Monday, July 8, 2002

The meeting of the Missouri State Board of Embalmers and Funeral Directors was called to order by Donn James, Chairman, at 1:00 p.m. on July 8, 2002, at the Lodge of the Four Seasons, State Road HH, Lake Ozark, Missouri.

Roll Call
Donn James, Chairman, took roll call and members of the State Board of Embalmers and Funeral Directors were present with the exception of William Stuart and Susie Cunningham.

Board Members Present
Donn James, Chairman
William H. (Bill) Stuart, Vice Chairman
Marcia Shadel, Secretary
Jerry Griffin, Member

Board Member Absent
Susie Cunningham, Member

Staff Present
Patricia Handly, Executive Director
Pamela Schnieders, Clerk IV
Lori Wansing, Inspector
Penney Rector, Assistant Attorney General

Public Present
Bill Stalter, Wassberg & Stalter
Sherry Anderson, MFDA
Greg Russell, CRL
Darlene Russell, CRL
Jim Crawford, NPS
Jan Jackson

Approval of Agenda
Motion was made by Jerry Griffin and seconded by Marcia Shadel to approve the open agenda as submitted. Motion carried unanimously with William Stuart and Susie Cunningham being absent.
Approval of Minutes

• April 23-24, 2002 Open Meeting Minutes
  Motion was made by Marcia Shadel and seconded by Jerry Griffin to approve the April 23-24, 2002 Open Meeting Minutes as submitted. Motion carried unanimously with William Stuart and Susie Cunningham being absent.

• May 15, 2002 Open Mail Ballot Meeting Minutes
  Motion was made by Marcia Shadel and seconded by Jerry Griffin to approve the May 15, 2002 Open Mail Ballot Meeting Minutes as submitted. Motion carried unanimously with William Stuart and Susie Cunningham being absent.

• May 24, 2002 Open Conference Call Meeting Minutes
  Motion was made by Marcia Shadel and seconded by Jerry Griffin to approve the May 24, 2002 Open Conference Call Meeting Minutes as submitted. Motion carried unanimously with William Stuart and Susie Cunningham being absent.

Executive Director’s Report
Patricia Handly reported on the FY2002 Monthly Fund Balance Sheet. The total revenue received, as of May 2002 is $966,737.64. The projected total revenue for FY2002 is $1,029,344. The projected FY2002 Ending Fund Balance is $785,318.61. An update will be given at the October meeting to include Ending Actual Totals for FY2002.
Patricia Handly reported effective July 1, 2002, Office of Administration adopted a policy that a twelve (12) hour continuous travel status rule be established to qualify for meal reimbursements. This rule will not apply to board meetings but will apply to CIU inspectors who have been claiming lunch during days of inspection.
Marilyn Williams, Division Director, has been working with the Office of Administration, the Auditors Office and the Department of Economic Development to determine what allowable reimbursement rate would be approved. Some state agencies will begin utilizing the federal CONUS rate of reimbursement for travel expenses. After comparing the CONUS rate and the Runzheimer rate, Marilyn Williams has requested that all boards throughout the Division of Professional Registration follow the PR Division Policy for reimbursement which was decided to be, no more than, the Average Runzheimer for travel, meal and incidental reimbursement by staff and board members.
The State Auditor’s Office is conducting an audit of compliance with the closed meetings provision of the open records law, and therefore requesting that all boards within the Division of Professional Registration provide a copy of the posting and open minutes of all meetings where the board went into closed session during 2001.
Patricia Handly reported that she attended the Honors Banquet of the Missouri State Funeral Directors and Embalmers Association 58th Annual State Convention held at the Millennium Hotel in St. Louis, Missouri on June 30, 2002.
Patricia Handly reported that Jan Jackson accepted the position of Chief Legal Counsel for the Missouri Consolidated Health Care Plan on July 5, 2002. The board directed the executive director to write a letter of appreciation to Attorney General Jay Nixon for the outstanding service provided by Jan Jackson while representing the State Board of Embalmers and Funeral Directors with a copy to Penney Rector and Jan Jackson.
Renewal Update
Patricia Handly reported that 120 embalmers and 319 funeral directors have not renewed their licenses for the 2002-2004 biennial renewal period.

2002 Legislation
Patricia Handly reported that SB892 relating to Chapter 214, and HB1148 relating to scattering gardens in certain cemeteries, passed both houses of the legislature but have not been signed by the Governor yet.

2003 Legislation
The board reviewed language that was introduced by Representative Parker as HB411 in the 90th General Assembly relating to death certificates. The board is interested in proposing such language during the next legislative session of the General Assembly.

Proposed Rules
4 CSR 120-1.010 General Organization
The board reviewed the draft of proposed amendment 4 CSR 120-1.010 - General Organization. A motion was made by Jerry Griffin and seconded by Marcia Shadel to file the proposed amendment as drafted. Motion carried unanimously with Susie Cunningham being absent. Areas bolded are new language and those in brackets will be deleted.

PROPOSED AMENDMENT

4 CSR 120-1.010 General Organization. The board is proposing to delete section (3) and renumber the remaining sections accordingly.

PURPOSE: The board is amending the rule to be consistent with Section 333.151, RSMo.

(1) Whenever used in this division, the word board means the State Board of Embalmers and Funeral Directors.

(2) The board is a unit of the Division of Professional Registration in the Department of Economic Development.

[(3) The board consists of five (5) licensed embalmers or funeral directors and one (1) public member. The governor appoints the members of the board, with the advice and consent of the senate, from nominees submitted to the director of the Division of Professional Registration by the current president of the Missouri Funeral Directors Association. Each member’s term of office is five (5) years.]

[(4)] (3) The board is authorized by section 333.111.1., RSMo to adopt rules necessary for the transaction of its business and for the standards of service and practice to be followed in the professions of embalming and funeral directing.

[(5)] (4) The board has at least two (2) regularly scheduled business meetings each year and such other meetings as determined by the board. The board has at least two (2) regularly scheduled examination meetings each year and such other examination meetings as determined by the board. The time and location for all board meetings and examinations may be obtained by contacting the board’s executive secretary at P.O. Box 423, Jefferson City, MO 65102-0423.

[(6)] (5) All board meetings will be governed by Roberts’ Rules of Order.

[(7)] (6) All board meetings will be open to the public except as provided by law.
Members of the public may obtain information from the board, or make submissions to the board, by writing the board’s executive secretary at P.O. Box 423, Jefferson City, MO 65102-0423.


**PUBLIC AGENCY COST:** This proposed amendment is estimated to cost state agencies or political subdivisions less than five hundred dollars in the aggregate.

**PRIVATE ENTITY COST:** This proposed amendment will not cost private entities more than five hundred dollars in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Embalmers and Funeral Directors, Patricia A. Handly, Executive Director, 3605 Missouri Boulevard, P.O. Box 423, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

4 CSR 120-2.010 Embalmer’s Registration and Apprenticeship

The board reviewed the draft of proposed amendment 4 CSR 120-2.010 Embalmer’s Registration and Apprenticeship. A motion was made by Jerry Griffin and seconded by Marcia Shadel to file the proposed amendment as drafted. Motion carried unanimously with Susie Cunningham being absent. Areas bolded are new language and those in brackets will be deleted.

**PROPOSED AMENDMENT**

4 CSR 120-2.010 Embalmer’s Registration and Apprenticeship. The board is proposing to delete section (13) and renumber the remaining sections accordingly.

**PURPOSE:** This amendment makes the rule consistent with section 333.041.4, RSMo which states that if an applicant does not appear for the final examination before the board within five (5) years from the date of his or her graduation from an accredited institution of mortuary science education, then he or she must file a new application and no fees paid previously shall apply toward the license fee.

(1) Every person desiring to enter the profession of embalming dead human bodies within Missouri, and who is enrolled in an accredited institution of mortuary science, must register with the board as a practicum student on the form provided by the board. Applications must be accompanied by the applicable fee.

(2) After registration with the board as a practicum student in an accredited institution of mortuary science education, the student may assist in a Missouri licensed funeral establishment preparation room only under the direct supervision of a Missouri licensed embalmer and may assist in the direction of funerals only under the direct supervision of a Missouri licensed funeral director.

(3) After graduating from an accredited institution of mortuary science education, the applicant then must file, with the executive secretary of the board, a transcript of his/her embalming school grades and a certificate from the school showing s/he is a graduate of that school.

(4) If the applicant does not take the examination given by the national conference, the applicant must file with the board, on the form prescribed by the board, an application to take the embalming examination of this board. The application must be filed with the executive secretary of the board at least thirty (30) days before the examination and must be accompanied by the applicable fee.
(5) The embalming examination administered by the board consists of written questions in two (2) sections. The Funeral Service Science section covers embalming, anatomy, pathology, bacteriology, hygiene, chemistry and restorative art. The Funeral Service Arts section covers mortuary administration and the laws and rules governing the care, disposition and the transportation of dead human bodies.

(6) Those applicants achieving a general average of seventy-five percent (75%) on the board’s examination, and achieving no score in either section less than seventy percent (70%), will be deemed to have passed the board’s examination. The board will permit an applicant who scores less than seventy-five percent (75%) on either section to retake the section, upon application and payment of the reexamination fee. On any reexamination of a single failed section, the applicant must score at least seventy-five percent (75%) to pass.

(7) In lieu of the embalming examination administered by the board, the board will accept the results of the examination administered by The International Conference of Funeral Service Examining Boards, Inc. Should an applicant who intends to rely upon his/her scores on The International Conference of Funeral Service Examining Boards’, Inc. examination fail to achieve a general average of seventy-five percent (75%), with no score less than seventy percent (70%) on either section, the board will administer a reexamination of the failed section, upon application and payment of the applicable reexamination fee. On any reexamination of a single failed section, the applicant must score at least seventy-five percent (75%) to pass.

(8) After the applicant has made a passing grade in both sections and has obtained the seventy-five percent (75%) general average on either the board examination or The International Conference of Funeral Service Examining Boards, Inc., examination, s/he then may apply for registration as an apprentice embalmer. This application must contain the name(s) of the Missouri-licensed embalmer(s) under whom s/he will serve. Each instructor must be registered with, and approved by, the board. Any change in instructors also must be registered and approved. Applications must be submitted on the forms provided by the board and must be accompanied by the applicable fee. Application forms are available from the board’s executive secretary.

(9) The period of apprenticeship under this rule must be at least one (1) year. The apprentice embalmer must devote at least thirty (30) hours per week to his/her duties as an apprentice embalmer.

(10) An affidavit provided by the board signed by both the apprentice and the supervisor(s) verifying that the applicant has successfully completed the embalming of twenty-five (25) dead human bodies must be submitted to the board.

(11) After completion of at least a one (1)-year apprenticeship as an apprentice embalmer as provided in this rule, the apprentice embalmer will be examined orally by the board on practical embalming and on the laws of this state governing the profession of embalming. Those students who achieve a score of seventy-five percent (75%) or greater will be deemed to have passed this examination.

(12) After satisfactory completion of these requirements, an embalmer’s license will be issued to an apprentice embalmer upon payment of the applicable fee and subject to the provisions of section 333.121, RSMo.

[(13) Should an applicant not appear for the oral examination before the board within five (5) years from the date of his/her graduation, his/her registration as an embalming student and as an apprentice embalmer and any written examination required under section (4) of this rule in which the applicant is required to successfully complete will be cancelled automatically.]

[(14)] (13) Should an individual desire to obtain an embalmer’s license after his/her license has become void under section 333.081.3, RSMo, the individual will be required to complete a six (6)-month period of apprenticeship during which time s/he will be required to embalm at least twelve (12) dead human bodies under the supervision of a Missouri licensed embalmer. The applicant will be required to pay the current apprenticeship registration and licensing fees to obtain a new embalmer’s license under this rule.

[(15)] (14) All documents filed with the board under this rule will become a part of its permanent files.

[(16)] (15) All licenses issued by the State Board of Embalmers and Funeral Directors shall be displayed at all times in a conspicuous location accessible to the public in the office(s) or place(s) of business for inspection by any duly authorized agent of the board.

PUBLIC AGENCY COST: This proposed amendment is estimated to cost state agencies or political subdivisions less than five hundred dollars in the aggregate.

PRIVATE ENTITY COST: This proposed amendment will not cost private entities more than five hundred dollars in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Embalmers and Funeral Directors, Patricia A. Handly, Executive Director, 3605 Missouri Boulevard, P.O. Box 423, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

4 CSR 120-2.070 Funeral Establishments
The board reviewed the draft of proposed amendment 4 CSR 120-2.070 Funeral Establishments. A motion was made by Jerry Griffin and seconded by Marcia Shadel to file the proposed amendment as drafted. Motion carried unanimously with Susie Cunningham being absent. Areas bolded are new language and those in brackets will be deleted.

PROPOSED AMENDMENT

4 CSR 120-2.070 Funeral Establishments. The board is proposing to amend section (22), add a new section (23), and renumber the remaining sections accordingly.

PURPOSE: This amendment clarifies the documents to be maintained by licensed funeral homes.

(1) Application for a funeral establishment license must be made on the forms provided by the board and must be accompanied by the appropriate fee. Applications are available from the board’s office.

(2) The application shall indicate that the funeral establishment will be used for the—
   (A) Embalming (including transportation to and from the funeral establishment) of dead human bodies;
   (B) Cremation (including transportation to and from the funeral establishment) of dead human bodies;
   (C) Care and preparation, otherwise than by embalming or cremating, for burial or transportation of the human dead; and
   (D) Visitation and ceremonial funeral services only.

(3) A funeral establishment shall not increase the functions for which it will be used without first submitting a new application showing the function(s) for which the funeral establishment will be used and obtaining a new funeral establishment license based upon the new application. A funeral establishment may reduce the functions for which it is licensed by surrendering the right to use the establishment for one (1) or more functions. To increase the functions authorized after rights surrender, the previously discussed procedure for increase shall be followed.

(4) A funeral establishment shall not be used for any function other than the function(s) indicated in the application upon which its license is based.
(5) The application shall indicate the name and license number of the funeral director who is in charge of the general management and supervision of the funeral establishment. When the funeral director in charge changes for a period of more than thirty (30) days, the new funeral director in charge and the former funeral director in charge, jointly or individually, shall notify the board of the change within thirty (30) days of the date when the change first occurs. Failure to notify the board shall be considered a violation of this rule on the part of each and on the part of the funeral establishment. A change in the funeral director in charge does not require a new funeral establishment license.

(6) Within thirty (30) days after an application for a funeral establishment license has been received in the board’s office, the board will cause the establishment to be inspected. The board will act on the application and, within thirty (30) days after the application was received in the board’s office, the applicant will be advised whether the license is granted or denied. If an applicant determines the establishment will not meet the qualifications for inspection or licensure within the thirty (30)-day application period, up to two (2) thirty (30)-day extensions of the application may be requested by the applicant in writing to the board before the application expires. Each request for an extension must be received by the board prior to the expiration of the application or extension period.

(7) Because the board’s decision to grant or deny an establishment license will include a review of confidential information and may lead to legal actions, the portion of the meeting at which the board makes its decision, which may be a meeting by telephone conference call, shall be a closed meeting and the board’s vote also shall be closed.

(8) The establishment license issued by the board is effective for a fixed place or establishment and for a specific name. This license issued by the board shall be displayed in a conspicuous location accessible to the general public at that location. Whenever the ownership, location or name of the licensed establishment is changed, a new license must be obtained. If the establishment maintains a chapel, preparation room or other funeral service facility in a building or portion physically separated from and located at a location designated by an address differing from the office, chapel or other facilities of the applicant, the chapel, preparation room or other funeral facility otherwise located shall be deemed to be a separate funeral establishment. Nothing contained in this rule will be construed or interpreted to require a separate registration for a building if it is joined or connected by a private passage, walk or driveway existing between the registered establishment and the other building.

(A) If a change of ownership is caused by the elimination of one (1) or more owners, for whatever reason (death, sale of interest, divorce) without the addition of any new owner(s), it is not necessary to obtain a new establishment license. However, a new application for an establishment license form must be filed as an amended application within thirty (30) days after the change of ownership. This form must be filled out completely with correct, current information.

(B) A corporation is considered by law to be a separate person. If a corporation owns an establishment, it is not necessary to obtain a new establishment license or to file an amended application for an establishment license form if the owners of the stock change. However, as a separate person, if a corporation begins ownership of an establishment or ceases ownership of an establishment, a new establishment license must be obtained regardless of the relationship of the previous or subsequent owner to the corporation.

(9) The professional business and practice of funeral directing shall be conducted only from a fixed place or establishment which has been licensed by the board except as permitted by section 333.071, RSMo. The funeral establishment physical facility shall be under the actual control of the owner or operator of the establishment. Every funeral establishment must provide and allow access to any member or duly authorized agent of the board for the purpose of inspection as provided by sections 333.061 and 333.101, RSMo. If any representative of the funeral establishment fails or refuses to provide or allow access, it shall be considered a violation of this rule by the funeral establishment and by the funeral director in charge of the funeral establishment. Additionally, if the funeral establishment representative who fails or refuses to provide or allow access holds any license or registration issued by this board, that person shall be in violation of this rule.

(10) No one licensed by this board may be employed in any capacity by an unlicensed funeral establishment. Violation of this section will be deemed misconduct in the practice of embalming or funeral directing.

(11) Only one (1) license will be issued by this board for any physical facility which is considered to be a funeral establishment as defined by statute. If a funeral establishment licensed by this board is destroyed by fire or some other disaster or act of God, the board, in its discretion, for a period of not more than six (6) months, may allow the licensed funeral establishment to continue its operation from another licensed funeral establishment or from a facility that has
not been licensed as a funeral establishment if the facility meets the minimum requirements for the functions outlined in section (2) of this rule.

(12) All signs, stationery and advertising in newspapers, publications or otherwise must include the establishment name as registered with the board. The only exception to this rule is previous name listings of the establishment placed in the white pages of a telephone directory or a national directory of funeral directors. This exception does not apply to advertisements placed in paid yellow page telephone directories. The funeral establishment, however, shall not advertise its previous name(s) in signs placed in the white pages of a telephone directory of a national directory of funeral directors, unless it owns the right to use that name(s). If the funeral establishment has the right to use its previous name(s), that name must appear first, followed by the current name of the establishment. Advertisements which do not comply with this section will be deemed to be misleading as the word is used in section 333.121, RSMo.

(13) The interior and exterior of the funeral establishment physical plant shall be kept free and clean of litter, dirt, debris and clutter or other objects or conditions which present a potential or actual hazard to the health, safety or welfare of the public.

(14) The interior and exterior of the funeral establishment physical plant shall be maintained in a manner which does not present a potential or actual hazard to the health, safety or welfare of the public.

(15) Each funeral establishment used solely or partially for embalming shall contain a preparation room which shall be devoted to activities incident or related to the preparation or the embalming, or both, of dead human remains and shall be equipped and maintained as described in 4 CSR 120-2.090.

(16) No person shall be permitted in a preparation room during the course of embalming a dead human body except the employees of the funeral establishment in which the human body is being embalmed, members of the family of the deceased and persons authorized by the members of the family of the deceased or by law.

(17) Each funeral establishment which is used solely or partially for cremations shall be equipped and maintained as described in 4 CSR 120-2.071.

(18) Each funeral establishment which is used solely or partially for the care and preparation, other than by embalming, for burial or transportation of the human dead, but not solely for visitation and ceremonial funeral service, shall contain a separate area for the care and custody of dead human remains and a separate area for confidential funeral arrangement conferences.

(19) Each funeral establishment which is used solely or partially for the care and preparation, other than by embalming, for burial or transportation of the human dead or solely for visitation and ceremonial funeral services shall—

(A) Contain a restroom, available drinking water and an area where funeral services may be conducted;

(B) Be equipped with, or have access to, equipment necessary for conducting and arranging funeral services, such as tables or desks and chairs for arrangement conferences, file cabinets for the confidential storage of funeral records, seating for chapel-visitaton room, casket bier, register book stand, officiate stand, flower display stands, organ, piano, music-producing equipment, or any combination of these; and

(C) Not make, through its representative, arrangements for the embalming of remains at a facility unless embalming may be performed legally at that facility according to the law of the jurisdiction in which the facility is located.

(20) According to section 333.121.2(17), RSMo, the State Board of Embalmers and Funeral Directors may impose disciplinary action for failure to obtain authorization to embalm from the person entitled to custody or control of the body, if the body is embalmed. If the body is not embalmed, a funeral establishment shall not hold the unembalmed body for any longer than twenty-four (24) hours unless the unembalmed body is refrigerated or encased in an airtight metal or metal-lined burial case, casket or box that is closed and hermetically sealed. If the deceased gave written authorization to embalm and did not revoke the authorization, the authorization shall satisfy this requirement. If the deceased did not give written authorization to embalm, the next of kin of the deceased may give authorization to embalm. Authorization to embalm may be given by the next of kin prior to the death of the person whose body is to be embalmed. Authorization to embalm given prior to death may be in any written document, including a preneed contract. Authorization for embalming may be given by the following:
(A) The next of kin, for purposes of this rule, shall be the following person(s), in the priority listed, if that person is over the age of eighteen (18) years and is mentally competent:
1. Surviving spouse;
2. Any surviving child;
3. Any surviving parent. If the deceased was a minor, a surviving parent who had custody of the minor;
4. Any surviving brother or sister; or
5. Any surviving relative by blood or marriage;
(B) Any person or friend who assumes responsibility for the disposition of the deceased’s remains if no next of kin assumes such responsibility;
(C) The county coroner or medical examiner pursuant to the provisions of Chapter 58, RSMo;
(D) If the body is required to be buried at public expense, the body shall be disposed of according to the terms of section 194.150, RSMo;
(E) If the funeral establishment receives no authorization to embalm from any of the persons identified in subsections (20)(A), (B), or (C) of this rule, the funeral establishment may proceed with embalming if it has attempted to locate a person from whom authorization to embalm may be obtained for at least six (6) hours and it has a written statement from city, county, or state law enforcement officials that they have assisted the funeral establishment in attempting to locate such a person. However, the embalmer may proceed to embalm sooner if the condition of the body is such that waiting for six (6) hours would substantially impair the ability to effectively embalm the body or if the deceased died as a result of a communicable disease, was subject to isolation at the time of death, and has not been properly embalmed;
and
(F) If an embalmer proceeds to embalm a body under the provisions of subsection (20)(E), the funeral establishment which employs the embalmer shall not require payment for the embalming unless the funeral arrangements which are subsequently made are those that embalming is required.

(21) Each funeral establishment shall maintain documentation of the following information regarding authorization to embalm a body which is embalmed by or on behalf of the funeral establishment:
(A) When authorization to embalm is given in writing—
1. The name and signature of the person who is authorizing embalming;
2. The relationship of that person to the deceased;
3. The time and date authorization to embalm was given; and
4. The name and title of the person receiving authorization to embalm on behalf of the funeral establishment; and
(B) Authorization to embalm must be given in writing if the person authorizing embalming is present in the funeral establishment or in the physical presence of the person receiving authorization to embalm on behalf of the funeral establishment. If verbal authorization to embalm is given, the funeral establishment must document—
1. The name of the person who is actually authorizing embalming (surviving spouse), if different from the person who is verbally communicating authorization to embalm to the funeral establishment;
2. The relationship of that person to the deceased;
3. The name of the person who is verbally communicating authorization to embalm and that person’s relationship to the person who is actually authorizing embalming;
4. The time and date authorization to embalm was given; and
5. The name and title of the person receiving authorization to embalm on behalf of the funeral establishment.

(22) Each funeral establishment licensed for the care and preparation of a dead human body must maintain on the premises the following documents for a minimum of one (1) year:
[(A) Embalming logs;
(B) Purchase agreements;
(C) Authorizations to embalm;
(D) Preneed contracts which have been cancelled or fulfilled;
(E) Authorizations to cremate; and
(F) General price list.]
(A) General price list;
(B) Preneed contracts which have been cancelled or fulfilled;
(C) Purchase agreements; and
(D) Authorizations to embalm or cremate.
(23) Each funeral establishment licensed for embalming must maintain in the preparation room an embalming log for a minimum of one (1) year.

[(23)] (24) No dead human body shall be buried, interred, cremated, or be removed from this state, unless the burial, interment, cremation, removal, or other authorized disposition, is performed under the direction of a Missouri licensed funeral establishment or Missouri licensed funeral director who is engaged in the practice of funeral directing in a licensed funeral establishment in an adjacent and contiguous county to the state of Missouri.

[(24)] (25) Whenever a dead human body is donated to a medical or educational institution for medical and/or scientific study and arrangements for return of the body to the legal next of kin have not been made, then delivery of the body to the medical or educational institution shall constitute final disposition. If, however, arrangements for return of the body to the legal next of kin have been made, then final disposition shall be the burial, interment, cremation, or removal of the body out of this state, after the medical or educational institution has returned the body.


**PUBLIC AGENCY COST:** This proposed amendment is estimated to cost state agencies or political subdivisions less than five hundred dollars in the aggregate.

**PRIVATE ENTITY COST:** This proposed amendment will not cost private entities more than five hundred dollars in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Embalmers and Funeral Directors, Patricia A. Handly, Executive Director, 3605 Missouri Boulevard, P.O. Box 423, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

4 CSR 120-2.090 Preparation Rooms

The board reviewed the draft of proposed amendment 4 CSR 120-2.090 Preparation Rooms. A motion was made by Jerry Griffin and seconded by Marcia Shadel to file the proposed amendment as drafted. Motion carried unanimously with Susie Cunningham being absent. Areas bolded are new language and those in brackets will be deleted.

**PROPOSED AMENDMENT**

4 CSR 120-2.090 Preparation Rooms. This board is proposing to amend sections (9) and (11).

**PURPOSE:** This amendment details the requirement for an eye wash kit or suitable facilities for drenching the eyes of the embalmer in the preparation area.

(1) Whenever used in this rule, the phrase preparation room refers to that room in a licensed funeral establishment where dead human bodies are embalmed.

(2) The following requirements for the maintenance and cleanliness of preparation rooms apply at all times, regardless of whether a dead human body is being embalmed or not.

(3) Floors, Walls and Ceilings. All preparation room floor surfaces must be smooth, nonabsorbent materials and so constructed as to be kept clean easily. Floor drains must be provided where the floor is to be subjected to cleaning by flooding. All walls and ceilings must be easily cleanable and light colored, and must be kept and maintained in good repair. All walls shall have washable surfaces.
(4) Plumbing.
   (A) All plumbing must be sized, installed and maintained so as to carry adequate quantities of water throughout the 
       funeral establishment, prevent contamination of the water supply, properly convey sewage and liquid waste from 
       the preparation room to the sewage disposal system and prevent creation of an unsanitary condition or nuisance. 
   (B) All plumbing must be sized, installed and maintained in accordance with local plumbing laws and ordinances. 
       Where local codes are not in force, the BOCA National Plumbing Code published by Building Officials & Code 
       Administrators International, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, shall apply.

(5) Sewage and Liquid Waste Disposal.
   (A) All sewage and water-carried wastes from the entire establishment, including the preparation room, must be 
       disposed of in a public sewage system or an approved disposal system which is constructed, operated and 
       maintained in conformance with the minimum standards of the Department of Health.
   (B) The following aspirators are approved for preparation rooms:
       1. Electric aspirators;
       2. Water-operated aspirators. All water-operated aspirators shall be protected from back siphonage by the 
          minimum of an atmospheric vacuum breaker approved by the American Society of Sanitary Engineering or by 
          the Uniform Plumbing Code and installed a minimum of twelve inches (12") above the maximum possible 
          height of the embalming table; and 
       3. Water-controlled unit. All water-controlled units shall be installed and maintained according to the Uniform 
          Plumbing Code, and properly protected from back siphonage with a back-flow prevention device approved by 
          the American Society of Sanitary Engineering or the Uniform Plumbing Code.

(6) Solid Waste Disposal.
   (A) Refuse, bandages, cotton and other solid waste materials must be kept in leakproof, nonabsorbent containers which 
       must be covered with tight-fitting lids prior to disposal.
   (B) All waste materials, refuse, and used bandage and cotton must be destroyed by reducing to ashes through 
       incineration or must be sterilized and buried. Sterilization may be accomplished by soaking for thirty (30) minutes 
       in a solution of five percent (5%) formaldehyde, one (1) pint of formalin to seven (7) pints of water.

(7) Disposal of Body Parts. Human body parts not buried within the casket must be disposed of by incineration in a 
    commercial or industrial-type incinerator or buried to a depth which will insure a minimum of three feet (3') of 
    compacted earth cover (overlay).

(8) A mechanical exhaust system is required. Care must be taken to prevent the discharge of exhaust air into an area where 
    odors may create nuisance problems.

(9) All preparation rooms and all articles stored in them must be kept and maintained in a clean and sanitary condition. All 
    embalming tables, hoppers, sinks, receptacles, instruments and other appliances used in embalming or other 
    preparation of dead human bodies must be so constructed that they can be kept and maintained in a clean and sanitary 
    condition. The following minimum standards shall apply:
   (A) An eye wash kit (bank) [must be present and operable] or suitable facilities for quick drenching or flushing 
       of the eyes shall be provided within the area for immediate emergency use;
   (B) Facilities must exist for the proper [sterilization]/[disinfection] of embalming instruments and the embalming table;
   (C) Facilities for the proper storage of embalming instruments must be maintained. At a minimum, a chest or cabinet 
       must be used for the storage of embalming instruments;
   (D) All types of blocks used in positioning a dead human body on an embalming table must be made of nonabsorbent 
       material. All wooden blocks must be sealed and painted with enamel; and
   (E) When not in use, embalming tables must be cleaned, [sterilized]/[disinfected] and covered with a sheet.

(10) Food and Beverages.
    (A) There may be no direct opening between the preparation room and any room where food and beverages are 
        prepared or served.
    (B) The Department of Health sanitation laws and rules governing food sanitation apply to the operation, construction 
        and sanitation of food service facilities, where provided for the comfort and convenience of a funeral party; 
        provided, however, that coffee service utilizing single-service cups and spoons and a coffee maker of easily 
        cleanable construction shall be deemed acceptable where this service is the only food service offered.
(C) A funeral home providing coffee service utilizing single-service items and coffee makers of easily cleanable construction must provide a water supply faucet at a suitable sink of easily cleanable construction for the filling and cleaning of this equipment in an area separate from the preparation room and restrooms.

(11) A separate wash sink (separate from slop drain sink) must be present or in close proximity to the preparation room for a personal hand wash facility for embalmers and the disinfecting of embalming equipment. If the wash sink is not present in the preparation room, it shall be in a location close to the preparation room which is not accessible to the public and it shall be at a distance of no further than ten feet (10') from the door of the preparation room.

(12) Preparation rooms shall contain only the articles, instruments, and items that are necessary for the preparation, embalming, and final disposition of dead human bodies.


PUBLIC AGENCY COST: This proposed amendment is estimated to cost state agencies or political subdivisions less than five hundred dollars in the aggregate.

PRIVATE ENTITY COST: This proposed amendment will not cost private entities more than five hundred dollars in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Embalmers and Funeral Directors, Patricia A. Handly, Executive Director, 3605 Missouri Boulevard, P.O. Box 423, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

ICFSEB District V Meeting – April 7, 2002
The board reviewed the minutes of the International Conference of Funeral Service Examining Boards District V Meeting, held Sunday, April 7, 2002 in Dallas, Texas. This was provided for information purposes only.

St. Louis Community College – April 18, 2002
The board reviewed the minutes of the Funeral Service Advisory Board Meeting held Thursday, April 18, 2002 at St. Louis Community College.

The Department of Funeral Service Education at St. Louis Community College announced the implementation of the new Internet version of the Certificate of Proficiency in Funeral Directing. The Internet courses are scheduled to begin on August 26, 2002.

Donn James, Jerry Griffin and William Stuart reported on the Missouri Funeral Director Annual Convention held June 16-19, 2002 at the Tan-Tar-A Resort in Lake Ozark, Missouri. Patricia Handly and Lori Wansing also represented the board during the convention. Sherry Anderson thanked the board members as well as Marilyn Williams, Division Director, for their participation. Board members thanked the MFDA for providing booth space and allowing board members and staff to participate.
CLEAR 2002 Annual Meeting – September 12-14, 2002 – Las Vegas
The Council on Licensure, Enforcement and Regulation (CLEAR) will be hosting their 22nd Annual Conference on September 12-14, 2002 in Las Vegas, Nevada. Jerry Griffin is scheduled to attend the convention on behalf of the board.

Board Member Orientation – September 26-27, 2002
The Division of Professional Registration will be hosting a Board Member Orientation on September 26-27, 2002 in Jefferson City, Missouri at the Capitol Plaza Hotel. Board members who are interested in attending may contact the board office.

Future Meeting Dates
The next meeting of the board is scheduled for October 7-8, 2002, at the Lodge of the Four Seasons, in Lake Ozark, Missouri. A board meeting has been scheduled for December 2-3, 2002, at the Fairmont, in Kansas City, Missouri. The board voted to schedule a meeting for February 24-25, 2003, in Rolla, Missouri.

Closed Meeting
Motion was made by Jerry Griffin and seconded by Marcia Shadel to go into closed session under numbers 1-9. Motion carried with Donn James, William Stuart, Marcia Shadel and Jerry Griffin voting in favor with no votes in opposition. Susie Cunningham was absent from the meeting.

1. 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 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 the licensee or applicant.

2. 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 610.020 Subsection (1) RSMo for the purpose of discussing general legal actions, causes of action or litigation and any confidential or privileged communications between this agency and its attorney.

3. 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 the purpose of deliberation on discipline.

4. 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 for the purpose of discussing hiring, firing, disciplining or promoting an employee of this agency.
5. 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) RSMo and Section 620.010.14 Subsection (7) RSMo for the purpose of discussing applicants for licensure.

6. 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 the purpose of making performance ratings pertaining to the individual employees.

7. 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 the purpose of discussing and/or reviewing testing and examination materials.

8. 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 proceedings required pursuant to a disciplinary order concerning medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment of specific licensees.

9. 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 for the purpose of reviewing and approving the closed minutes of one or more previous meetings under the Subsection of 610.021 which authorized this agency to go into closed session during those meetings.

**Adjournment**

A motion was made by William Stuart and seconded by Jerry Griffin to adjourn. Motion carried unanimously with Susie Cunningham being absent. The meeting adjourned at 11:20 a.m. on Tuesday, July 9, 2002.

Executive Director: __________________________

Approved by the Board on: __________________________