Monday, December 15, 2003

The meeting of the Missouri State Board of Embalmers and Funeral Directors was called to order by William Stuart, Vice-Chairman, at 1:00 p.m. on Monday, December 15, 2003, at the Fairmont at the Plaza, 401 Ward Parkway, Kansas City, Missouri.

Roll Call
William Stuart, Vice-Chairman took roll call, the following members of the State Board of Embalmers and Funeral Directors were present. Jerry Griffin, Chairman, and Marcia Shadel, Member, were absent due to illness.

Board Members Present
William H. (Bill) Stuart, Vice Chairman
Kenneth McGhee, Secretary
Donn James, Member
Joy Gerstein, Public Member

Board Members Absent
Jerry Griffin, Chairman
Marcia Shadel, Member

Staff Present
Becky Dunn, Executive Director
Lori Hayes, Inspector
Pamela Schnieders, Administrative Assistant
Sharon Euler, Assistant Attorney General

Public Present
Henry Epstein, MFDA
Sherry Anderson, MFDA
Brad Speaks, Speaks Memorial Chapel
Bill Stalter, Stewart Enterprises
Greg Russell, CRL
Darlene Russell, CRL
Donovan Lakin
John McCulloch, APS
Approval of Agenda
Motion was made by Donn James and seconded by Joy Gerstein to approve the open agenda with amendments. Motion carried unanimously with Jerry Griffin and Marcia Shadel being absent.

Approval of Minutes
- **August 15, 2003 Open Mail Ballot Meeting Minutes**
  Motion was made by Donn James and seconded by Joy Gerstein to approve the August 15, 2003 Open Mail Ballot Meeting Minutes as submitted. Motion carried unanimously with Jerry Griffin and Marcia Shadel being absent.

- **August 21, 2003 Open Mail Ballot Meeting Minutes**
  Motion was made by Donn James and seconded by Joy Gerstein to approve the August 21, 2003 Open Mail Ballot Meeting Minutes as submitted. Motion carried unanimously with Jerry Griffin and Marcia Shadel being absent.

- **August 28-29, 2003 Open Meeting Minutes**
  Motion was made by Donn James and seconded by Joy Gerstein to approve the August 28-29, 2003 Open Meeting Minutes as submitted. Motion carried unanimously with Jerry Griffin and Marcia Shadel being absent.

- **September 5, 2003 Open Mail Ballot Meeting Minutes**
  Motion was made by Donn James and seconded by Joy Gerstein to approve the September 5, 2003 Open Mail Ballot Meeting Minutes as submitted. Motion carried unanimously with Jerry Griffin and Marcia Shadel being absent.

- **September 30, 2003 Open Mail Ballot Meeting Minutes**
  Motion was made by Donn James and seconded by Joy Gerstein to approve the September 30, 2003 Open Mail Ballot Meeting Minutes as submitted. Motion carried unanimously with Jerry Griffin and Marcia Shadel being absent.

- **October 6, 2003 Open Mail Ballot Meeting Minutes**
  Motion was made by Donn James and seconded by Joy Gerstein to approve the October 6, 2003 Open Mail Ballot Meeting Minutes as submitted. Motion carried unanimously with Jerry Griffin and Marcia Shadel being absent.

- **November 10, 2003 Open Mail Ballot Meeting Minutes**
  Motion was made by Donn James and seconded by Joy Gerstein to approve the November 10, 2003 Open Mail Ballot Meeting Minutes as submitted. Motion carried unanimously with Jerry Griffin and Marcia Shadel being absent.

Executive Director's Report
Becky Dunn reported on the FY2004 Monthly Fund Balance Sheet as of October 31, 2003

<table>
<thead>
<tr>
<th></th>
<th>Year-To-Date</th>
<th>Projected</th>
<th>Remaining</th>
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<tbody>
<tr>
<td>FY 2003 Beginning Fund Balance</td>
<td>$598,740.43</td>
<td></td>
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<tr>
<td>Revenue</td>
<td>$130,187.04</td>
<td>$1,053,957.00</td>
<td>$923,769.96</td>
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<tr>
<td>Expense and Equipment</td>
<td>$ 19,024.99</td>
<td>$ 149,634.00</td>
<td>$130,609.01</td>
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<tr>
<td>Total Transfers</td>
<td>$144,788.88</td>
<td>$ 542,689.76</td>
<td>$397,900.88</td>
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<tr>
<td>Ending Fund Balance</td>
<td>$565,113.60</td>
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<td></td>
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Legislation
At this time the board is not considering legislation for the upcoming session of the General Assembly.

Rules
Final Drafts of the proposed board regulation changes were mailed to all members of the board for approval. The board directed the Executive Director to proceed with the filing of the following proposals with the Secretary of State’s Office.

Proposed Amendment - 4 CSR 120-1.010 General Organization.
Proposed Amendment - 4 CSR 120-1.020 Board Member Compensation.
Proposed Rule - 4 CSR 120-1.040 Definitions.
Proposed Rescission - 4 CSR 120-2.010 Embalmer’s Registration and Apprenticeship.
Proposed Rule - 4 CSR 120-2.010 Embalmer’s Registration and Apprenticeship.
Proposed Amendment - 4 CSR 120-2.020 Biennial License Renewal.
Proposed Amendment - 4 CSR 120-2.022 Retired License.
Proposed Amendment - 4 CSR 120-2.030 Registration of Licensees with Local Registrars of Vital Statistics.
Proposed Rescission - 4 CSR 120-2.040 Licensure by Reciprocity.
Proposed Rule - 4 CSR 120-2.040 Licensure by Reciprocity.
Proposed Amendment - 4 CSR 120-2.050 Miscellaneous Rules.
Proposed Rescission - 4 CSR 120-2.060 Funeral Directing.
Proposed Rule - 4 CSR 120-2.060 Funeral Directing.
Proposed Rescission - 4 CSR 120-2.070 Funeral Establishments.
Proposed Rule - 4 CSR 120-2.070 Funeral Establishments.
Proposed Amendment - 4 CSR 120-2.071 Funeral Establishments Containing a Crematory Area.
Proposed Amendment - 4 CSR 120-2.080 – Written Statement of Charges.
Proposed Amendment - 4 CSR 120-2.090 – Preparation Rooms/Embalming Room.
Proposed Amendment - 4 CSR 120-2.100 Fees.
Proposed Amendment - 4 CSR 120-2.110 Public Complaint Handling and Disposition Procedure.
Proposed Amendment - 4 CSR 120-2.115 Procedures for Handling Complaints Against Board Members.

Preneed Provider and Seller Report
As of December 4, 2003, registered preneed sellers in Missouri reported a total of 21,797 contracts sold with a total face value of $87,230,338 for the 2002-2003 reporting period. Lori Hayes reported on the preneed provider and preneed seller annual reports that were not submitted prior to October 31, 2003. Ms. Hayes indicated that fifty-four (54) preneed providers and thirty (30) preneed sellers were delinquent in the filing of their annual reports. All licensees have been notified and sent the proper application to become compliant. A listing was sent to all inspectors notifying them of the facilities that have not sent the proper application to become compliant.
Funeral Establishment Report
Funeral establishment 2004-2006 biennial renewal notices were mailed out in October. Approximately 75% of the licensees have renewed their license. Lori Hayes reported that since July, 2003 board inspectors wrote 96 violations on non-compliance.

Sales Tax Refund
The board is taking no position on this ruling.

International Conference of Funeral Service Examining Boards, Inc.
In 2004, several changes will be taking place relative to the National Board Examination. The examination has been converted from a paper and pencil format to a computer based format. The examination will be given in testing centers located in select H&R Block office throughout the United States and Canada and will no longer be held at the Mortuary Science Schools or the designated testing locations.

William Stuart reported on the National Funeral Directors Association Convention & Expo, held October 19-22, 2003 in Las Vegas, Nevada.

Future Meeting Dates
The board voted to schedule a meeting for January 20, 2004, at the Division of Professional Registration, Jefferson City, Missouri. A board meeting has been scheduled for March 3-4, 2004, at the Drury Inn, 4th & Market, St. Louis, Missouri.

Sherry Anderson reported the Missouri Funeral Directors Association will hold their annual convention on June 6-9, 2004 at the Sheraton Westport Plaza, St. Louis, Missouri. The Missouri Funeral Directors Association will hold a Mid-Winter Conference, January 15-16, 2004 along with the Kansas Funeral Director Association.

Appearances:
Charter Funerals of Missouri, LLC, and Duscan Radovich – Disciplinary Hearing
The disciplinary hearing scheduled for 2:00 p.m. on today’s date did not occur for Charter Funeral of Missouri, LLC and Duscan Radovich, due to the board rescheduling the hearing until January 20, 2004.

Warren Watkins – Disciplinary Hearing
On Monday, December 15, 2003 at 2:30 p.m., the board held a disciplinary hearing for Warren Watkins. Mr. Watkins was present for the hearing. William F. O’Sullivan, legal counsel for Mr. Watkins was also present. Members of the State Board of Embalmers and Funeral Directors were present with the exception of Jerry Griffin and Marcia Shadel. Sharon Euler, Assistant Attorney General, represented the board during the hearing and Bill Vanderpool, Assistant Attorney General, was advisor to the Board on procedural and evidentiary matters. The disciplinary hearing was adjourned at 3:45 p.m.
Following the hearing, a motion was made by Kenneth McGhee and seconded by Joy Gerstein to go into closed session for the purpose of discussion and deliberation of this case. Motion carried with William Stuart, Kenneth McGhee, Donn James and Joy Gerstein voting in favor with no votes in opposition. Jerry Griffin and Marcia Shadel were absent for the meeting.

**Stanza & Company, Inc., Oak Grove Mausoleum Company and Marilyn Wibbenmeyer-Stanza – Disciplinary Hearing**

The disciplinary hearing scheduled for 3:30 p.m. on today’s date did not occur for Stanza & Company, Inc., Oak Grove Mausoleum Company and Marilyn Wibbenmeyer-Stanza due to the board rescheduling the hearing until January 20, 2004.

**Closed Meeting.**

Motion was made by Donn James and seconded by Kenneth McGhee to move into closed session and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from the closed meeting be closed pursuant to Section 610.021 Subsection (14) and 620.010.14 Subsection (7) 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; 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; Section 610.021 Subsection (1) RSMo and 620.010.14 Subsection (8) for deliberation on discipline; Section 610.021 Subsection (3) RSMo discussing hiring, firing, disciplining or promoting an employee of this agency; Section 610.021 Subsection (13) RSMo for making performance ratings pertaining to individual employees; Section 610.021 Subsection (7) RSMo for reviewing testing and examination materials; Section 610.021 Subsection (14) and Section 620.010.14 Subsection (5) RSMo for proceedings required pursuant to a disciplinary order concerning medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment of specific licensees; and Subsection of 610.021 RSMo for the purpose of reviewing and approving the closed minutes of previous meetings.

**Adjournment**

A motion was made by William Stuart and seconded by Kenneth McGhee to adjourn. Motion carried unanimously with Marcia Shadel being absent. The meeting adjourned at 11:30a.m. on Tuesday, December 16, 2003.

Executive Director: ______________________________

Approved by the Board on: __________________________