The meeting of the Missouri State Board of Embalmers and Funeral Directors was called to order by Jerry Griffin, Chairman, at 12:10 p.m. on Monday, March 14, 2005, at the Doubletree Hotel and Conference Center, 16625 Swingley Ridge Road, Chesterfield, Missouri.

Board Members Present
Jerry Griffin, Chairman
William H. (Bill) Stuart, Vice Chairman
Kenneth McGhee, Secretary
Marcia Shadel, Member
James Reinhard, Member
Joy Gerstein, Public Member

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

Public Present
Randy Singer, NPS
Don Otto, MFDA/MFT
Greg Russell, CRL
John McCullough, APS
Erwin Switzer, Missouri Attorney General’s Office (Hearing Advisor)
Bernard F. Edwards, Attorney for Clark and Sons Funeral Home
Gayle Sims, Poe & Company, (Court Reporting)

Approval of Agenda
Motion was made by William Stuart and seconded by Kenneth McGhee to approve the open agenda. Motion carried with William Stuart, Kenneth McGhee, Marcia Shadel and Joy Gerstein voting in favor with no votes in opposition. James Reinhard was absent for this portion of the meeting.
Approval of Minutes

- **November 22, 2004 Open Mail Ballot Meeting Minutes**
  Motion was made by William Stuart and seconded by Marcia Shadel to approve the November 22, 2004 Open Mail Ballot Meeting Minutes as submitted. Motion carried with William Stuart, Kenneth McGhee, Marcia Shadel and Joy Gerstein voting in favor with no votes in opposition. James Reinhard was absent for this portion of the meeting.

- **December 6-7, 2004 Open Meeting Minutes**
  Motion was made by William Stuart and seconded by Marcia Shadel to approve the December 6-7, 2004 Open Meeting Minutes as submitted. Motion carried with William Stuart, Kenneth McGhee, Marcia Shadel and Joy Gerstein voting in favor with no votes in opposition. James Reinhard was absent for this portion of the meeting.

- **December 13, 2004 Open Mail Ballot Meeting Minutes**
  Motion was made by William Stuart and seconded by Marcia Shadel to approve the December 13, 2004 Open Mail Ballot Meeting Minutes as submitted. Motion carried with William Stuart, Kenneth McGhee, Marcia Shadel and Joy Gerstein voting in favor with no votes in opposition. James Reinhard was absent for this portion of the meeting.

- **December 22, 2004 Open Mail Ballot Meeting Minutes**
  Motion was made by William Stuart and seconded by Marcia Shadel to approve the December 22, 2004 Open Mail Ballot Meeting Minutes as submitted. Motion carried with William Stuart, Kenneth McGhee, Marcia Shadel and Joy Gerstein voting in favor with no votes in opposition. James Reinhard was absent for this portion of the meeting.

- **December 27, 2004 Open Mail Ballot Meeting Minutes**
  Motion was made by William Stuart and seconded by Marcia Shadel to approve the December 27, 2004 Open Mail Ballot Meeting Minutes as submitted. Motion carried with William Stuart, Kenneth McGhee, Marcia Shadel and Joy Gerstein voting in favor with no votes in opposition. James Reinhard was absent for this portion of the meeting.

- **December 30, 2004 Open Mail Ballot Meeting Minutes**
  Motion was made by William Stuart and seconded by Marcia Shadel to approve the December 30, 2004 Open Mail Ballot Meeting Minutes as submitted. Motion carried with William Stuart, Kenneth McGhee, Marcia Shadel and Joy Gerstein voting in favor with no votes in opposition. James Reinhard was absent for this portion of the meeting.

- **January 11, 2005 Open Mail Ballot Meeting Minutes**
  Motion was made by William Stuart and seconded by Marcia Shadel to approve the January 11, 2005 Open Mail Ballot Meeting Minutes as submitted. Motion carried with William Stuart, Kenneth McGhee, Marcia Shadel and Joy Gerstein voting in favor with no votes in opposition. James Reinhard was absent for this portion of the meeting.

- **January 20, 2005 Open Conference Call Meeting Minutes**
  Motion was made by William Stuart and seconded by Marcia Shadel to approve the January 20, 2005 Open Conference Call Meeting Minutes as submitted. Motion carried
with William Stuart, Kenneth McGhee, Marcia Shadel and Joy Gerstein voting in favor with no votes in opposition. James Reinhard was absent for this portion of the meeting.

- **January 25, 2005 Open Mail Ballot Meeting Minutes**
  Motion was made by William Stuart and seconded by Marcia Shadel to approve the January 25, 2005 Open Mail Ballot Meeting Minutes as submitted. Motion carried with William Stuart, Kenneth McGhee, Marcia Shadel and Joy Gerstein voting in favor with no votes in opposition. James Reinhard was absent for this portion of the meeting.

- **January 31, 2005 Open Mail Ballot Meeting Minutes**
  Motion was made by William Stuart and seconded by Marcia Shadel to approve the January 31, 2005 Open Mail Ballot Meeting Minutes as submitted. Motion carried with William Stuart, Kenneth McGhee, Marcia Shadel and Joy Gerstein voting in favor with no votes in opposition. James Reinhard was absent for this portion of the meeting.

- **February 2, 2005 Open Mail Ballot Meeting Minutes**
  Motion was made by William Stuart and seconded by Marcia Shadel to approve the February 2, 2005 Open Mail Ballot Meeting Minutes as submitted. Motion carried with William Stuart, Kenneth McGhee, Marcia Shadel and Joy Gerstein voting in favor with no votes in opposition. James Reinhard was absent for this portion of the meeting.

- **February 15, 2005 Open Mail Ballot Meeting Minutes**
  Motion was made by William Stuart and seconded by Marcia Shadel to approve the February 15, 2005 Open Mail Ballot Meeting Minutes as submitted. Motion carried with William Stuart, Kenneth McGhee, Marcia Shadel and Joy Gerstein voting in favor with no votes in opposition. James Reinhard was absent for this portion of the meeting.

**Executive Director’s Report**
Becky Dunn reported on the FY2005 Financial Statement as of January 31, 2005

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<th>Year-To-Date</th>
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<th>Remaining</th>
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<td>Revenue</td>
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<td>Expense and Equipment</td>
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**HB600/HB978**
No updates to report at this time.

**Rules**
The board reviewed a draft of the proposed amendments to rules.

- **Draft of 4 CSR 120-2.070(6) – Funeral Establishments**
- **Draft of 4 CSR 120-2.071(6) – Funeral Establishments Containing a Crematory Area**
- **Draft of 4 CSR 120-2.071(13) – Funeral Establishments Containing a Crematory Area**
  Changes and new recommendations were made. The Executive Director will make the necessary changes to the drafts and present at the next board meeting.
• **Proposed Amendment 4 CSR 120-2.060 Funeral Directing**

The board reviewed proposed amendment 4 CSR 120-2.060 Funeral Directing, printed in the October 15, 2004 Missouri Register. The rule is being amended to clarify language in section (21) referring to a deceased and/or disabled Missouri licensed funeral director. Areas bolded are new language and those in brackets will be deleted. No comments were received from the public. The Final Order of Rulemaking was filed with the Secretary of State’s Office on January 31, 2005 with amended rule to become effective March 30, 2005.

**PROPOSED AMENDMENT**

4 CSR 120-2.060 Funeral Directing.

*PURPOSE:* This amendment clarifies language in section (21) referring to a deceased and/or disabled Missouri licensed funeral director.

(21) No temporary Missouri funeral director license authorized under section 333.041.7, RSMo will be issued until the board has been advised as to the location of the Missouri licensed funeral establishment at which the temporary funeral director’s license will be used. The holder of the temporary license shall be authorized to only work at the Missouri licensed funeral establishment(s) where the deceased and/or disabled Missouri licensed funeral director was authorized to work. Violation of this rule will be deemed unauthorized practice of funeral directing.

**Legislation**

HB595 sponsored by Representative Bill Deeken relates to persons excused from jury service.

HB480 sponsored by Representative Nathan Cooper will change the laws regarding the authority of county coroners and medical examiners to conduct death investigations.

SB366 sponsored by Senator Charles Wheeler modifies provisions regarding the designation of “next-of-kin” for purposes of the disposition of dead bodies. Persons taking control or custody of a body may only do so after gifts, if any, are made of the deceased’s body pursuant to the Uniform Anatomical Gift Act.

**Embalmer and Funeral Director Examination Study Material List**

The board reviewed the study material list for the embalmer and funeral director examinations, along with test statistics. A motion was made by Marcia Shadel and seconded by James Reinhard to look into the pass/fail rate of the Missouri Law Examination and Missouri Funeral Service Arts Examination for further discussion at the next meeting.

**Preneed Provider and Seller Report**

Lori Hayes reported on the preneed provider and preneed seller annual reports. Three (3) preneed provider facilities and three (3) preneed seller facilities are still delinquent in the filing of their annual reports.

**International Conference of Funeral Service Examination Conference**

Jerry Griffin reported on the International Conference of Funeral Service Examination Conference that was held in conjunction with the Federation of Associates of Regulatory Boards, on February 2-5, 2005 in Scottsdale, Arizona. With the increase in technology, it was noted that due to security of the examination, electronics devices should not be allowed in the examination rooms. The Executive Director is to incorporate language in the letter to candidates prior to the examination date regarding no electronic devises being allowed.
Missouri Funeral Director’s Association Annual Convention,
Don Otto reported a Tri-State Convention, co-sponsored by Kansas, Missouri and Nebraska Funeral Director Association will be held May 1-4, 2005 in Overland Park, Kansas. Board members who are interested in attending may contact the board office.

Election of Officers
A motion was made by Marcia Shadel and seconded by Joy Gerstein that officers for the State Board of Embalmers and Funeral Directors remain the same.
Jerry Griffin – Chairman
William H. (Bill) Stuart – Vice Chairman
Kenneth McGhee – Secretary
Motion carried with William Stuart, Kenneth McGhee, Marcia Shadel and Joy Gerstein voting in favor with no votes in opposition. James Reinhard was absent for this portion of the meeting.

Future Meeting Dates
The board voted to schedule the next board meeting for August 29-30, 2005 at the Country Club Hotel in Lake Ozark, Missouri. A board meeting has been scheduled for December 5-6, 2005, at Fairmont at the Plaza, Kansas City, Missouri.

The National Funeral Director Association will be holding their Annual Meeting in October 2005 in Chicago, Illinois. Board members who are interested in attending may contact the board office.

The Council on Licensure, Enforcement and Regulation (CLEAR) will be hosting their Annual Conference in September 2005 in Scottsdale, Arizona. Board members who are interested in attending may contact the board office.

Appearances:
Per the advice of the Assistant Attorney General, a motion was made by William Stuart and seconded by Joy Gerstein to consolidate Case No. 03-0099 EM State Board of Embalmers and Funeral Directors vs. Jane Spencer Turner with Case No. 2005-000502 EM State Board of Embalmers and Funeral Director vs. Jane Spencer Turner, Spencer Funeral Home.

Jane Spencer Turner – Probation Violation Hearing
Jane Spencer Turner, Spencer Funeral Home – Probation Violation Hearing
On Monday, March 14, 2005 at 2:25 p.m., the board held a probation violation hearing for Jane Spencer Turner, Spencer Funeral Home. Ms. Turner was not present for the hearing nor did legal counsel represent her. All members of the State Board of Embalmers and Funeral Directors were present. Sharon Euler, Assistant Attorney General, represented the board during the hearing and Erwin Switzer, Assistant Attorney General, was advisor to the Board on procedural and evidentiary matters. The disciplinary hearing was adjourned at 3:00 p.m.
Donald Holt – Probation Violation Hearing
The probation violation hearing scheduled for 1:00 p.m. on today’s date did not occur for Donald Holt, due to the board continuing the matter.

Owen W. Rhodes, Rhodes Funeral Home – Probation Violation Hearing
On Monday, March 14, 2005 at 3:10 p.m., the board held a probation violation hearing for Owen W. Rhodes, Rhodes Funeral Home. Owen Wes Rhodes was present for the hearing. Legal counsel was not present. All members of the State Board of Embalmers and Funeral Directors were present. Sharon Euler, Assistant Attorney General, represented the board during the hearing and Erwin Switzer, Assistant Attorney General, was advisor to the Board on procedural and evidentiary matters. The disciplinary hearing was adjourned at 3:25 p.m.

Following the hearing, a motion was made by William Stuart and seconded by Marcia Shadel to go into closed session 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 Joy Gerstein and seconded by James Reinhard to adjourn. Motion carried with Kenneth McGhee, James Reinhard and Joy Gerstein voting in favor with no votes in opposition. William Stuart and Marcia Shadel were absent for this portion of the meeting. The meeting adjourned at 10:00 a.m. on Tuesday, March 15, 2005.

Executive Director: ______________________________

Approved by the Board on: __________________________
Meeting Notice
Missouri State Board of Embalmers and Funeral Directors

March 14-15, 2005 – 12:00 p.m.
Doubletree Hotel and Conference Center
16625 Swingley Ridge Road
Chesterfield, MO

The Missouri State Board of Embalmers and Funeral Directors will be meeting on March 14, 2005 beginning at 12:00 p.m. and on March 15, 2005 beginning at 8:00 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: Alison Craighead and Laurie Morris
OPEN AGENDA
Missouri State Board of Embalmers and Funeral Directors

March 14-15, 2005 – 12:00 p.m.
Doubletree Hotel and Conference Center
16625 Swingley Ridge Road
Chesterfield, MO

Monday, March 14, 2005

Call to Order

Roll Call

1. Approval of Agenda

2. Approval of Minutes
   • November 22, 2004 Open Mail Ballot Meeting Minutes
   • December 6-7, 2004 Open Meeting Minutes
   • December 13, 2004 Open Mail Ballot Meeting Minutes
   • December 22, 2004 Open Mail Ballot Meeting Minutes
   • December 27, 2004 Open Mail Ballot Meeting Minutes
   • December 30, 2004 Open Mail Ballot Meeting Minutes
   • January 11, 2005 Open Mail Ballot Meeting Minutes
   • January 20, 2005 Open Meeting Minutes
   • January 25, 2005 Open Mail Ballot Meeting Minutes
   • January 31, 2005 Open Mail Ballot Meeting Minutes
   • February 2, 2005 Open Mail Ballot Meeting Minutes
   • February 15, 2005 Open Mail Ballot Meeting Minutes
   • February 24, 2005 Open Mail Ballot Meeting Minutes

3. Executive Director’s Report

4. HB600/HB 978

5. Rules
   • Draft of 4 CSR 120-2.070(6) – Funeral Establishments
   • Draft of 4 CSR 120-2.071(6) – Funeral Establishments Containing a Crematory Area
   • Draft of 4 CSR 120-2.071(13) – Funeral Establishments Containing a Crematory Area
   • Proposed Amendment 4 CSR 120-2.060 Funeral Directing
6. Legislation

7. Embalmer and Funeral Director Examination Study Material List

8. Preneed Provider and Seller Report


10. Missouri Funeral Director's Association Annual Convention, to be held May 1-4, 2005 in Overland Park, Kansas

11. Election of Officers

12. Future Meeting Dates
   • December 5-6, 2005 – Fairmont at the Plaza, Kansas City, Missouri

Appearances:

13. 12:30 p.m. – Jane Spencer Turner – Probation Violation Hearing

14. 12:45 p.m. – Jane Spencer Turner, Spencer Funeral Home – Probation Violation Hearing

15. 1:00 p.m. – Donald Holt – Probation Violation Hearing

16. 3:00 p.m. – Owen W. Rhodes, Rhodes Funeral Home – Probation Violation Hearing

Closed Meeting. The Board will move into closed session 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