

State Board of Embalmers and Funeral Directors

June 14-15, 2016

Hyatt Place
333 Chesterfield Center East
Chesterfield, MO 63017

OPEN MINUTES

The meeting of the State Board of Embalmers and Funeral Directors was called to order by Collin Follis, chairman, at 8:39 a.m.

Roll Call

Board Members Present

Collin Follis, Chairman

Gary Fraker, Vice Chairman

Eric Pitman, Board Member- 6-14-16-left meeting at 3:51 p.m. during closed session, returned by telephone at 4:31 p.m./6-15-16 participated in meeting by telephone at 2:12 p.m.

Kenneth McGhee, Board Member

Archie Camden, Board Member- 6-15-16 left meeting at 1:10 p.m., returned by telephone at 1:18 p.m. and left meeting at 2:12 p.m. for the day.

Board Members Absent

Jerald Dickey, Secretary

Staff Present

Sandy Sebastian, Executive Director

Carla Volkart, Administrative Assistant

Lori Hayes, Inspector

Sharon Euler, Division Legal Counsel

The order of the items reflected in these minutes is not necessarily reflective of the order in which the items were reviewed and discussed by the board.

Approval of Agenda

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

Move to Closed

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

Executive Director Report

- **Financial Report**

Sandy discussed the FY2016 monthly financial report from the division with the board regarding the expenditures and revenue to date covering the period through April. The board had no questions.

- **Licensee Reports (new, closed/ceased, disciplined)**

Sandy informed the board that the license reports (new, closed/ceased, disciplined) were included in their materials as informational.

- **Upcoming Conferences**

Sandy informed the board of the Council on Licensure, Enforcement & Regulation, Annual Educational Conference scheduled for September 14-17, 2016 in Portland, Oregon and the DCRA Annual Meeting scheduled for August 9-12, 2016 in Chicago, Illinois. She asked if any of the board members would like to attend either or both of the meetings to let her know.

- **Legislation**

Sandy indicated that if the board wished to make any legislative changes to Chapter 333 or Chapter 436, that they would need to be completed before the September 2016 board meeting. It was decided to hold a Rules Committee meeting on June 30, 2016 at 8:00 a.m., followed by a regular meeting at 10:00 a.m. in Jefferson City.

Legal Counsel Report

No Report

Legal Counsel Contract Renewal

Sandy discussed with the board the renewal of the legal contract for Brydon, Swearingen and England to serve as the board's litigation counsel. She stated that the contract would include language relating to access and destruction of background information and asked if the board would be interested in a contract that could cover two years instead one year as the previous contracts had. A motion was made by Eric Pitman and seconded by Gary Fraker to renew the contract for two years. Motion carried with Kenneth McGhee and Archie Camden voting in favor with no opposition. Jerald Dickey was not present.

Approval of Open Minutes

A motion was made by Gary Fraker and seconded by Kenneth McGhee to approve the following minutes -

- March 29-30, 2016 Board Meeting Minutes
- May 19, 2016 Board Meeting Minutes

Motion carried with Eric Pitman voting in favor with no votes in opposition. Archie Camden abstained since he was not a board member during those meetings. Jerald Dickey was not present.

St. Louis Community College at Forest Park

David Coughran from St. Louis Community College at Forest Park visited with the full board regarding the recommended academic plan for funeral service education in the associate in applied science degree. He stated that pre-admission, a student would commit 40 hours of shadowing a funeral director to get an idea of the day to day functions. The shadowing would be observing only and no embalming would be involved. The funeral director practicum would go beyond the 40 hours of shadowing. Mr. Coughran stated that the funeral director certificate program curriculum was being reviewed and would be submitted to the board for review and approval at a later date. Sharon Euler stated that the board does not have the authority for funeral director practicums and the student would have to be licensed. Mr. Coughran said he would look at the program again for the funeral director practicums or for a funeral director and embalmer combined practicum and clarified that any practicums would be under the associate program and not the certificate program.

Move to Closed

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

C&D Shepard, Inc. dba Shepard Funeral Chapel- Disciplinary Hearing- Case No. 15-1072EM

A disciplinary hearing was held and Jamie Cox from Brydon, Swearingen and England represented the board. Sharon Euler acted as the board's legal advisor. David Shepard and Caren Shepard appeared on behalf of C&D Shepard, Inc. dba Shepard Funeral Chapel. They were not represented by counsel. Ms. Cox made an

objection due to the fact that since C&D Shepard, Inc. dba Shepard Funeral Chapel is a corporation, they must be represented by a legal representative. The licensees had the option of either continuing the hearing and Ms. Cox calling them as witnesses or rescheduling the hearing at a later date when the licensee could obtain counsel. David Shepard agreed to be called as a witness so the hearing could continue. Eric Pitman recused from the hearing and board decision.

Gerald Johnson- Disciplinary Hearing- Case No. 15-0816 EM

A disciplinary hearing was held and Jamie Cox from Brydon, Swearingen and England represented the board. Sharon Euler acted as the board's legal advisor. Gerald Johnson appeared and was not represented by legal counsel.

Open Session/Discussion

Members of the audience discussed with the board their position on granting a grace period on license renewals. Several of the audience members expressed their desire for a grace period for a certain period of time so licensees would not be penalized if services were performed after the expiration date. A motion was made by Eric Pitman and seconded by Kenneth McGhee to table the discussion until the June 30, 2016 Rules Committee meeting. Motion carried with Gary Fraker and Archie Camden voting in favor with no votes in opposition. Jerald Dickey was not present.

Move to Closed

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

Adjourn

A motion was made by Gary Fraker and seconded by Kenneth McGhee to adjourn at 3:35 p.m. Motion carried with Eric Pitman voting in favor with no votes in opposition. Jerald Dickey and Archie Camden were not present.

Executive Director *Sandy Sebastian*

Approved by the board on September 14, 2016

MOTIONS TO GO INTO CLOSED SESSION

1. DISCIPLINE

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (1) RSMo and 324.001.9 RSMo for deliberation on discipline

2. LEGAL ACTIONS/LITIGATIONS/PRIVILEGED COMMUNICATIONS

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (1) RSMo for discussing general legal actions, causes of action or litigation and any confidential or privileged communications between this agency and its attorney

3. PROMOTING/HIRING/DISCIPLINING/FIRING EMPLOYEES

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (3) RSMo discussing hiring, firing, disciplining or promoting an employee of this agency

4. DIAGNOSIS/TREATMENT OF DISCIPLINED LICENSEES

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (5) and Section 324.001.8 RSMo. for proceedings required pursuant to a disciplinary order concerning medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment of specific licensees

5. EXAMINATION MATERIALS

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (7) RSMo for reviewing testing and examination materials

6. EMPLOYEE PERFORMANCE RATINGS

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (13) RSMo for making performance ratings pertaining to individual employees

7. APPLICATIONS

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (14) and Section 324.001.8 RSMo for discussing educational transcripts and/or test scores and/or complaints and/or audits and/or investigative reports and/or other information pertaining to the licensee or applicant for licensure

8. CLOSED MINUTES

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (14) and 324.017 RSMo for the purpose of reviewing and approving the closed minutes of previous meetings

9. COMPLAINTS/ INVESTIGATIVE REPORTS/AUDITS

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021 subsection (14) and section 620.010.14 subsection (7) RSMo for the purpose of discussing investigative reports and/or complaints and/or audits and/or other information pertaining to a licensee or applicant

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