Costs	6,062.10	3,772.13	2,403.35	7,570.25	6,913.54	14,414.84	15,110.26	6,510.55	19,289.02	0.00	0.00	0.00	100,376.25	164,200.00	63,823.75									
15																									
16	License System Cost (PR Transfer)																								
17	0.00	0.00	0.00	0.00	0.00	0.00	12.41	0.00	0.00	0.00	0.00	0.00	0.00	12.41	0.00	(12.41)									
18	License System Cost (Appropriation 8428)	0.00	0.00	0.00	0.00	0.00	1,195.39	0.00	2,717.55	0.00	0.00	0.00	0.00	3,912.94	0.00	(6,912.94)									
19	Total License System Cost	0.00	0.00	0.00	0.00	0.00	1,207.80	0.00	2,717.55	0.00	0.00	0.00	0.00	3,925.35	0.00	(3,925.35)									
20	PR Appropriated Transfers (HB 7.540):																								
21	Rent	0.00	1,746.18	595.51	0.00	595.52	614.59	585.52	565.52	2,179.27	0.00	0.00	0.00	18,027.21	38,695.11	20,667.90									
22	DJFP Department Cost Allocation	574.72	0.00	0.00	574.72	0.00	574.72	0.00	0.00	574.72	0.00	0.00	0.00	2,298.88	2,298.88	0.00									
23	License Refunds	0.00	0.00	0.00	200.00	0.00	319.00	0.00	0.00	966.00	0.00	0.00	0.00	1,485.00	1,500.00	15.00									
24	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									
25	Division PR Transfer:																								
26	CU Investments	0.00	2,388.43	1,758.17	1,662.87	1,664.09	1,828.26	3,026.08	1,823.77	2,179.27	0.00	0.00	0.00	18,027.21	38,695.11	20,667.90									
27	Purchasing Staff	0.00	50.10	55.37	56.08	51.78	51.31	38.26	10.16	0.00	0.00	0.00	0.00	364.88	502.65	137.77									
28	PRIT Staff	0.00	765.17	1,344.40	706.93	493.08	398.61	437.88	606.48	591.22	0.00	0.00	0.00	7,752.71	1,806.41	(5,946.30)									
29	Lead Team	0.00	2,955.08	4,903.11	3,399.23	3,039.23	3,768.71	3,818.13	3,765.67	4,397.87	0.00	0.00	0.00	33,937.32	68,055.44	34,118.12									
30	CRR Staff	0.00	294.77	291.78	301.57	298.37	314.54	331.99	242.67	313.33	0.00	0.00	0.00	2,327.47	4,011.26	1,683.79									
31	Board Specific:																								
32	Personal Services	0.00	0.00	26.73	0.00	0.00	135.12	7,887.37	0.00	113.95	0.00	0.00	0.00	8,650.83	8,372.20	(278.63)									
33	Expense/Equipment	0.00	30,973.00	30,230.04	29,399.99	27,437.37	32,319.08	28,126.55	29,947.20	30,279.85	0.00	0.00	0.00	267,805.56	410,408.02	142,602.46									
34	Fringe Benefits	0.00	14,436.60	14,436.60	14,187.04	12,844.47	13,059.68	13,059.68	13,059.68	13,415.04	0.00	0.00	0.00	121,519.63	200,646.97	79,127.34									
35	Technical Support Staff	0.00	445.38	896.86	825.29	476.42	354.85	286.55	221.09	196.28	0.00	0.00	0.00	3,965.29	3,965.29	0.00									
36	Central Mail Processing	0.00	142.51	137.22	118.04	131.18	132.56	136.94	139.82	136.79	0.00	0.00	0.00	1,205.02	1,505.06	300.04									
37	CU Investments	0.00	6,985.34	5,047.52	4,283.38	3,421.98	4,662.33	5,699.14	5,507.19	8,991.67	0.00	0.00	0.00	46,991.08	65,154.09	18,163.01									
38	Total Division PR Transfer	0.00	59,436.38	59,127.80	54,940.42	49,479.89	55,651.24	52,355.19	54,527.68	60,609.27	0.00	0.00	0.00	510,639.59	809,065.26	298,425.67									
39	Total PR Appropriated Transfers (HB 7.540)	574.72	61,182.56	59,713.31	55,715.14	50,065.41	56,265.83	65,097.24	55,113.20	62,763.35	0.00	0.00	0.00	520,352.87	820,003.06	299,650.19									
40	GR Transfer (HB 7.535):																								
41	Attorney General	0.00	0.00	0.00	3,343.41	0.00	1,580.57	59.87	0.00	0.00	35.92	0.00	0.00	0.00	5,019.77	35,980.23	30,960.46								
42	Administrative Hearing, Comm.	0.00	0.00	1,218.25	0.00	0.00	19.00	558.00	0.00	0.00	0.00	0.00	0.00	1,795.25	5,000.00	3,204.75									
43	Total GR Transfer	0.00	0.00	1,218.25	3,343.41	0.00	1,599.57	617.87	0.00	35.92	0.00	0.00	0.00	6,815.02	45,000.00	38,184.98									
44	Other Transfers:																								
45	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									
46	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									
47	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									
48	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									
49	OA Cost Allocation Transfer	1,409.00	0.00	0.00	1,409.00	0.00	1,409.00	0.00	0.00	1,409.00	0.00	0.00	0.00	5,636.00	5,636.00	0.00									
50	FY 2014 Transfers Carried Over:																								
51	FY 2014 June PR Transfer	60,715.26	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	60,715.26	60,715.26	0.00									
52	FY 2014 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									
53	FY 2014 PR Transfer Adjustment	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									
54	FY 2014 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									
55	FY 2014 Final DJFP 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									
56	FY 2014 AG - June	285.00	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									
57	Total FY 2013 Transfers Carried Over	61,000.26	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	60,715.26	60,715.26	0.00									
58	Total Appropriation Costs and Transfers	69,046.08	64,954.69	56,201.88	66,037.90	56,978.55	71,571.62	80,207.50	64,341.30	83,497.29	0.00	0.00	0.00	713,933.93	713,933.93	0.00									
59	Ending Fund Balance	2,950,315.54	2,891,889.95	2,871,853.07	3,328,390.27	3,434,759.32	3,366,787.71	3,299,197.08	3,225,200.79	3,168,030.49	3,089,182.20	3,089,182.20	3,089,182.20	690,972.72	1,104,019.42	413,046.70									
60	*Please note that the Projected Total Appropriation Costs and Transfers does NOT include the Lapsed Appropriation Costs/Transfers Estimate included on your 5 Year Projections (line 48)																								
61	Total PR Transfer - HB 7.540	61,289.88	61,182.56	59,713.31	55,715.14	50,065.41	56,265.83	65,097.24	55,113.20	62,763.35	0.00	0.00	0.00	573,947.51	24,470,514.32	23,896,566.81									
62	Total GR Transfer - HB 7.535	285.00	0.00	0.00	1,218.25	0.00	1,599.57	617.87	0.00	35.92	0.00	0.00	0.00	7,000.02	46,285.00	39,284.98									
63	Total	61,574.88	61,182.56	59,713.31	56,933.39	50,065.41	57,865.40	65,097.24	55,113.20	62,799.27	0.00	0.00	0.00	581,047.53	24,516,800.32	23,935,751.79									
64																									

**Closed Funeral Establishments, Preneed Providers, and Preneed Sellers
Between 3/19/2015 and 6/11/2015**

Funeral Establishment	Name	Lic Number	Address	License Status	Exp Date	Closed Date
KLM Funeral Homes, L.L.C.		2001002618	105 E 3rd	Closed/Change of Location	12/31/2015	5/1/2015
Meisenheimer Funeral Home LLC		001418	Dixon, MO 65459 PO Box 35	Closed/Change of Owner	12/31/2015	4/9/2015
White Funeral Home		002376	Pilot Grove, MO 65276 156 S. Main	Closed/Out of Business	12/31/2015	5/13/2015
Woods Memorial Group LLC		2012035250	Ironton, MO 636501306 3216 B6 Emerald Ln	Closed/Out of Business	12/31/2015	5/4/2015
The New Golden Gate Funeral Chapel LLC		2014018440	Jefferson City, MO 65109 2800 E 18th St	Closed/Change of Owner	12/31/2015	6/8/2015
Meisenheimer-Griswold Funeral Home, Inc.		2003026375	Kansas City, MO 64127 545 Hwy 50 E Box 278	Closed/Change of Owner	12/31/2015	4/9/2015
Meisenheimer Funeral Home LLC		2005006325	Tipton, MO 65081 705 Main St	Closed/Change of Owner	12/31/2015	4/9/2015
Preneed Provider						
Meisenheimer-Griswold Funeral Home, Inc		2009039124	Otterville, MO 65348 545 Hwy 50 E	Closed/Change of Owner	10/31/2015	4/9/2015
George H. Treaster		2010003432	Tipton, MO 65081 156 S. Main St	Closed/Out of Business	10/31/2015	5/13/2015
KLM Funeral Homes, LLC		2009038080	Ironton, MO 636501306 105 E 3rd St	Closed/Change of Location	10/31/2015	5/1/2015
Woods Memorial Group LLC		2013004678	Dixon, MO 65459 3216 Emerald Ln Ste B6	Closed/Out of Business	10/31/2015	5/4/2015
			Jefferson City, MO 65109			

Between 3/19/2015 and 6/11/2015

Preneed Seller	Name	Lic Number	Address	License Status	Exp Date	Closed Date
Meisenheimer-Griswold Funeral Home Inc		2009039123	545 Hwy 50E PO Box 278	Closed/Change of Owner	10/31/2015	4/9/2015
	George H. Treaster	2010003431	Tipton, MO 65081 156 S. Main St	Active	10/31/2015	5/13/2015
			Ironton, MO 636501306			

Board Name**Embalmers & Funeral Directors**

Licensee Name	License #	Orig Issue Date
Parker, Jessie Dawn	2015009590	3/27/2015
Goodwin, Ashley Marie	2015010131	4/1/2015
Nichols, Todd Richard	2015010133	4/1/2015
Alexander, Jenna Danielle	2015014627	5/14/2015
Lane-Rogers, Dulcinea Marie	2015015356	5/20/2015

Embalmer Apprentice 5

Licensee Name	License #	Orig Issue Date
Carter, Angela Michelle	2015009696	3/30/2015
Gibson, Stephanie Rena	2015010152	4/1/2015
Rollins, Stephanie Jean	2015011909	4/17/2015
Hibdon, Roger Delane	2015012312	4/22/2015
Nelums, Davida Yavette	2015014537	5/13/2015
Schmaltz, Stephen Craig	2015015995	5/27/2015

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Licensee Name	License #	Orig Issue Date
Eidson, Joshua A.	2015009309	3/25/2015
Cleveland, Rashad Drew	2015011330	4/2/2015
Thompson, Kimberly Diane	2015012262	4/22/2015
Burns, Megan A.	2015014655	5/14/2015
Mathews, Haylee Christine	2015016901	6/4/2015

Embalmer Practicum 5

Licensee Name	License #	Orig Issue Date
Basler, Beth Ann	2015008326	3/17/2015
Smith, Walter Thomas, II	2015009312	3/25/2015
Vinyard, Scott Lewis	2015009697	3/30/2015
Nigro, Michael Louis	2015010139	4/1/2015
Hankins, Danny Wayne	2015010171	4/1/2015
Cowins, Michelle Jamese	2015011120	4/10/2015
Elliott, Chaz Evan Joseph	2015012624	4/24/2015
Vandiver, Victoria Linette	2015012625	4/24/2015
Moore, LaToya Renay	2015012626	4/24/2015
Damesworth, Jeremy Lloyd	2015012947	4/28/2015
Brown, Justin Carter	2015013055	4/29/2015
Pointer, Hannah Shelby	2015015402	5/20/2015
York, Joshua Anthony	2015015876	5/27/2015
Ruffett, Ricky Allen	2015015877	5/27/2015
Bradley, Carla Renee	2015016890	6/4/2015
Lawrence, Nathaniel Hylton	2015018213	6/11/2015
Bruce, Daniel Jayson	2015018214	6/11/2015

Board Name**Funeral Directors**

Licensee Name	License #	Orig Issue Date
Bruce, Jennifer Lynn	2015018215	6/11/2015

Funeral Director Apprentice 18

Licensee Name	License #	Orig Issue Date
Lindsey, Philip Matthew	2015015368	5/20/2015

Funeral Director Limited 1

Licensee Name	License #	Orig Issue Date
Humphrey, LaVita Jamelle	2015009318	3/25/2015
Carter, Curtis Scott	2015009699	3/30/2015
Rollins, Stephanie Jean	2015009941	3/31/2015
Morton, Lisa Gail	2015010176	4/1/2015
Curtis, Christina Nicole	2015010265	4/2/2015
McIntyre, Sara Jane	2015010537	4/6/2015
Spidle, Tammy Rae	2015012477	4/23/2015
Lane, Jeremy Aaron	2015012965	4/28/2015
Stith, Kyle Robin	2015014618	5/14/2015
Anderson, Allen L.	2015015362	5/20/2015
Weeks, Avery Anne	2015015945	5/27/2015
Cole, Andrew Neal	2015016892	6/4/2015
Lakin, Brenda Kay	2015018020	6/10/2015
Stevens, Donald Lee	2015018117	6/10/2015

Funeral Director 14

Licensee Name	License #	Orig Issue Date
Ozark Funeral Homes, Inc.	2015008278	3/17/2015
Cantlon Otterness Funeral Home, L.C.	2015009314	3/25/2015
K & C Hulett, LLC	2015011019	4/9/2015
K & C Hulett, LLC	2015011022	4/9/2015
K & C Hulett, LLC	2015011024	4/9/2015
Robinson Mortuary Services LLC.	2015012630	4/24/2015
KLM Funeral Homes, L.L.C.	2015013314	5/1/2015
BCG Enterprise LLC	2015017665	6/8/2015

Funeral Establishment 8

Licensee Name	License #	Orig Issue Date
Murray, Michael D.	2015006440	3/31/2015
Lager, Jessica Lea	2015008851	3/20/2015
Parker, Jessie Dawn	2015009586	3/27/2015
Hulett, Constance	2015010183	4/1/2015
Emerson, Bailey E.	2015011077	4/10/2015
Myers, Hugh T.	2015012554	4/23/2015

Board Name**Embalmers & Funeral Directors**

Licensee Name	License #	Orig Issue Date
Javis, John Matthew	2015012739	4/27/2015

Preneed Agent Funeral Director 7

Licensee Name	License #	Orig Issue Date
Walter, Deedee Marie	2015008734	3/20/2015
Clark, Ronald D.	2015009313	3/25/2015
Grant, Nila Marie	2015010174	4/1/2015
Irions, Brian Gene	2015010746	4/7/2015
Ronan, Patrick J.	2015012265	4/22/2015
Thomas, Douglas Eugene	2015012298	4/22/2015
Birchfield, Mary Ann	2015012299	4/22/2015
Klapmeyer, Christopher Brian	2015012592	4/23/2015
Miner, Robert E.	2015012934	4/28/2015
Christensen, Jamie Lou	2015012966	4/28/2015
Hughes, Gerald Ray	2015013890	5/6/2015
Dunn, William David	2015014620	5/14/2015
Gross, Ashley Danielle	2015014621	5/14/2015
Gross, Joseph James	2015015937	5/27/2015
tone, Cheryl Lynn	2015016094	5/28/2015
Ernst, Thomas Edward	2015016893	6/4/2015

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Licensee Name	License #	Orig Issue Date
Ozark Funeral Homes, Inc.	2015008279	3/17/2015
Cantlon Otterness Funeral Home, L.C.	2015009315	3/25/2015
K & C Hulett, LLC	2015011020	4/9/2015
K & C Hulett, LLC	2015011021	4/9/2015
KLM Funeral Homes, L.L.C.	2015013315	5/1/2015
BCG Enterprise LLC	2015017667	6/8/2015

Preneed Provider 6

Licensee Name	License #	Orig Issue Date
K & C Hulett, LLC	2015011023	4/9/2015
Davis Funeral Chapel, Inc.	2015012168	4/21/2015
BCG Enterprise LLC	2015017666	6/8/2015

Preneed Seller 3**Total count for the Embalmers & Funeral Directors board: 89**

3605 Missouri Blvd.
Jefferson City, Missouri 65102
(573) 751-0293

Disciplinary Actions

Ordered From 03/17/2015 Through 06/11/2015

Complaint: 2010-008031 Crocker, Greg FDR 005772 REVOKED

Crocker, Gregory E

S/C:

05/06/2015

3605 Missouri Blvd.
Jefferson City, Missouri 65102
(573) 751-0293

Disciplinary Actions

Ordered From 03/17/2015 Through 06/11/2015

Revoked

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DISCIPLINARY ORDER

On December 17, 2014, the Administrative Hearing Commission entered its "Default Decision" in the case of State Board of Embalmers and Funeral Directors v. Gregory Crocker, Case number 14-1545 EM (the "AHC Order"). In the AHC Order, the Administrative Hearing Commission found that Gregory Crocker's ("Licensee") license to practice as a funeral director is subject to discipline pursuant to Sections 333.330.2(2), (5), (6), and (14) RSMo .

Pursuant to notice and Section 621.110, RSMo, the Board held the disciplinary hearing in this matter on Tuesday, March 17, 2015 at the Drury Inn & Suites Brentwood, 8700 Eager Road, Brentwood, Missouri 63144 for the purpose of determining the appropriate disciplinary action against the funeral director license held by Gregory Crocker. The Board commenced the hearing at approximately 10:31a.m. Jamie J. Cox represented the Board at this hearing. Gregory Crocker appeared not.

After full review of the record and the evidence and testimony presented at hearing, the Board issues the following Findings of Fact, Conclusions of Law and Disciplinary Order:

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.

Gregory Crocker is an individual who has registered his address with the Board as #23610-045, FPC Duluth, Federal Prison Camp, P.O. Box 1000, Duluth, Minnesota 55814 and also at 2731 Beale, Joplin, Missouri 64801.

Gregory Crocker holds funeral director number 005772 that is and was current until it was administratively suspended on October 12, 2010 pursuant to Section 324.010, RSMo and then it lapsed on June 1, 2012 due to failure to renew.

The Board adopts and incorporates by reference the findings of fact and conclusions of law contained in the AHC Order and the record of the Administrative Hearing Commission in the case of State Board of Embalmers and Funeral Directors v. Gregory Crocker, Case number 14-1545 EM.

The State Board of Embalmers and Funeral Directors (the "Board") received and reviewed the record certified to it by the Administrative Hearing Commission. The record of the Administrative Hearing Commission is incorporated into this Findings of Fact, Conclusions of Law and Disciplinary Order (the "Board Order") by reference as if set forth in its entirety in this Board Order.

The Board takes official notice of its file and the record in this matter.

The Board timely set this case for disciplinary hearing and properly served Respondent Gregory Crocker with notice of the time, date and location of the disciplinary hearing.

The Board has jurisdiction over this matter pursuant to Section 621.110 and Section 333.330 RSMo

3605 Missouri Blvd.
Jefferson City, Missouri 65102
(573) 751-0293

Disciplinary Actions

Ordered From 03/17/2015 Through 06/11/2015

Section 27.110 and Section 339.030, RSMo.

The Board finds this Board Order is necessary to protect the public.

THEREFORE, having fully considered the evidence before the Board and giving full weight to the Findings of Fact and Conclusions of Law as found by the Administrative Hearing Commission and set forth in the AHC Order, the Board makes the following disciplinary order:

The funeral director license held by Gregory Crocker is hereby REVOKED. Licensee shall immediately return all indicia of licensure to the Board.

This Board Order of the Board shall be maintained as an open and public record of the Board as provided in Chapters 333, 610 and 324, RSMo.

3605 Missouri Blvd.
Jefferson City, Missouri 65102
(573) 751-0293

Disciplinary ActionsOrdered From 03/17/2015 Through 06/11/2015

Complaint: 2015-001247 Poe, Ronald DOR HB600

Poe, Ronald

S/C:

03/22/2015

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: 2015-001911 Dush, Harrison PFD 2012000071 DOR HB600

Dush, Harrison B

S/C:

04/21/2015

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: 2015-001912 Williams, Ray PNA2012042155 DOR HB600 SUSPENDED

Williams, Ray

S/C:

04/21/2015

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: 2015-001914 Monroe, Andre PFD 2014008748 DOR HB600

Monroe, Andre

S/C:

04/21/2015

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: 2015-002183 Cochran, Kristin DOR HB600

Cochran, Kristin Nicole

S/C:

05/03/2015

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.



RECEIVED
JUN 08 2015
STATE BOARD OFFICE

Contact: Sarah Gill
Examination Services Manager, The International Conference of Funeral Service Examining Boards, Inc.
exams@theconferenceonline.org
479-442-7076 Ext. 8

FOR IMMEDIATE RELEASE: June 1, 2015

Exam Administration Updates

The Conference is pleased to announce the return of instant results reporting as of January 1, 2016 for all National Board Exam (NBE) candidates. In addition to receiving the pass/fail report immediately following the exam at the testing center, candidates will now also have continuous access to their results through the online Pearson VUE account created during the registration process.

In order to facilitate the return to instant results reporting, all NBE candidates must be verified graduates of an American Board of Funeral Service Education (ABFSE) program prior to sitting for the NBE. To prepare for the transition back to immediate reporting, Projected Graduation Date Forms can no longer be accepted after October 1, 2015.

The National Board Exam and State Board Exam retake policies will also change at that time. Beginning on January 1, 2016 eligible candidates may sit for the NBE or SBE up to three times in one calendar year. The 90-day wait period for NBE and the 30-day wait period for SBE are still applicable. Overall, this policy change will affect a very small number of exam candidates, but will promote exam security by limiting the possibility of exam overexposure.

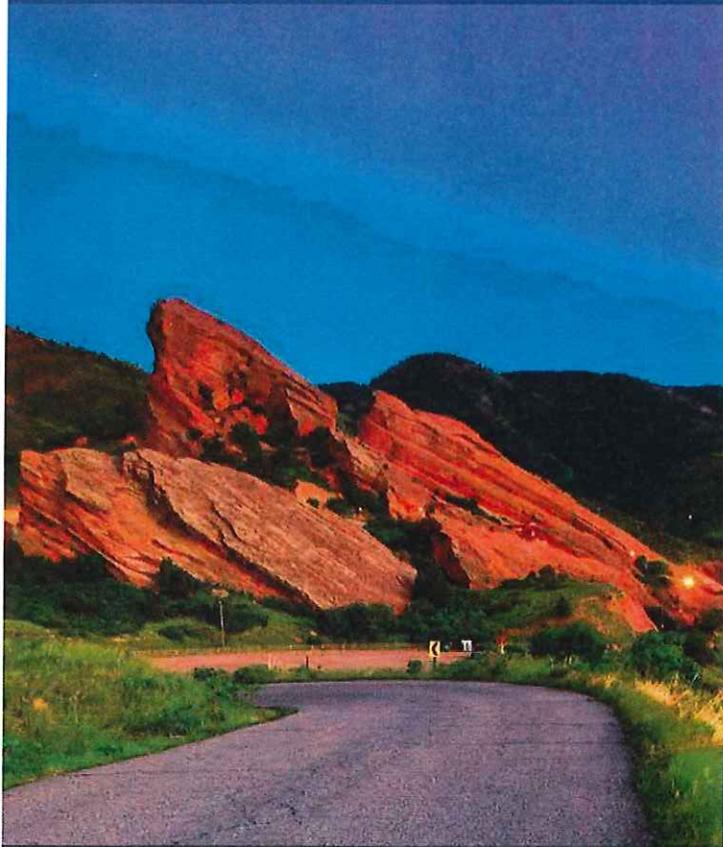
Questions and/or comments can be directed to the Examination Services Manager at exams@theconferenceonline.org.

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23rd Annual FARB Regulatory Law Seminar

(formerly the Attorney Certification Seminar or ACS)



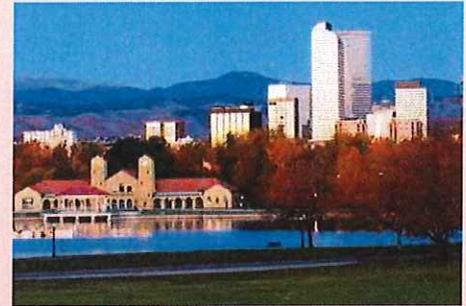
DENVER, CO

October 1–4, 2015

Join fellow regulatory agency professionals
for an in-depth analysis of current
legal issues affecting regulatory boards.

The 2015 FARB Regulatory Law Seminar (RLS) will address relevant topics related to administrative law and representing regulatory boards. FARB's conferences are intended to improve the effectiveness and efficiency of boards by giving board staff, board members and attorneys the tools and information they need to fulfill their duties as protectors of the public. A four hour Thursday evening Comprehensive Regulatory Training (CRT) has been added as a NEW optional session.

The RLS is always interactive and will open with remarks on why economists are meddling in professional licensing. The *Friday Morning Focus* will take an in-depth look at what is a state actor, discuss the United States Supreme Court ruling in the *North Carolina State Board of Dental Examiners v. FTC*, and provide an overview of antitrust. We will conclude the day with new legislation affecting the regulatory community. On Saturday, sessions will address when a policy becomes a rule/regulation, the Americans with Disabilities Act, and exam security. To complete Saturday, the popular Top Regulatory Cases session will be presented by Dale Atkinson. The RLS Sunday will include sessions on FOIA, administrative sanctions, and the FARB Model Consent Agreement. As always, throughout the conference, relevant videos and news stories will be presented.



CONTINUING EDUCATION

FARB is an approved Illinois Minimum Continuing Legal Education (CLE) course provider. We anticipate attendees will earn 12 CLE credit hours at the RLS. Attendees can anticipate an additional 4 hours of CLE credit if attending the CRT. Other professions may be able to use FARB courses as continuing education. Attendees must submit required information to their appropriate jurisdictions as necessary.

COMPREHENSIVE REGULATORY TRAINING (CRT)

This interactive session will be presented by Dale Atkinson and Mark Brengelman and is designed to provide comprehensive training for board members, staff, investigators, attorneys and other stakeholders in the professional regulatory licensing system. The CRT course has been developed to cover all aspects of regulation and board operations, including scope of authority, responsibilities, conflicts of interest, immunity, discipline and outreach.

OPEN TO ALL

Although the FARB RLS agenda focuses on legal issues and cases, board attorneys are not the only ones who benefit from the sessions. Regulatory board members, Executive Directors, board staff, investigators, and others in the regulatory community consistently comment that the FARB RLS is the most valuable conference they attend!

MEETING MATERIALS

Prior to the conference, all attendees will receive an email with instructions on how to access the meeting materials online. The meeting website with the materials will be accessible during the conference via Wi-Fi.

FARB MISSION

To promote excellence in regulation for public protection by providing expertise and innovation from a multi-professional perspective.

In keeping with its mission statement, FARB provides a forum for interaction among individuals and agencies involved in regulatory law and the licensing of professionals with the goal of protecting the public. Member associations, individuals, and other organizations that participate in FARB and seek to strengthen and uphold the standards of licensed professionals are invited to attend. We look forward to seeing you!

Visit the FARB website at www.FARB.org for more information about FARB and its programs.

REGULATORY LAW SEMINAR AGENDA

THURSDAY, OCTOBER 1, 2015

2:30 pm – 7:00 pm Early Registration

THURSDAY OPTIONAL SESSION

Comprehensive Regulatory Training (CRT)

3:00 pm – 5:00 pm An Analysis of the Law, Role of the Board,
Role of the Board Member

5:00 pm – 5:30 pm Break

5:30 pm – 7:30 pm Discipline, Appeals, Outreach and Immunity

FRIDAY, OCTOBER 2, 2015

7:30 am – 5:00 pm Registration Open

7:30 am – 8:30 am Breakfast

8:30 am – 8:45 am Introduction and Welcoming Remarks

8:45 am – 9:00 am What's New with FARB

9:00 am – 9:45 am Why are the Economists Meddling in
Professional Licensing? Lauren Larson (CO)

FRIDAY MORNING FOCUS

An Overview of Antitrust Liability to Regulatory Boards

9:45 am – 10:30 am Top Takeaways from the FTC Decision

10:30 am – 11:00 am Break

11:00 am – 11:30 am State Actor Defense: An Evolution

11:30 am – 12:15 pm Private Actor:
What is Active State Oversight

12:15 pm – 1:30 pm Lunch

1:30 pm – 2:15 pm 11th Amendment Immunity:
An Affirmative Defense

2:15 pm – 3:00 pm Immigration Status: What is Relevant?

3:00 pm – 3:30 pm Break

3:30 pm – 4:15 pm Implementation of a Regulatory Structure:
Cannabis

4:15 pm – 5:00 pm New Legislation Affecting the
Regulatory Community

5:00 pm Recess

5:00 pm – 6:00 pm FARB Reception

SATURDAY, OCTOBER 3, 2015

7:30 am – 12:00 pm Registration Open

7:30 am – 8:30 am Breakfast

8:30 am – 9:15 am When Does a Policy Become a
Rule/Regulation?

9:15 am – 10:00 am DOJ and ADA: Recent Developments

10:00 am – 10:15 am Break

10:15 am – 11:00 am Exam Security: Score Invalidity and
Consequences to State Boards

11:00 am – 12:00 pm Top Regulatory Cases

12:00 pm Recess

SUNDAY, OCTOBER 4, 2015

7:30 am – 8:30 am Breakfast

8:30 am – 9:15 am FOIA: A Legal and Practical Guide to
Records Requests

9:15 am – 10:00 am Administrative Sanction Options

10:00 am – 10:15 am Break

10:15 am – 11:00 am FARB Model Consent Agreement

11:00 am – 11:45 am Regulation in the News/Videos

11:45 am Recess

Many thanks to our annual sponsors:

ETHICS AND BOUNDARIES
ASSESSMENT SERVICES LLC
www.ebas.org



AEQUO INTERNATIONAL
www.aequointernational.com



REGISTRATION FORM

23rd Annual FARB Regulatory Law Seminar

(formerly the Attorney Certification Seminar or ACS)

October 1-4, 2015

Space is limited — Please register by Monday, September 23, 2015

I will attend the Thursday Comprehensive Regulatory Training
in addition to the FARB Regulatory Law Seminar

Payment of \$975 enclosed. Payment of \$975 to follow.

I will attend the FARB Regulatory Law Seminar only

Payment of \$700 enclosed. Payment of \$700 to follow.

I will attend the Thursday Comprehensive Regulatory Training only

Payment of \$275 enclosed. Payment of \$275 to follow.

You may also register and pay by credit card on our website, www.FARB.org.
(Please read our Cancellation Policy)

For purposes of Continuing Legal Education credit,
are you licensed to practice law? Yes No

If yes, please identify the state(s) or jurisdiction(s)
in which you are currently licensed. _____

ATTENDEE NAME

ATTENDEE TITLE

ATTENDEE FIRST NAME ON IDENTIFICATION BADGE

ATTENDEE BOARD/FIRM/AGENCY

ATTENDEE MAILING ADDRESS

ATTENDEE CITY/STATE/ZIP

ATTENDEE TELEPHONE

ATTENDEE E-MAIL ADDRESS

(CERTIFICATES OF ATTENDANCE WILL BE E-MAILED TO THIS ADDRESS)

FARB FEDERAL I.D.# IS 23-7375992.

Return this form with your payment to:

Federation of Associations of Regulatory Boards (FARB)

1466 Techny Road

Northbrook, IL 60062

Phone: 847-559-FARB (3272)

Fax: 847-714-9796 • E-mail: FARB@FARB.org



HOTEL ACCOMMODATIONS & LOCATION

Join FARB in Denver, where 300 days of sunshine, a thriving cultural scene, diverse neighborhoods, and natural beauty combine for the world's most spectacular playground. Urban sophistication meets outdoor adventure in Denver.

FARB has reserved a block of rooms at the JW Marriott Cherry Creek specifically for RLS attendees, yet rooms sell out quickly. Please make your hotel reservations promptly.

Attendees are responsible for securing their own hotel reservations. Reservations may be made by contacting the JW Marriott directly:

JW Marriott Denver at Cherry Creek

150 Clayton Lane

Denver, Colorado 80206

Reservations: 866-706-7814 or 303-316-2700

Visit www.FARB.org for a link to online reservations

Please refer to the FARB group when making your reservations to ensure you get the reduced room rate of \$199.00 per night plus tax.

The hotel reservation deadline is Wednesday, September 9, 2015. Hotel reservations made after this date are subject to availability and rate increase.

FEES

Registration fee for the Thursday Comprehensive Regulatory Training session is \$275.00 and includes beverages and light snacks. Registration fee for the RLS is \$700.00 and includes daily breakfast, lunch on Friday, and a reception Friday evening.

Please forward the registration fee to FARB as soon as possible. If the fee is not available at the time of registration, it may be sent later or paid upon arrival at the conference.

CANCELLATION POLICY

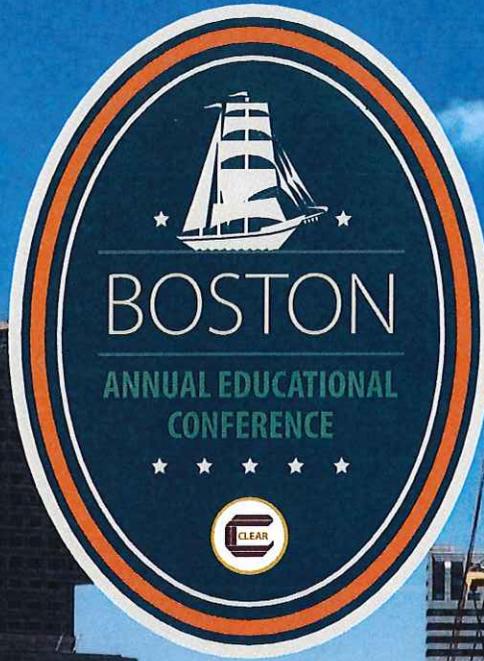
Notification of cancellation MUST be made in writing and sent to FARB via U.S. mail, e-mail (FARB@FARB.org), or fax.

Refunds:

If a cancellation is received in writing on or before Wednesday, September 23, 2015, FARB will:

1. Refund the paid registration fee less a \$50 processing charge
2. Charge the registrant a \$50 processing charge if the registration fee has not been paid

Any registrants cancelling after Wednesday, September 23, 2015, will be charged the full registration fee but will receive access to all meeting materials.



Council on Licensure, Enforcement & Regulation

ANNUAL EDUCATIONAL CONFERENCE

Boston Park Plaza Hotel | Sept. 17–19, 2015

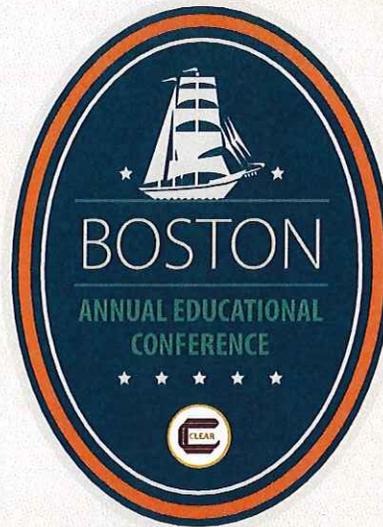
www.clearhq.org

JOIN US IN BOSTON!

Promoting regulatory excellence means more than just setting fees and keeping registers. Join over 600 of your international regulatory peers to explore the innovations and strategies supporting excellence in public protection at CLEAR's 2015 Annual Educational Conference.

Participants from across North America, Europe, Australia and New Zealand will converge in Boston to share ideas, best practices, expertise and research on the most pressing needs for regulators. Through concurrent educational sessions, featured resources and vendors, roundtable discussions and networking opportunities, conference participants will have the opportunity to customize their experience to fit their individual needs and functions including:

- Compliance and Discipline
- Testing and Examination Issues
- Entry to Practice and Beyond
- Administration, Legislation and Policy



Start the conversation now! "Like" the Annual Educational Conference page on Facebook for updates, discussions and engagement with fellow attendees.

www.facebook.com/clearAEC

Register online at
www.clearhq.org/aec15



REGISTRATION

Early Bird (register by August 14, 2015)

- » Members & Speakers: US\$450
- » Nonmembers: US\$565

After August 14, 2015

- » Members & Speakers: US\$500
- » Nonmembers: US\$615

Register online at
www.clearhq.org/aec15.

HOTEL

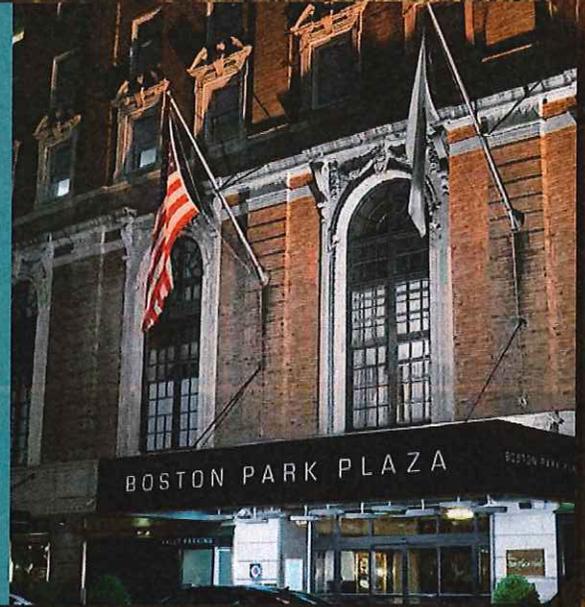
Steps from Boston Common, the Freedom Trail and the Theatre District, the Boston Park Plaza Hotel has been an institution since 1927.

Boston Park Plaza Hotel

50 Park Plaza at Arlington St. | Boston | (617) 426-2000
<https://bostonparkplaza.reztrip.com/rt/ext/promoRate?property=100&mode=b&pm=true&sr=52747&vr=3>

Reservations

CLEAR has secured a discounted group rate of US\$169 per night (single/double occupancy, plus applicable taxes). Please use the access code CLEAR to secure the group rate. The discounted room rate is available until **August 21, 2015 at 5 p.m. EDT** or until the block sells out, whichever comes first. After this cut-off date, reservations may be made based on availability and at the hotel's prevailing rate.



TRANSPORTATION

Area Airport

- » Boston Logan International Airport
3 miles from Boston Park Plaza Hotel
Estimated taxi fare: US\$35 one way

Ground Transportation

- » Subway: Massachusetts Bay Transportation Authority
The Boston Park Plaza Hotel is located one block from the Arlington Stop (Green Line) and three blocks from the Back Bay Stop (Orange Line).
www.mbtta.com
- » Boston SuperShuttle
US\$16 each way | www.supershuttle.com
- » The Boston Park Plaza Hotel does not provide airport shuttle service.

Hotel Parking

- » Valet parking, US\$48 daily
- » Motor Mart Garage (self parking), US\$31 daily

ANNUAL EDUCATIONAL CONFERENCE PROGRAM COMMITTEE

Program Committee Chair
Deanna Williams

Program Committee Vice-Chair
Claudia Newman

Program Subcommittee Chairs and Vice-Chairs

Ida Darragh | Chuck Friedman | Nancy Godby | Steve Hart | Lori Long | Bruce Matthews | Maura Pidgeon | Jan Robinson

CLEAR LEARNING COURSES

SEPTEMBER 14–16

Executive Leadership Program for Regulators: Building Regulatory Leaders

This three-day course covers regulatory leadership, organizational culture and change, public relations and the art of negotiation. The program will be led by a faculty of regulatory leaders. Attendees will participate in various role-playing activities, scenarios, group work and discussion.

Members: US\$440; Nonmembers: US\$550
Conference attendees receive a discounted rate of US\$365 (members) or US\$475 (nonmembers).

National Certified Investigator or Inspector Training Basic Program

The NCIT Basic Program is a three-day, hands-on training and certification program in investigation and inspection techniques and procedures providing the investigator, inspector or surveyor with the tools to conduct a quality professional investigation or inspection. Attendees will receive certified training by professional instructors and investigators through three days of lectures, open discussions and video presentations.

Members: US\$345; Nonmembers: US\$430
Attendees of the NCIT in New Orleans are eligible to attend the Investigator Issues Discussion Group on Thursday only at no additional charge.

National Certified Investigator or Inspector Training Specialized Program

Building on the NCIT Basic Program's core curriculum for certification, the NCIT Specialized Program provides advanced certification in the areas of interviewing, investigative analysis and investigative report development for those who conduct regulatory investigations. Each module is an eight-hour session designed to promote participation through small group and role-playing exercises and case study materials. Only open to graduates of the NCIT Basic Program.

Members: US\$415; Nonmembers: US\$515
Attendees of the NCIT in New Orleans are eligible to attend the Investigator Issues Discussion Group on Thursday only at no additional charge.

SEPTEMBER 15–16

Board Member Training: Advanced Concepts in Regulatory Governance

Advanced Concepts in Regulatory Governance is a two-day workshop for seasoned regulatory board members. The program highlights strategies for dealing with specific challenges faced by board members and provides opportunities for peer-to-peer learning, engagement and development. The first day focuses on the accountability and evaluation roles of regulatory board members. The second day emphasizes the relationships that are integral to regulatory functions, including dealing with transition, identifying the roles of governance versus management and facilitating positive communication. The program is designed to include interactive components that will allow attendees to apply the concepts to their own experiences. The program is open to any previous attendee of the Board Member Training program.

Members: US\$330; Nonmembers: US\$410
Conference attendees receive a discounted rate of US\$255 (members) or US\$335 (nonmembers).

SEPTEMBER 16

8 A.M.–4 P.M.

Board Member Training: Introduction to Regulatory Governance

This interactive training program—open to board members, staff, attorneys and other interested parties—features modules on the foundations of regulation; the roles and responsibilities of a board member; administrative rulemaking; professional discipline; and assessing competence.

Members: US\$230; Nonmembers: US\$290
Conference attendees receive a discounted rate of US\$155 (members) or US\$215 (nonmembers).

SEPTEMBER 17

8–10 A.M.

Drug Diversion Investigators Workshop

Conducting an effective drug diversion investigation requires specialized knowledge and an understanding of the accountability system for controlled substances. This session discusses the current issues emerging in diversion of pharmaceuticals and the unique challenges they pose for regulatory authorities.

Members: US\$75; Nonmembers: US\$95



CLEAR LEARNING

Questions about CLEAR Learning courses
at the Annual Educational Conference?

Please visit www.clearhq.org/Learning
or contact Jodie Markey at jmarkey@clearhq.org.

WEDNESDAY, SEPTEMBER 16 6–7:30 P.M.

President’s Reception

THURSDAY, SEPTEMBER 17 7:30 A.M.–4 P.M.

Registration Open

THURSDAY, SEPTEMBER 17 8–10 A.M.

Testing Accessibility and Accommodations

In recent years, the legal landscape—as well as the accessibility landscape—have changed for licensure and certification candidates with disabilities. Following the passage of the ADA Amendments Act of 2008, regulatory organizations have seen a significant rise in the number of requests for test accommodations, as well as calls to make the exams more accessible to candidates with disabilities. This session will provide a basic legal definition of who is considered disabled, an overview of best practices for managing accommodations requests and practical considerations when making tests and test content accessible to candidates with disabilities.

I Know Something You Don’t Know—

Revelations on Regulatory Models from Three Continents

Regulators often think they have the ideal model, but the real question might be: right for what? Join the development debate of four distinct models of regulation in Scotland, Australia, Canada and the United States. Why do organizations use particular models? What can they learn from each other? This session will explore the core functions of regulation (registration; entry to practice; professional conduct; professional practice; investigations and compliance) and will challenge your view of the ideal model of regulation. Regulation is most effective when the model reflects the situational and cultural context of the professions being regulated.

THURSDAY, SEPTEMBER 17 9 A.M.–6 P.M.

Exhibit Hall Open

THURSDAY, SEPTEMBER 17 10:30 A.M.–NOON

Opening Session Keynote

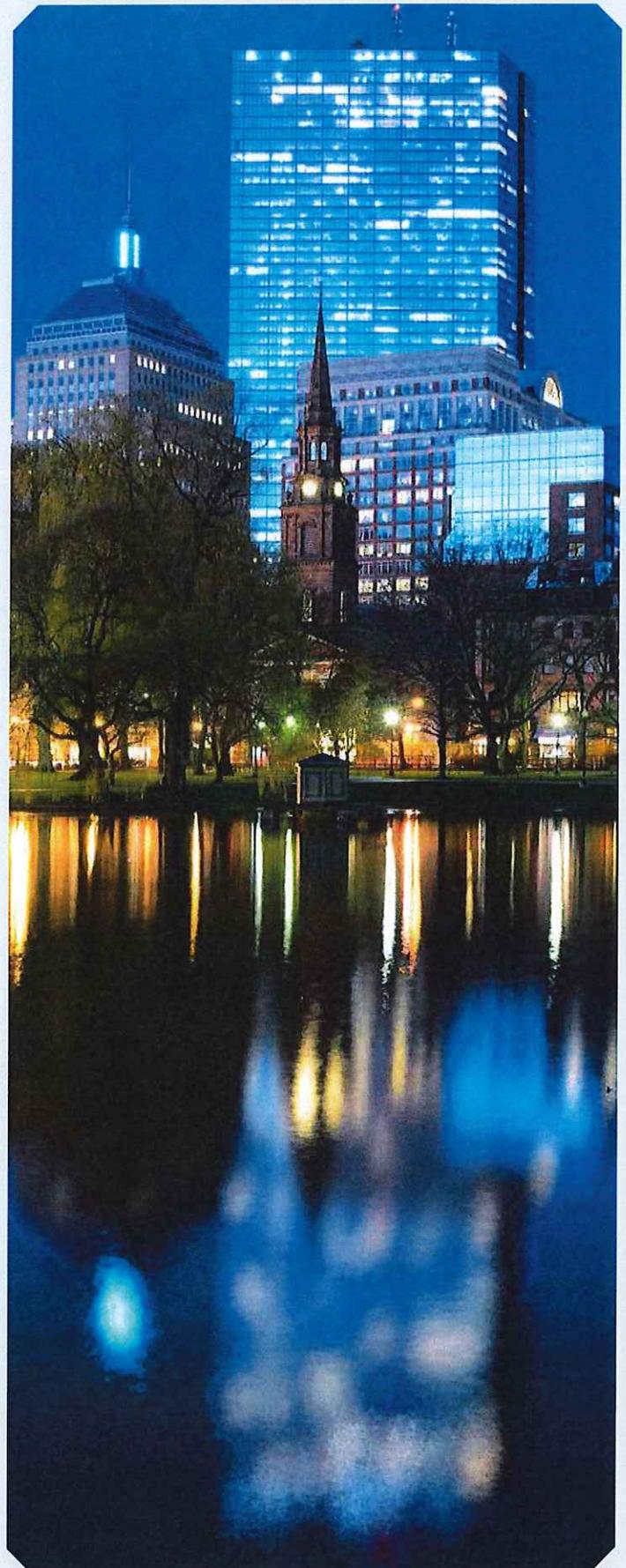
THURSDAY, SEPTEMBER 17 NOON–1 P.M.

Exhibit Hall Hour

Visit and build relationships with exhibitors from across North America during this dedicated hour. Explore how their products and services can assist you and your organization in promoting regulatory excellence! A light lunch will be provided.

Getting the Most Out of CLEAR

This session provides the opportunity for conference attendees to learn more about CLEAR’s structure, function, mission and products. Current CLEAR members will be available to share with you and help you get the most out of your CLEAR membership.



AGENDA

THURSDAY, SEPTEMBER 17

1–2 P.M.

Human Rights and Anti-Discrimination in Registration Practices

Do your registration or licensing practices inadvertently discriminate against individuals or identifiable groups? Regulators must consider whether applicants to a profession have the necessary training, appropriate experience and have successfully completed the required examinations. Increasingly, human rights issues also need to be considered when deciding whether to register or license an individual. This session will discuss human rights issues that regulators should be aware of when developing registration policies or practices.

I Know I Have to Listen to Candidates' Questions; Do I Really Have to Answer Them?

Regulators often are questioned by unsuccessful licensee candidates who have received a failing score on an examination required to obtain a desired credential. These disgruntled candidates may want to blame the process of applying for the license, the examination itself, the scoring process and other myriad factors. This session will provide helpful guidelines to regulators in responding to candidates' questions and offer suggestions for effective communication strategies during these conversations.

Resilient Registrants: Evidence-Based Advice to Regulators

What makes a registrant resilient? Is resilience a factor that regulators should consider or promote? Building on previous Annual Educational Conference sessions exploring these issues, Ireland's regulator for health and social care professions, CORU, will give results of the research undertaken at Trinity College, Dublin that studied 830 social workers across six countries to identify the factors that allow some registrants to not only survive but thrive notwithstanding the demanding work they do. Results of an international survey of

regulators evaluating their understanding of resilience within the professions they regulate will also be presented. This evidence base will allow participants to address together the role of the regulator in fostering resilience, if any.

Too Close for Comfort: Social Media, Regulation and Risk Management

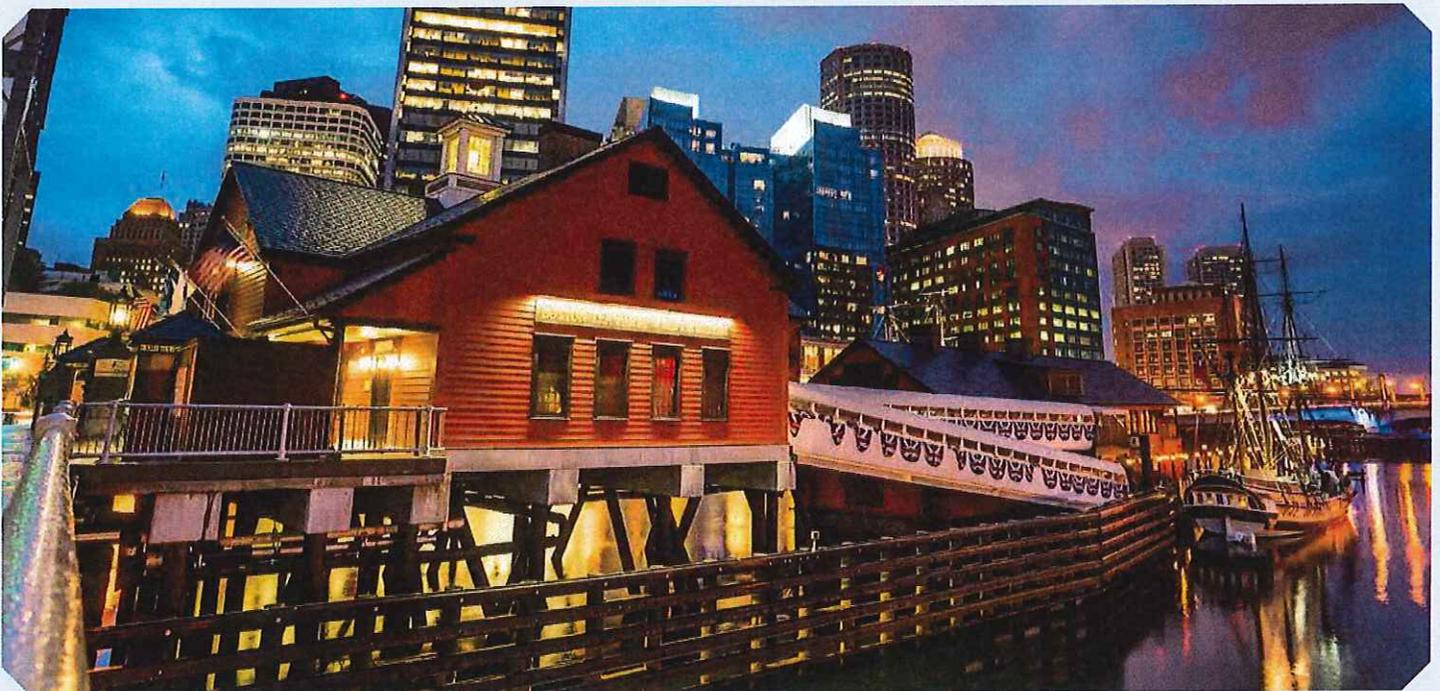
Regulatory bodies are complex organizations. They exist in the context of systems, political environments and increasing demands for transparency and accountability; however, with this power comes responsibility. Organizational reputation is essential in the maintenance of public trust and confidence. Inappropriate decisions or actions not only threaten a regulatory body's reputation, but can seriously threaten the privilege of self-regulation. The College of Registered Nurses of Manitoba and the College of Registered Psychiatric Nurses, as the regulatory bodies for the registered nursing and registered psychiatric nursing professions, respectively, are responsible for governing their members in a manner that serves and protects the public interest. An integrated and comprehensive approach to risk management is important for the survival and reputation of these organizations.

THURSDAY, SEPTEMBER 17

2:15–3:30 P.M.

Re-Entry to Practice: When, Why & How

An individual who once was a licensed practitioner is seeking to be licensed again. This panel session will explore the issues the regulator must deal with in this scenario. The knowledge, skill and judgment possessed by a practitioner are perishable items. What role does time play in the re-entry to practice process? Should the process differ based on period of inactivity? And what is the public interest rationale for it? If the inactivity was the result of a disciplinary suspension or revocation, does that change the process? Come and hear a range of perspectives in this interactive session.



Calling All Regulators—The Absolute Essentials of What You Need to Know About Testing Programs

This interactive session will give you the background you need to better understand the whys and wherefores of your testing program. You will be able to respond to questions from your stakeholders about *what's going on* with your examination programs. Following a brief discussion of the roles and responsibilities of regulators in ensuring the quality of their examinations, attendees will have an opportunity to participate in three of five discussion tables pertaining to key topics: job analyses and test specifications; item development and exam construction; test administration; scoring; and standard setting. All attendees will walk away with a list of readily available, useful resources.

A Risk-Based Approach to Multiprofession Regulation in Health: The Australian Journey

The Australian multiprofessional system of health practitioner regulation regulates over 620,000 health practitioners across 14 professions. This session will describe how Australia is developing and implementing harmonized, hybrid and differentiated approaches to practitioner regulation, drawing on a risk-based methodology and common regulatory principles and their application in areas such as registration standards and regulatory decision making processes. The leadership challenges and lessons learned for other regulators will be highlighted.

Human Trafficking & Implications for Regulatory Investigations

Human trafficking occurs in every state in the U.S. Eighty-five percent of the people trafficked in the U.S. today are either U.S. born or naturalized citizens; however, it is a common misconception that most trafficking victims are from foreign countries. Human trafficking takes two basic forms: commercial sex or labor. In many cases, especially those involving females or children, it is highly likely that both forms of trafficking are going to be present. Regulatory investigators who work in the agricultural, food service, hotel or motel, cosmetology, massage or spa, entertainment, transportation, maintenance and construction professions, as well as others, are very likely to come into contact with businesses that are involved in operating or supporting a trafficking enterprise. This training will assist investigators in understanding the nature of this offense and developing effective responses to cases that are discovered.

THURSDAY, SEPTEMBER 17

3:45–4:45 P.M.

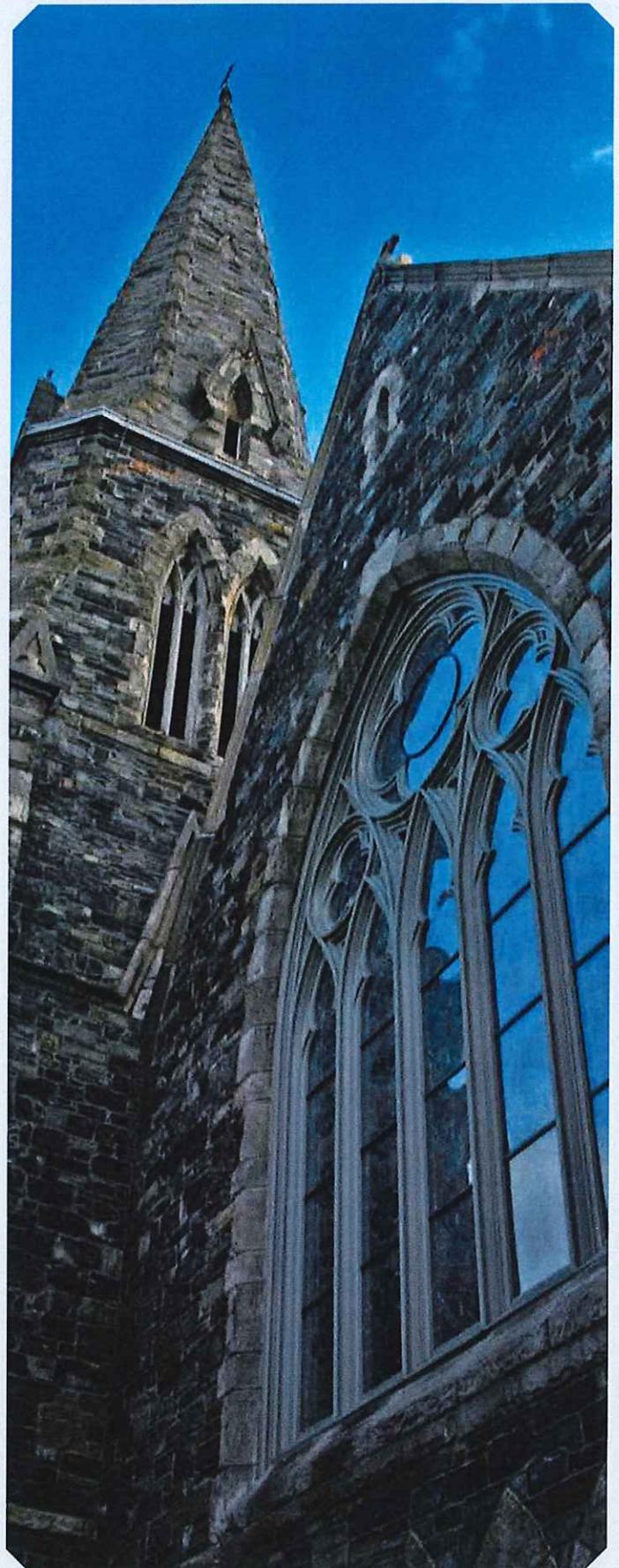
Hot Topics Roundtables I

What are the biggest and most pressing issues for the regulatory community? Attend one of the Hot Topics discussion groups to learn more and share experiences with your peers. These dynamic sessions provide the opportunity to explore the topics, trends and challenges most salient to you.

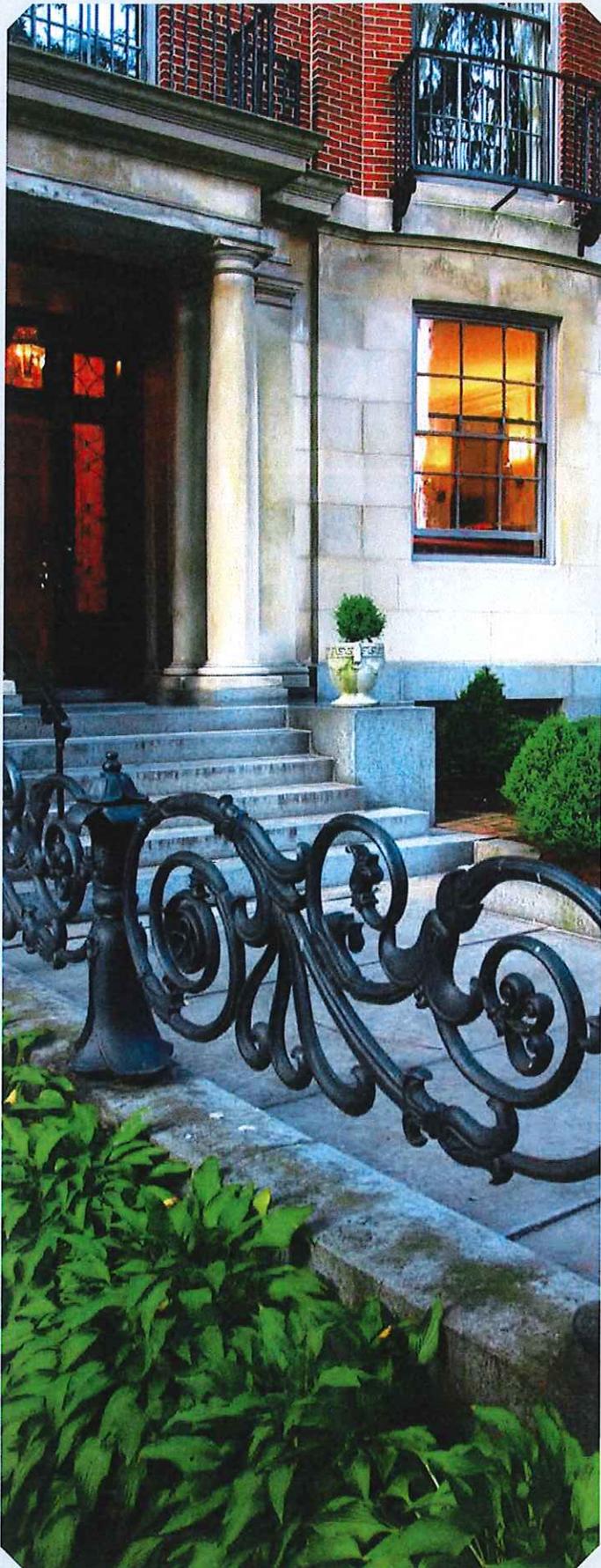
THURSDAY, SEPTEMBER 17

5–6 P.M.

Welcome Reception



AGENDA



FRIDAY, SEPTEMBER 18

7:30 A.M.–4 P.M.

Registration Open

FRIDAY, SEPTEMBER 18

8 A.M.–NOON

Exhibit Hall Open

FRIDAY, SEPTEMBER 18

8:30–9:30 A.M.

10 Years of Continuing Education Compliance Data—Lessons Learned & the Effects of 100 Percent Licensee Auditing

The Florida Department of Health, Division of Medical Quality Assurance audits 100 percent of their 1,000,000 licensees for continuing education compliance every license renewal. This has yielded big data on continuing education compliance rates, preferred delivery methods and many other trends useful to other regulating agencies. The department has also encountered many regulatory, political and technological successes and obstacles in the launch and maintenance of this policy that will be shared during this session.

Lessons Learned from Pirate Raids: Case Studies Exploring the Use of *Ex Parte* Seizures to Combat Test Piracy

Knock, knock. Who's there? Federal marshals! The theft of examination content is an ongoing problem for many testing programs—one that can compromise exam security and the validity of exam results. Did you ever wish that you could be a fly on the wall of your most troublesome test pirate's office? Better yet, did you ever wish that you could pay an unannounced visit to that test pirate and confirm for yourself that your exam content is being stolen? Believe it or not, if the circumstances are right, you can. Our panelists each have experience with a legal procedure known as an *ex parte* seizure order, which allows for an unannounced raid of an alleged pirate's premises by the test program and federal marshals. As a companion step to the filing of a copyright infringement lawsuit, an unannounced raid offers the opportunity to seize evidence without warning, before that evidence can be hidden or destroyed. During this session, three testing programs and their legal counsel will discuss their recent experiences using this very powerful tool in their battle against test piracy—the benefits, the costs and what they would do differently if they could do it all over again.

Implications for Regulators from the U.S. Supreme Court Anti-Trust Ruling in the North Carolina Board of Dental Examiners Case

On February 25, 2015, the U.S. Supreme Court handed down its decision in the case of *North Carolina Board of Dental Examiners v. Federal Trade Commission*. The main issue in the case was whether the North Carolina Board of Dental Examiners was immune from Federal Trade Commission anti-trust scrutiny regarding the dental board's actions prohibiting nondentists from providing teeth whitening services. The court ruled in favor of the FTC. At this session two speakers, one of whom supported the dental board and the other who supported the FTC, will analyze the decision and postulate its impact on state professional and occupational licensing boards.

Complaints, Investigations, and Outcomes: A New Perspective

Five years ago, faced with more complaints and open investigation files than could be reasonably managed, the Real Estate Council of Alberta began the process of change. This interactive session will focus on how RECA evaluated and re-engineered conduct review processes while bringing greater awareness, appreciation and accountability for the privilege of self-regulation to the real estate industry professionals it serve. Through complaints, investigations, outcomes, organizational structure and corporate culture, traditional approaches were reshaped to bring about more efficient, timely and transparent processes.

FRIDAY, SEPTEMBER 18

9:30–10:30 A.M.

Exhibit Hall Hour

FRIDAY, SEPTEMBER 18

10:45–11:30 A.M.

A Professional Framework for Continuing and Maintaining Competence—A New Approach from Northern Ireland

Continuing competence is critical to workforce regulation, but most systems are based on inputs, not outcomes. This framework is different. As the regulator for social work, the Northern Ireland Social Care Council has developed a CPD Framework that recognizes professional learning and development, gives credit for outcomes and provides a range of professional awards at the masters level. Most importantly the framework is delivered as a low-cost partnership model with employers and educators, and it is accessed via the online registration system. Professional in Practice is the latest development in a 25-year history of postqualifying social work education in Northern Ireland, with lessons for other professions.

Legal and Fairness Doctrines in Score Reporting: A Practical Approach

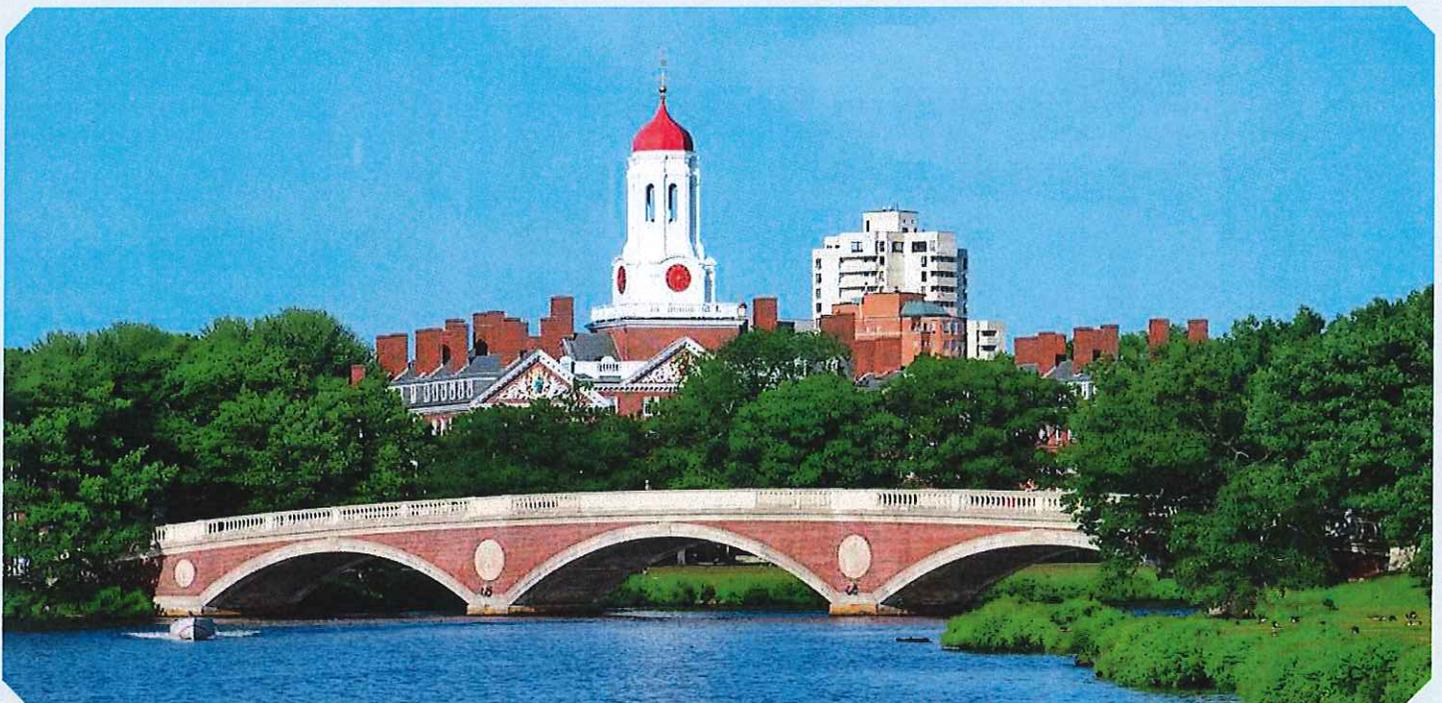
Well-developed score reports will guide end users to the intended uses of test scores and dissuade them from unintended and unsupported uses. In order to achieve this goal, program leaders must balance the requirements set forth in professional guidelines, as well as the expectations of numerous stakeholder groups. In this session, presenters will share psychometric, programmatic, legal and fairness perspectives on the process by which score reports should be developed, key questions to be addressed during the development process and guidance to help practitioners navigate this process.

Analyzing Data for Risk-Based Regulation in Nursing and Midwifery and Other Health Professions —Practical Examples from Australia

The creation of a single regulatory scheme for all registered health professions in Australia provides an unprecedented opportunity to utilize regulatory data for public benefit. The concept of risk-based regulation has shaped a program of analysis by the Nursing and Midwifery Board of Australia and the Australian Health Practitioner Regulation Agency. The analysis of notifications received about nurses and midwives and other health professions will be explored to identify patterns of concern associated with risk of harm to the public. The analysis will draw on Malcolm Sparrow's model of regulatory craftsmanship, using quantitative and qualitative methods to explore specific problem areas. A better understanding of boundary violations, for example, will aid the development of professional standards and guidance across a range of professions.

Applying LEAN Principles to the Complaint Review Process

Regulatory agencies are often faced with increasing caseloads but no additional resources with which to resolve their investigations.



AGENDA

Charged with public protection, the Minnesota Board of Nursing held a Kaizen event, in an effort to reduce the length of time to resolve complaints. The board's goal was to decrease case resolution time by examining what added value to their investigations. This session presents the results and details the processes of a Kaizen event in a governmental regulatory agency.

FRIDAY, SEPTEMBER 18

NOON–1:30 P.M.

CLEAR Networking Luncheon & 2015 Awards Presentation

FRIDAY, SEPTEMBER 18

1:45–2:45 P.M.

Hot Topics Roundtables II

What are the biggest and most pressing issues for the regulatory community? Attend one of the Hot Topics discussion groups to learn more and share experiences with your peers. These dynamic sessions provide the opportunity to explore the topics, trends and challenges most salient to you.

FRIDAY, SEPTEMBER 18

3–4:30 P.M.

Assessing International Qualifications: What Works and What Doesn't

Regulators and assessment agencies use a variety of credential assessment tools to evaluate applicants, including internationally trained professionals. These can include written and oral examinations, oral assessments, interviews or clinical examinations or Objective Structured Clinical Examinations. This session will explore assessment from the perspectives of three regulators and accredita-

tion agencies, the College of Respiratory Therapists of Ontario, the College of Optometrists of Ontario and the National Committee on Accreditation from the Federation of Law Societies of Canada. The Office of the Fairness Commissioner will moderate this overview of the assessments that regulators use and their impact on internationally trained professionals.

Exam Security Issues

Emerging technologies for test content piracy and cheating pose serious risks to the security of high-stakes testing programs, including loss of intellectual property and fraudulent attainment of occupational credentials. Testing organizations must address these risks through operational, psychometric and legal channels. This session will begin by tracing the path that a licensure program took to identify and discipline candidates suspected of collusion and the aftermath of that experience. Presenters will then discuss methods of forensic monitoring and legal practice within high-stakes testing programs. This session will highlight key issues, lessons and recommendations for maintaining test security.

Five Amazing Policies for Good Board Governance

Good, well-functioning boards likely also have great policies in place. While no single policy can guarantee that a board won't slip into dysfunctional practices, the right policies can prevent this from happening. This session will set out, in detail, five policies that every board should have to promote and support good governance; and, through iClicker technology, allow everyone to vote on what policies might be helpful for them when dealing with challenging board members. Attendees will leave with the knowledge and tools to customize these policies for their own organizations.



Hey! Let's Be Careful Out There! Safety Awareness and Situational Management for Investigators, Board Members and Staff

Investigators can find themselves in vulnerable situations that pose significant risk to their well-being. And in a regulatory setting, investigators do not typically have the same safeguards and protections available as do other law enforcement officers. Investigators and the organizations they represent must be aware of the inherent risks and implement strategies and policies to ensure their safety. This session speaks to the risks that exist and the steps frontline investigators can take to protect themselves, as well as the policies and procedures organizations should consider implementing to ensure the safety of their board members and staff.

FRIDAY, SEPTEMBER 18 5 P.M. ONWARDS

Social Event

Friday's optional social event will provide attendees with the opportunity to see and learn more about Boston. Details, as well as pricing, will be available on CLEAR's website at www.clearhq.org/aec15.

SATURDAY, SEPTEMBER 19 8 A.M.–NOON

Registration Open

SATURDAY, SEPTEMBER 19 8–9:30 A.M.

Regulators and Immigrant Employment: Gatekeepers or Gate Openers?

As developed nations struggle with professional skills shortages, there is growing interest in measures to facilitate immigrant access to the regulated professions. Ontario's Office of the Fairness Commissioner will report on an ambitious study of five-year trends in licensing and employment statistics for immigrant professionals following implementation of fair access legislation. The study shows greater progress in licensing than in employment, and more positive trends for nonhealth than for health professions. Panelists will consider the implications for health and nonhealth professions, drawing on case studies in regulatory engagement with employers in Canada and Australia and attempt to answer the question: can regulators serve the public interest as both gatekeepers and gate openers?

Responding to Questions About Testing Programs

What should boards tell the candidate if he or she failed by one question? What can the board do if it suspects a candidate cheated? How confident can a board be in the test results? During the three-day CLEAR Annual Educational Conference, many questions will be answered. This interactive session will address areas that board members and the public may still be reluctant to ask. Bring your hot issues and questions to the session for discussion.

The Twilight Saga ...

Responding to an Aging Registrant Population

An aging registrant population creates unique challenges for regulators. Where symptoms associated with aging—including cognitive

decline, impairment and physical degeneration—bear on professionals, the public may be placed at heightened risk. Nonetheless, few regulators have implemented initiatives to ensure professional standards are maintained by their aging members. This session will consider strategies for regulators in dealing with an aging registrant population as part of a comprehensive risk management policy. Key challenges to the implementation of such policies, including the impact of human rights legislation, will be identified and explored.

Setting Precedents:

The Top 10 Recent Cases You Need to Know

In order for regulators to achieve excellence, they must be aware of the legal framework in which they operate—particularly the judge-made legal framework which changes with each important new case that is decided. This session will summarize and analyze the most interesting recent Canadian and American cases in regulatory law, pulling together themes and highlighting differences between the two countries, including discipline, registration and human rights issues. Presenters will also give the audience tips for managing and applying those decisions in the regulatory setting.

SATURDAY, SEPTEMBER 19 9:45–10:45 A.M.

Continuing Professional Development and Registrant Engagement

This session will explore approaches to continuing professional development in a regulatory context by providing a case study on the development of a multiprofessional model of continuing professional development for the purposes of regulation. Additionally, speakers will explore the use of reflective practice in continuing professional development and how regulators can utilize this as a mechanism to promote registrant engagement, enhanced compliance and more effective public protection.

Questions, Issues & Resolutions: Learning from Others

This session will focus on sharing descriptions of how organizations deal with real questions and issues in testing. Included will be: fair and consistent use of visual test content for visually-challenged candidates; a demonstration of the CARNA Jurisprudence Module—is it a test, game, learning activity or all of these; determining what factors are most important for an organization to consider when choosing the appropriate number of distractors; and flexibility for candidates versus flexibility of the examination—how can the test development model affect the options of test delivery?

Shifting the Regulatory Philosophy from "Catch and Punish" to "Enabling Model Behaviors"

Does the regulator's role in making and enforcing rules imply that those regulated will inevitably attempt to remain under the radar, even when they do not understand the expected standards? Regulatory excellence demands that regulators enable the regulated population to share and engage in a public protection agenda. This session will discuss developing the capacity to appreciate and apply the principles that drive ethical conduct and competent, quality-driven practice in complex practice settings. A culture of engagement, accessibility and support will reflect on the expected outcomes.

AGENDA

The Dalhousie Experience: Should Conduct as a Student Impact Professional Licensure?

In December 2014, 13 male dentistry students were suspended from clinical work at Dalhousie University when news broke about misogynistic, sexist and gender-violent comments about female classmates on Facebook. Only three provincial regulators, led by the Royal College of Dental Surgeons of Ontario, took a public stand, calling for the names of the students involved, claiming it had a duty and responsibility to ascertain suitability to practice, if any of the students applied for licensure. Should a regulatory body have access to information about students' behavior while in a program leading to licensure? What is the extent of the public's right to know? This

provocative session is intended to make participants think about the high stakes of licensure.

SATURDAY, SEPTEMBER 19

11 A.M.–NOON

Closing Synthesis Session

The conference will close with a facilitated discussion to identify the best practices and take-homes from the conference. You've heard new perspectives, tips, best practices and emerging trends. How will you implement them? Why will you use them? What impact will they have? Leave the conference feeling energized and ready to implement the new ideas and resources to improve your work.

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2015 Annual Educational Conference & Training Registration Form



Please complete one form for each person attending the conference or training session(s). Please type or print the requested information as you would like it to appear on the attendance list and name badge. Register by August 14, 2015 for discounted pricing.

Registration forms may be submitted:

- Online: <http://www.clearhq.org/event-799422>
- Fax: (859) 231-1943
- Mail: 403 Marquis Avenue, Suite 200, Lexington, KY 40502

Name _____ Title _____

Organization/Agency (no abbreviations, please) _____

Address _____

City _____ State/Province _____ Zip _____ Country _____

Phone _____ Fax _____ Email _____

- Please check here if this is your first CLEAR Annual Educational Conference.
- Please check here if you have a disability and may require special accommodations to fully participate in this program. CLEAR staff will contact you.
- Please check here if you would like to be informed via email of future CLEAR programs and events.
- I would like to be included on the attendance list that is distributed to all Annual Educational Conference attendees.

Conference

A fee of US\$50 will apply to all registrations received after August 14, 2015.

- Member US\$450
- Speaker US\$450
- Nonmember (Join now and qualify for member rate.) US\$565
- Friday Luncheon (optional) US\$25

Dietary restrictions: _____

Training Programs

- NCIT Program—Basic**
NCIT attendees may attend the Investigator Issues Discussion Group on Thursday only at no additional charge. Attendance at other conference sessions will be at the regular conference fee in addition to the NCIT fee.
 - Members US\$345
 - Nonmembers US\$430
- NCIT Program—Specialized**
NCIT attendees may attend the Investigator Issues Discussion Group on Thursday only at no additional charge. Attendance at other conference sessions will be at the regular conference fee in addition to the NCIT fee.
 - Members US\$415
 - Nonmembers US\$515
- Drug Diversion Investigator Workshop**
 - Members US\$75
 - Nonmembers US\$95

- Advanced Concepts in Regulatory Governance**
 - Members..... US\$330
 - Members with full conference registration..... US\$255
 - Nonmembers..... US\$410
 - Nonmembers with full conference registration..... US\$335
- Introduction to Regulatory Governance**
 - Members..... US\$230
 - Members with full conference registration..... US\$155
 - Nonmembers..... US\$290
 - Nonmembers with full conference registration..... US\$215
- Executive Leadership Program for Regulators**
 - Members..... US\$440
 - Members with full conference registration..... US\$365
 - Nonmembers..... US\$550
 - Nonmembers with full conference registration..... US\$475

You will receive a registration confirmation at the email you provided on this form.

New CLEAR Membership

Join now and qualify for the member registration fees above.

- Regular Membership**
 - Individual Agency or Organization..... US\$240
- Agency Responsible for:**
 - 2–9 Regulated Entities or Professions..... US\$175 *each*
 - 10–19 Regulated Entities or Professions..... US\$1,640
 - 20+ Regulated Entities or Professions..... US\$2,730
- Association of Regulatory Agencies or Organizations**..... US\$480
- Other Government Agencies**..... US\$480
- Individual (employee of government agency)**..... US\$205
- Associate Membership**
 - State or Provincial Professional Association..... US\$480
 - National Professional Association..... US\$480
 - Other Organizations or Vendors..... US\$820
 - Other Individuals..... US\$205

As a new member, you will enjoy:

- Reduced conference registration fees.
- Reduced fees for webinars and training programs.
- Committee participation.
- A subscription to *CLEAR Exam Review*.
- Access to the password-protected sections of CLEAR's website, including all new resources and the Toolkit for Regulators.

Payment

Payment does not have to accompany registration; however, a registration form must be submitted to CLEAR for each attendee before that attendee can be considered officially registered. Make check payable to CLEAR, Federal Identification Number 61-1267676. Registrant substitutions are always welcome. Cancellations must be received in writing by August 14, 2015 to receive a full refund. After that date, a US\$75 service charge will be subtracted from refunds. **Cancellations received after the opening session are subject to the full registration fee.** Registration fees for the CLEAR conference include evening receptions, coffee breaks and the conference registration packet.

1. Professional photographs, audio and video may be taken and images captured during this event. Attendee hereby grants the Council on Licensure, Enforcement and Regulation (CLEAR) and its representatives, successors and assigns permission to take photographs and/or record Attendee at this event and distribute (both now and in the future) the Attendee's image, likeness or voice in photographs, videotapes, electronic reproductions, audiotapes, social media including tweets at any Council on Licensure, Enforcement and Regulation (CLEAR) events and activities.
2. By registering, Attendee understands and agrees that audio and video footage, photographs and digital images may be taken of Attendee at any conference event. By registering, Attendee also understands and agrees that the Council on Licensure, Enforcement and Regulation (CLEAR) and its representatives, successors and assigns may use said audio and video footage, photographs and digital images in its editorial, advertising, educational, promotional and social media material. Attendee also understands and agrees that international copyright and intellectual property rights on these images and materials will remain the property of the Council on Licensure, Enforcement and Regulation (CLEAR) who will be entitled to broadcast, publish, republish or otherwise distribute these images, data and materials and any product thereof in any way or manner they see fit in perpetuity. Registration for the conference signifies and evidences Attendee's agreement to the terms above and Attendee hereby waives any claims he or she may have against the Council on Licensure, Enforcement and Regulation (CLEAR) its representatives, successors and assigns in regard to said material.



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About CLEAR

The Council on Licensure, Enforcement and Regulation is the premier international resource for professional regulation stakeholders. CLEAR was conceived more than 30 years ago as a resource for any entity or individual involved in the licensure, non-voluntary certification, or registration of the hundreds of regulated occupations and professions. Since its inception, CLEAR's membership has included representatives of all governmental sectors, the private sector, and many others with an interest in this field.

CLEAR promotes regulatory excellence through conferences, educational programs, webinars, seminars and symposia. The organization provides networking opportunities, publications, and research services for those involved with, or affected by, professional and occupational regulation. As a neutral forum to encourage and provide for the sharing of best practices, CLEAR serves and supports the international regulatory community and its vital contribution to public protection.

To help foster a better understanding of the issues involved in professional and occupational regulation, CLEAR sponsors conferences designed to meet the varied needs of all licensing community members. Conference content is directly relevant to board members, registrars, executive directors, agency administrators, and enforcement and investigative staff. CLEAR's Annual Educational Conference is attended by more than 600 members of the regulatory community from across North America, Europe, Australia and New Zealand.

Conference content is developed by and for members of the regulatory community and focuses on four areas of inquiry: Entry to Practice Issues and Beyond; Testing and Examination Issues; Administration, Legislation and Policy; and Compliance and Discipline. Accompanying roundtable discussion groups are also offered. The Regulatory Expo and Exhibitor Showcase typically sees 30 exhibitors provide information about their products and services to attendees.

Attached are the legislative proposals from previous discussions that have been reviewed and approved by the board.

These are being provided for informational purposes.

Red are proposed changes –

Brackets are proposed deletions

Italics are proposed additions

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.

(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)

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.