The conference call of the Missouri State Board of Embalmers and Funeral Directors was called to order by Jerry Griffin, Chairman, at 9:05 a.m. on April 29, 2004, at the Division of Professional Registration, 3605 Missouri Boulevard, Jefferson City, Missouri.

**Board Members Present**
Jerry Griffin, Chairman  
William H. (Bill) Stuart, Vice Chairman  
Kenneth McGhee, Secretary (Joined meeting at 9:07 a.m.)  
Marcia Shadel, Member  
Joy Gerstein, Public Member

**Board Member Absent**
James Reinhard, Member

**Staff Present**
Becky Dunn, Executive Director  
Pamela Schnieders, Administrative Assistant  
Sharon Euler, Assistant Attorney General  
Connie Clarkston, Division of Professional Registration

**Public Present**
Greg Russell, CRL  
William Stalter, Stewart Enterprises  
Randy Singer, NPS

**Approval of Agenda**
Motion was made by William Stuart and seconded by Marcia Shadel to approve the open agenda as submitted. Motion carried unanimously with Kenneth McGhee and James Reinhard being absent for this portion of the meeting.

**Proposed Amendment 4 CSR 120-2.080 – Written Statement of Charges**
The board revisited the amended text to proposed amendment 4 CSR 120-2.080 – Written Statement of Charges, reviewed at the March 3-4, 2004 meeting and changes to the text as submitted to the Secretary of State Office. Areas bolded are new language and those in brackets will be deleted. The board entertained various comments from the public in
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attendance relative to the amended text. A motion was made by William Stuart and seconded by Marcia Shadel to withdraw the proposed amendment from the Secretary of State’s Office. Motion carried unanimously with James Reinhard being absent from the meeting.

PROPOSED AMENDMENT

4 CSR 120-2.080 Written Statement of Charges. The board is proposing to amend sections (1)-(2) and (4) and add new sections (3) and (5).

PURPOSE: This amendment clarifies the written statement of charges at the time of need.

(1) Every Missouri licensed funeral director responsible for providing funeral services [in charge of arranging for any funeral service.] or arranging for the delivery of any funeral merchandise, shall give or cause to be given to the person(s) making such arrangements a written statement of charges for the funeral merchandise and funeral services selected.

(2) The written statement of charges shall be completed and given to the person(s) making such arrangements at the time such arrangements are completed but prior to the time of rendering [the] funeral services or providing the merchandise and it shall contain, at a minimum, the following information:

(A) The name and address of the Missouri licensed funeral establishment in charge of the arrangements, and/or the name and address of the Missouri licensed funeral establishment in charge of providing the merchandise selected, including the name and signature of the Missouri licensed funeral director [in charge of] making the arrangements or providing the merchandise;

(B) The name, address and signature of the purchaser;

(C) The date of the purchaser's and Missouri licensed funeral director's signature;

(D) The name of the deceased and the date of death;

(E) The price of the service(s) selected and the price of the supplemental (additional) items [of service];

(F) The price of the merchandise selected which shall include a detailed description of the casket and outer burial container;

(G) The amount and description of all cash advance items; and

(H) The method of payment.

(3) The written statement of charges required by this rule shall be signed and dated by the Missouri licensed funeral director and the individual in charge of making the at need arrangements and shall be prepared on an at need contract. It shall be considered misconduct in the practice of funeral directing to use a preneed contract in lieu of the written statement of charges required by this rule.

[(3)] (4) Violations of this rule will be deemed misconduct in the practice of funeral directing.

(5) The rules in this division are declared severable. If any rule, or section of a rule, is held invalid by a court of competent jurisdiction or by the Administrative Hearing Commission, the remaining provisions shall remain in full force and effect unless otherwise determined by a court of competent jurisdiction or by the Administrative Hearing Commission.

A motion was made by William Stuart and seconded by Kenneth McGhee to immediately file a new proposed amendment as follows. Areas bolded are new language and those in brackets will be deleted. Motion carried unanimously with James Reinhard being absent from the meeting.

PROPOSED AMENDMENT

4 CSR 120-2.080 Written Statement of Charges. The board is proposing to amend sections (1)-(2) and (4) and add new sections (3) and (5).

PURPOSE: This amendment clarifies the written statement of charges at the time of need.
(1) Every Missouri licensed funeral director [in charge of arranging for any funeral service,] responsible for providing funeral services or arranging for the delivery of any funeral merchandise, shall give or cause to be given to the person(s) making such arrangements a written statement of charges for the funeral merchandise and funeral services selected.

(2) [The] At the time of need, a written statement of charges shall be completed and given to the person[(s)] making [such] the at need arrangements. [at the time such arrangements are completed but] The written statement of charges shall be completed prior to the [time of] rendering of the funeral services or providing [the] merchandise. [and it shall contain, at] At a minimum, the written statement of charges shall contain the following [information]:

(A) The name and signature of the Missouri licensed funeral director responsible for marking the arrangements or providing the funeral merchandise;

(B) The name and address of the Missouri licensed funeral establishment in charge of [the arrangements, or the name and address of the funeral establishment in charge of providing] the merchandise selected, including the name and signature of the funeral director in charge of the arrangements or providing the merchandise or funeral services;

(C) The name, address and signature of the [purchaser] person making the at-need arrangements;

(D) The date of the [purchaser's and funeral director's] signatures;

(E) The name of the deceased [and the date of death];

(F) The date of death;

(G) The price of the service(s) selected and the price of the supplemental (additional) items [of service];

(H) The price of the merchandise selected [which shall include] including a detailed description of the casket and outer burial container;

(I) The amount and description of all cash advance items; and

(J) The method of payment.

(3) A preneed contract shall not be substituted for the written statement of charges required by this rule.

(4) Violations of this rule will be deemed misconduct in the practice of funeral directing.

(5) The rules in this division are declared severable. If any rule, or section of a rule, is held invalid by a court of competent jurisdiction or by the Administrative Hearing Commission, the remaining provisions shall remain in full force and effect unless otherwise determined by a court of competent jurisdiction or by the Administrative Hearing Commission.

Adjournment
A motion was made by William Stuart and seconded by Kenneth McGhee to adjourn. Motion carried unanimously with James Reinhard being absent from the meeting. The meeting adjourned at 9:35 a.m. on Thursday, April 29, 2004.

Executive Director: ________________________________

Approved by the Board on: __________________________
CALL TO ORDER

ROLL CALL

1. Approval of Agenda

2. Rules

ADJOURNMENT
Meeting Notice

Missouri State Board of Embalmers and Funeral Directors
Conference Call

April 29, 2004 – 9:00 a.m.
Division of Professional Registration
3605 Missouri Blvd.
Jefferson City, Missouri 65109

The Missouri State Board of Embalmers and Funeral Directors will be meeting on April 29, 2004 beginning at 9:00 a.m. Notification of special needs as addressed by the American with Disabilities Act should be forwarded to the Missouri State Board of Embalmers and Funeral Directors, P.O. Box 423, 3605 Missouri Boulevard, Jefferson City, Missouri 65102 or by calling (573) 751-0813 to ensure available accommodations. The text telephone for the hearing impaired is (800) 735-2966.

Except to the extent disclosure is otherwise required by law, the Missouri State Board of Embalmers and Funeral Directors is authorized to close meetings, records and votes, to the extent they relate to the following: Sections 610.021(1), (3), (5), (7), (13) and (14), RSMo, and Section 620.010.14(7) RSMo.

The Board may go into closed session at any time during the meeting. If the meeting is closed the appropriate section will be announced to the public with the motion and vote recorded in open session minutes.

Please see attached tentative agenda for this meeting.

Attachment

cc: Marilyn Williams and Laurie Morris