The meeting of the Missouri State Board of Embalmers and Funeral Directors was called to order by Jerry Griffin, Chairman, at 1:00 p.m. on Monday, August 29, 2005, at the Country Club Hotel, HH and Carol Roads, Lake Ozark, 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
Don Otto, MFDA and MFT
William Stalter, DW Newcomer’s Sons
Greg Russell, CRL
Randy Singer, NPS
Jim Crawford, NPS
Bernard Edwards, Attorney at Law
Don Lakin, Lakin Funeral Chapel
Valerie Bayham, Institute for Justice

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

- **February 24, 2005 Open Mail Ballot Meeting Minutes**
  Motion was made by Joy Gerstein and seconded by Kenneth McGhee to approve the February 24, 2005 Open Meeting Minutes as submitted. Motion carried with William Stuart, Kenneth McGhee, Marcia Shadel, James Reinhard and Joy Gerstein voting in favor with no votes in opposition.

- **March 4, 2005 Open Mail Ballot Meeting Minutes**
  Motion was made by Joy Gerstein and seconded by Kenneth McGhee to approve the March 4, 2005 Open Meeting Minutes as submitted. Motion carried with William Stuart, Kenneth McGhee, Marcia Shadel, James Reinhard and Joy Gerstein voting in favor with no votes in opposition.

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

- **March 14-15, 2005 Open Meeting Minutes**
  Motion was made by Joy Gerstein and seconded by Kenneth McGhee to approve the March 14-15, 2005 Open Meeting Minutes as submitted. Motion carried with William Stuart, Kenneth McGhee, Marcia Shadel, James Reinhard and Joy Gerstein voting in favor with no votes in opposition.

- **March 21, 2005 Open Mail Ballot Meeting Minutes**
  Motion was made by Joy Gerstein and seconded by Kenneth McGhee to approve the March 21, 2005 Open Meeting Minutes as submitted. Motion carried with William Stuart, Kenneth McGhee, Marcia Shadel, James Reinhard and Joy Gerstein voting in favor with no votes in opposition.

- **March 29, 2005 Open Mail Ballot Meeting Minutes**
  Motion was made by Joy Gerstein and seconded by Kenneth McGhee to approve the March 29, 2005 Open Meeting Minutes as submitted. Motion carried with William Stuart, Kenneth McGhee, Marcia Shadel, James Reinhard and Joy Gerstein voting in favor with no votes in opposition.

- **April 4, 2005 Open Mail Ballot Meeting Minutes**
  Motion was made by Joy Gerstein and seconded by Kenneth McGhee to approve the April 4, 2005 Open Meeting Minutes as submitted. Motion carried with William Stuart, Kenneth McGhee, Marcia Shadel, James Reinhard and Joy Gerstein voting in favor with no votes in opposition.
• **April 20, 2005 Open Mail Ballot Meeting Minutes**
  Motion was made by Joy Gerstein and seconded by Kenneth McGhee to approve the April 20, 2005 Open Meeting Minutes as submitted. Motion carried with William Stuart, Kenneth McGhee, Marcia Shadel, James Reinhard and Joy Gerstein voting in favor with no votes in opposition.

• **May 10, 2005 Open Meeting Minutes**
  Motion was made by Joy Gerstein and seconded by Kenneth McGhee to approve the May 10, 2005 Open Meeting Minutes as submitted. Motion carried with William Stuart, Kenneth McGhee, Marcia Shadel, James Reinhard and Joy Gerstein voting in favor with no votes in opposition.

• **June 3, 2005 Open Mail Ballot Meeting Minutes**
  Motion was made by Joy Gerstein and seconded by Kenneth McGhee to approve the June 3, 2005 Open Meeting Minutes as submitted. Motion carried with William Stuart, Kenneth McGhee, Marcia Shadel, James Reinhard and Joy Gerstein voting in favor with no votes in opposition.

• **June 8, 2005 Open Mail Ballot Meeting Minutes**
  Motion was made by Joy Gerstein and seconded by Kenneth McGhee to approve the June 8, 2005 Open Meeting Minutes as submitted. Motion carried with William Stuart, Kenneth McGhee, Marcia Shadel, James Reinhard and Joy Gerstein voting in favor with no votes in opposition.

• **June 10, 2005 Open Mail Ballot Meeting Minutes**
  Motion was made by Joy Gerstein and seconded by Kenneth McGhee to approve the June 10, 2005 Open Meeting Minutes as submitted. Motion carried with William Stuart, Kenneth McGhee, Marcia Shadel, James Reinhard and Joy Gerstein voting in favor with no votes in opposition.

• **June 15, 2005 Open Mail Ballot Meeting Minutes**
  Motion was made by Joy Gerstein and seconded by Kenneth McGhee to approve the June 15, 2005 Open Meeting Minutes as submitted. Motion carried with William Stuart, Kenneth McGhee, Marcia Shadel, James Reinhard and Joy Gerstein voting in favor with no votes in opposition.

• **June 22, 2005 Open Meeting Minutes**
  Motion was made by Joy Gerstein and seconded by Kenneth McGhee to approve the June 22, 2005 Open Meeting Minutes as submitted. Motion carried with William Stuart, Kenneth McGhee, Marcia Shadel, James Reinhard and Joy Gerstein voting in favor with no votes in opposition.

• **July 12, 2005 Open Mail Ballot Meeting Minutes**
  Motion was made by Joy Gerstein and seconded by Kenneth McGhee to approve the July 12, 2005 Open Meeting Minutes as submitted. Motion carried with William Stuart, Kenneth McGhee, Marcia Shadel, James Reinhard and Joy Gerstein voting in favor with no votes in opposition.
July 22, 2005 Open Mail Ballot Meeting Minutes
Motion was made by Joy Gerstein and seconded by Kenneth McGhee to approve the July 22, 2005 Open Meeting Minutes as submitted. Motion carried with William Stuart, Kenneth McGhee, Marcia Shadel, James Reinhard and Joy Gerstein voting in favor with no votes in opposition.

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

<table>
<thead>
<tr>
<th></th>
<th>Year-To-Date</th>
<th>Projected</th>
<th>Remaining</th>
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<tbody>
<tr>
<td>FY 2005 Beginning Fund Balance</td>
<td>$1,162,773.78</td>
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<tr>
<td>Revenue</td>
<td>$147,560.90</td>
<td>$154,152.00</td>
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<td>Expense and Equipment</td>
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<td>Total Transfers</td>
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<td>Ending Fund Balance</td>
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FY 2006 OA Cost Allocation

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<thead>
<tr>
<th></th>
<th>OA Expenditures</th>
<th>Auditor Expenditures</th>
<th>DOR Expenditures</th>
<th>Treasurer Expenditures</th>
<th>Retiree Health Care</th>
<th>Total</th>
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<tbody>
<tr>
<td>Governor Expenditures</td>
<td>$1,1047.00</td>
<td>$0.00</td>
<td>$6,389.00</td>
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<td>Lt. Governor Expenditures</td>
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<td>$521.00</td>
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<td>$0.00</td>
<td>$1,579.00</td>
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<tr>
<td>Sec. Of State Expenditures</td>
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<td>$94.12</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$285.35</td>
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<tr>
<td>Atty General Expenditures</td>
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<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Gen Assembly Expenditures</td>
<td></td>
<td></td>
<td>$94.12</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Total</td>
<td>$189.29</td>
<td>$0.00</td>
<td>$94.12</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$591.18</td>
</tr>
</tbody>
</table>

FY2006 Total Cost: $10,556.18

The Executive Director provided the board statistics of candidates that took the Missouri Law Examination and Missouri Arts Examination during FY2005. The board administered 144 Missouri Law Examinations, 63 candidates passed. The board administered 51 Missouri Arts Examinations, 28 candidates passed.

Rules
The board reviewed drafts of proposed amendments to rules as follows.

Draft of 4 CSR 120-2.070(6) – Funeral Establishments

Old:
Each application for a funeral establishment shall be made in the name of the person or business entity authorized to conduct business in Missouri. No license shall be issued to an establishment that has no legal recognition.

New:
Each application for a funeral establishment license shall list the owner of the funeral establishment business. The owner of the funeral establishment need not be the same as the owner of the property upon which the funeral establishment is located. An owner
of a funeral establishment shall be either an individual or a business entity authorized to conduct business in Missouri. No license shall be issued for a funeral establishment that does not register an owner with legal recognition. If a funeral establishment wishes a name to appear on the license, other than the owner, the application shall specify, on its written application to the board, the name to appear on the license. However, the owner of the funeral establishment shall be the name(s) of the legal person as listed on the application. The funeral establishment will be authorized to conduct business under the name of the owner, the name on the license, plus one additional “doing business as” name that is registered with the board as provided in these regulations. With each application, the funeral establishment shall provide proof, satisfactory to the Board, of the legal right of the establishment to occupy the premises to be licensed such as a copy of a lease, a deed, or other proof of right to occupy the premises.

Draft of 4 CSR 120-2.070(30) – Funeral Establishments

New rule:
The building which houses a funeral establishment may also contain living quarters so long as the following requirements are met:
(A) Each portion of the living quarters shall be separate and apart from the portion of the building used for funeral establishment purposes.
(B) The funeral establishment portions of the building shall be separated from the living quarters of the building by solid floor to ceiling partition.
(C) No portion of the building shall be used for both living quarters purposes and for funeral establishment purposes.
(D) The funeral establishment portion of the building shall have restroom and drinking water facilities separate and apart from that of the living quarters.

Draft of 4 CSR 120-2.071(6) – Funeral Establishments Containing a Crematory Area

The board would like to clarify that next of kin may authorize cremation only upon the death of their next of kin.

Old:
(6) If the deceased gave written authorization to cremate and did not revoke the authorization, that authorization shall satisfy the requirement for authorization to cremated. If the deceased did not give written authorization to cremate, the next of kin of the deceased or the county coroner or medical examiner pursuant to Chapter 58, RSMo, may give authorization to cremate. The next of kin, for purposes of this rule, shall be as defined in Section 194.119.2, RSMo.

New:
(6) No dead human body shall be cremated without a signed and dated written authorization to cremate. This authorization may be given by the following methods:
1. Any individual may execute a written authorization to cremate his or her own body upon death. This authorization, to be valid, must not be revoked at the time of death, and may be contained in any writing which is dated and signed by the decedent and at least two witnesses who are present at the time the authorization to cremate is signed. One witness may be the funeral director assisting with the pre-death planning.
2. Any person holding a valid power of attorney which contains specific authority to control the disposition of the body, when the principal dies, may execute a written authorization to cremate, on behalf of the principal, as provided in subsection 1 of this rule. The holder of the power of attorney may exercise this right only while the principal is alive.

3. If the decedent executed no authorization to cremate, before death, the authorization to cremate shall be executed by the next of kin, as defined in section 194.119.2, RSMo. The authorization to cremate shall be dated and signed by the next of kin, the funeral director making the arrangements for disposition, and one witness. The next of kin may not execute the written authorization to cremate prior to the death of the decedent.

Draft of 4 CSR 120-2.071(13) – Funeral Establishments Containing a Crematory Area

Old:
(13) Each body shall be delivered to the crematory in a cremation container, plastic pouch, cardboard cremation container, casket made of wood or wood product or metal. If a metal container or casket is used the purchaser must be informed of the disposition of the metal container or casket after cremation. The cremation container shall be composed of a combustible, nonexplosive, opaque material which is adequate to assure protection to the health and safety of any person in the crematory area. The casket or container shall be leak resistant if the body enclosed is not embalmed or if death was caused by a contagious disease.

New:
(13) Each body shall be delivered to the crematory in a cremation container, plastic pouch, cardboard cremation container, casket made of wood or wood product or metal. If a metal container or casket is used, the person making the arrangements must be informed by the Missouri licensed funeral director with whom the arrangements are made of the disposition of the metal container or casket after cremation. The cremation container shall be composed of a combustible, nonexplosive, opaque material which is adequate to assure protection to the health and safety of any person in the crematory area. The casket or container shall be leak resistant if the body enclosed is not embalmed or if death was caused by a contagious disease.

The board welcomed comments and suggestions from the public. Chairman Griffin advised the public to send their changes and suggestions to the board office regarding the proposed language. The Executive Director is to make the new recommended changes to the drafts and present at the December board meeting.

Proposed language to include computer based testing
The board is looking into the process of offering computer based testing for candidates taking the Missouri Law Examination and Missouri Funeral Service Arts Examination. The Executive Director drafted proposed language to be included in various sections of board regulations. This language would give candidates the option of in house testing or computer testing at various site locations. A motion was made by Joy Gerstein and seconded by Kenneth McGhee to proceed with the proposed language as drafted. Motion carried with William Stuart, Kenneth McGhee, Marcia Shadel, James Reinhard and Joy Gerstein voting in favor with no votes in opposition.
Missouri examinations shall be provided in a computer based testing format. The application and fees for the examinations shall be paid directly to the International Conference of Funeral Service Examining Board’s (Conference) office or designee of the Missouri state board. The Conference or designee of the board shall approve applications upon the board’s verification and approval process. Missouri state board examinations shall be held at the designated locations provided by the Conference or the Board’s designated locations. For a complete listing of examination sites, please visit [http://pr.mo.gov](http://pr.mo.gov) or contact the board office.

Revisions to board regulation Title 4, 20-2.060(16)(17)(18) presented by Valerie Bayham
Valerie Bayham, Staff Attorney for the Institute of Justice was present to discuss revisions to board regulation Title 4, 20-2.060(16)(17)(18). She believes that the board regulations should not prohibit the sale of caskets and other funeral merchandise by those who are not licensed Missouri funeral directors. Likewise, the board regulations should also make it clear that Missourians are allowed to perform family burials and services without hiring a licensed funeral director. The board thanked Ms. Bayham for her appearance at the meeting and advised that the board will have legal counsel review the revisions as presented, and will take these changed under advisement.

Legislation
The Division of Professional Registration received notification in June, 2005 that the Attorney General’s Office will streamline the legal services provided to the division and its boards, as a part of their plan to make the Attorney General’s Office more efficient during these tight budget times. The Attorney General's Office will no longer routinely attend board meetings and will provide less day-to-day legal advice to the Boards, Committees and Commissions within the Division of Professional Registration. The primary role of the Attorney General's Office will be to focus on the divisions most important litigation cases.

Due to the Office of the Attorney General's recent directive to the Division, the Board has no attorney representation except for litigation. The State Board of Embalmers and Funeral Directors is proposing to revise Chapter 333 RSMo. to expand language for the board to employ attorney(s).

Other revisions to Chapter 333 RSMo. the board will be proposing Per Diem Compensation - The change will bring the board members per diem compensation in alignment with other professions.

Limited License Elimination - The board currently has 10 limited licensed funeral directors that can only work in a crematory. This status is no longer required. The limited licensures will retain their current status, unless they fail to renew. There are currently 21 stand alone crematories in the State of Missouri.

Oral Embalmer Examination Elimination - The Board conducts approximately 12 embalmer examinations per year. This examination is no longer needed. The examinations provided for licensure of embalmers is adequate for licensure qualified and competent individuals.

Don Otto, representative with the Missouri Funeral Directors Association informed the board that they will support the board in hiring their own attorney.
Preneed Provider and Seller Report
The preneed provider and seller annual reporting notices were mailed out August 1. As for Preneed Providers, 75 out of 636 facilities have submitted their annual reporting notice. For Preneed Sellers, 41 out of 341 facilities have submitted their annual reporting notice.

News Releases
News releases for the following persons were provided to member of the board for information purposes only.
Donald E. Holt, Holt Funeral Home
Roger Newman, Newman Funeral Home
Jan Spencer Turner, Spencer Funeral Home

CLEAR Annual Conference – September 2005

William Stuart congratulated Jerry on his accomplishments with the International Conference of Funeral Service Examining Boards. Mr. Stuart recognized that his involvement, development and leadership through the years not only benefit the Conference, but also Missouri and the State Board of Embalmers and Funeral Directors. Since Mr. Griffin is the District 5 Governor and Vice President of the Conference, all of his expenses relating to this position are paid entirely by the Conference with no expense to the State Board of Embalmers and Funeral Directors. As Mr. Griffin has served as the Board's delegate throughout the years, which has obviously influenced his recent appointment as Vice President of the Conference, a motion was made by William Stuart and seconded by Kenneth McGhee that Jerry Griffin continue to serve as the State Board of Embalmers and Funeral Directors' delegate in order for Mr. Griffin to assist our Board with conference business; keep the Board apprised of conference information; as well as Mr. Griffin to continue serving in his position of Vice President with the likely possibility of serving as President in the upcoming year for the International Conference of Funeral Service Examining Boards. Mr. Griffin will continue serving as this Missouri State Board's delegate until his tenure with the International Conference ceases. We are very fortunate to have a delegate of our Missouri Board serving in this national position. Motion carried with William Stuart, Kenneth McGhee, Marcia Shadel, James Reinhard and Joy Gerstein voting in favor with no votes in opposition.

NFDA Annual Convention – October 2005
The National Funeral Directors Association will be hosting their 2005 Convention and Expo, on October 2-5, 2005, in Chicago, Illinois. James Reinhard and Marcia Shadel expressed an interest in attending the convention.

Future Meeting Dates
The next meeting of the board is scheduled for December 5-6, 2005, at Fairmont at the Plaza, Kansas City, Missouri.
Closed Meeting
Motion was made by Kenneth McGhee and seconded by Marcia Shadel 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. Motion carried with William Stuart, Kenneth McGhee, Marcia Shadel, James Reinhard and Joy Gerstein voting in favor with no votes in opposition.

Adjournment
A motion was made by Marcia Shadel and seconded by William Stuart to adjourn. Motion carried with William Stuart, Kenneth McGhee, Marcia Shadel, James Reinhard and Joy Gerstein voting in favor with no votes in opposition. The meeting adjourned at 12:30 p.m. on Tuesday, August 30, 2005.

Executive Director: ________________________________

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

August 29-30, 2005 – 1:00 p.m.
Country Club Hotel
HH & Carol Roads
Lake Ozark, Missouri 65049

The Missouri State Board of Embalmers and Funeral Directors will be meeting on August 29-30, 2005 beginning at 1:00 p.m. and on August 30, 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 Janice Sloca
Monday, August 29, 2005

Call to Order

Roll Call

1. Approval of Agenda

2. Approval of Minutes
   - February 24, 2005 Open Mail Ballot Meeting Minutes
   - March 4, 2005 Open Mail Ballot Meeting Minutes
   - March 11, 2005 Open Mail Ballot Meeting Minutes
   - March 14-15, 2005 Open Meeting Minutes
   - March 21, 2005 Open Mail Ballot Meeting Minutes
   - March 29, 2005 Open Mail Ballot Meeting Minutes
   - April 4, 2005 Open Mail Ballot Meeting Minutes
   - April 20, 2005 Open Mail Ballot Meeting Minutes
   - May 10, 2005 Open Meeting Minutes
   - June 3, 2005 Open Mail Ballot Meeting Minutes
   - June 8, 2005 Open Mail Ballot Meeting Minutes
   - June 10, 2005 Open Mail Ballot Meeting Minutes
   - June 15, 2005 Open Mail Ballot Meeting Minutes
   - June 22, 2005 Open Meeting Minutes
   - July 12, 2005 Open Mail Ballot Meeting Minutes
   - July 22, 2005 Open Mail Ballot Meeting Minutes

3. Executive Director’s Report

4. Rules
   - Draft of 4 CSR 120-2.070(6) – Funeral Establishments
   - Draft of 4 CSR 120-2.070(30) – 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
• Rule language for computer based testing

5. Legislation

6. Preneed Provider and Seller Report

7. News Releases

8. CLEAR Annual Conference – September 2005

9. NFDA Annual Convention – October 2005

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

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 (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