Tuesday, February 7, 2006

The meeting of the Missouri State Board of Embalmers and Funeral Directors was called to order by Kenneth McGhee, Chairman, at 10:40 a.m. on Tuesday, February 7, 2006, at the Division of Professional Registration, 3605 Missouri Boulevard, Jefferson City, Missouri.

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

Staff Present
Becky Dunn, Executive Director
Lori Hayes, Inspector
Pamela Schnieders, Administrative Assistant
Tabatha Lenzini, Licensure Technician
Kimberly Harper-Grinston, Division’s Legal Counsel

Public Present
Tim Lueckenhoff, Central Investigative Unit
Don Eggen, Central Investigative Unit
Jim McMullin, Central Investigative Unit
Kevan Lager, Central Investigative Unit
Pete Fleishmann, Division of Professional Registration
Don Otto, MFDA
Mike Owens, Channel 5 News, St. Louis, Missouri

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

Effective January 20, 2006, William (Bill) Stuart, resigned from Chairmanship of the Missouri State Board of Embalmers and Funeral Directors.
Election of Officers
A motion was made by William Stuart and seconded by Martin Vernon to nominate and vote in by acclamation Kenneth McGhee as Chairman of the State Board of Embalmers and Funeral Directors. Motion carried with Marcia Shadel, William Stuart, James Reinhard, Martin Vernon, and Joy Gerstein voting in favor with no votes in opposition.

A motion was made by William Stuart and seconded by Martin Vernon nominate and vote in by acclamation Marcia Shadel as Vice-Chairman of the State Board of Embalmers and Funeral Directors. Motion carried with Marcia Shadel, William Stuart, James Reinhard, Martin Vernon, and Joy Gerstein voting in favor with no votes in opposition.

A motion was made by William Stuart and seconded by Martin Vernon to nominate and vote in by acclamation Joy Gerstein as Secretary of the State Board of Embalmers and Funeral Directors. Motion carried with Marcia Shadel, William Stuart, James Reinhard, Martin Vernon, and Joy Gerstein voting in favor with no votes in opposition.

Introduction of Central Investigative Unit Staff
Tim Lueckenhoff, Chief Investigator of the Central Investigative Unit for the Division of Professional Registration, introduced the Division staff currently used by the State Board of Embalmers and Funeral Directors.
Don Eggen, Jefferson City Investigator/Inspector
Jim McMullin, St. Louis Investigator/Inspector
Kevan Lager, Kansas City Investigator
Pete Fleishmann, Jefferson City (Chapter 436 RSMo.) Investigator

Central Investigative Unit Inspection Form and Process
The board reviewed the Inspection Form currently used for funeral establishment inspections for possible suggestions, revisions and/or additions.
There are 690 active funeral establishments. License classification for funeral establishment facilities with totals for each are as follows:
Embalming and Care & Preparation – 393
Care & Preparation only – 150
Visitation only – 99
Cremation only – 21
Embalming, Cremation and Care & Preparation – 12
Cremation and Care & Preparation – 7
Embalming only – 5
Embalming and Cremation – 3
There are 611 active preneed provider registrations and 344 active preneed seller registrations.
Members of the board along with inspectors reviewed the inspection report form currently used for routine inspections.
Number #4 under Function A – Preparation Room relating to plumbing compliance with local or national plumbing codes was discussed by board members, inspectors and the public attendees. A motion was made by Joy Gerstein and seconded by Marcia Shadel to delete #4
from the inspection form effective immediately. Motion carried with Marcia Shadel, William Stuart, James Reinhard, Martin Vernon, and Joy Gerstein voting in favor with no votes in opposition.

Number #10 under Function A – Preparation Room relating to the embalming log was discussed by board members, inspectors and the public attendees. A motion was made by Joy Gerstein and seconded by Marcia Shadel to revise the name of the “log” on the inspection form to “register book or log” to be consistent with Chapter 333.061 (4), effective immediately. The board also requested the name of the “log” be changed in Board Regulation 4 CSR 120-1.040(9) to “register book or log” and have legal counsel review the criteria requirements included in this rule and make revisions if necessary, and add to agenda for discussion at the March 2006 meeting. Motion carried with Marcia Shadel, William Stuart, James Reinhard, Martin Vernon, and Joy Gerstein voting in favor with no votes in opposition.

Relative to #11 under Function A – Preparation Room, inspectors questioned the aspirator hose being installed 12” above the embalming table. The board advised inspectors to ask questions and use discretion when writing up a violation of this type.

Relative to #15 under Function A – Preparation Room relating to the refrigerator being at 40 degrees F or cooler, Jim McMullin suggested that board purchase thermometers for inspectors to use.

Relative to #16 under Function A – Preparation Room, inspectors questioned proper back flow valve protection. The board advised inspectors to ask questions and use discretion when writing up a violation of this type.

Relative to #5 under Function B – Crematory, inspectors questioned the maintaining of permanent records for review by the board, or its assignee. Should records be maintained on the premises vs. office at a different location other than the funeral establishment? The board advised, pursuant to 4 CSR 120-2.071(5), all records shall be maintained on the premises of the Missouri licensed funeral establishment.

**Legislation**

The board reviewed the following language introduced in the 93rd General Assembly that may be of interest to the State Board of Embalmers and Funeral Directors.

**SB578** sponsored by Senator Charlie Shields, prohibits protest activities during funeral services. This bill was passed by the Senate and referred to the House of Representative.

**SB917** sponsored by Senator Chuck Gross, requires the balance of all state funds to be transferred and credited to the state general revenue fund. Don Otto, Missouri Funeral Director Association, advised the board of MFDA’s opposition to this bill.

**HB1663** sponsored by Representative Bob Behnen, repeals the provisions regarding the oral examination licensing requirements for embalmers and the limited licenses for funeral directors. Don Otto, Missouri Funeral Directors Association, advised the board that MFDA has no problems with this bill, but would like to keep the funeral directors limited license and would like to see preneed seller registrants be required to pass the Missouri Law examination.

**Closed Meeting**

Motion was made by Marcia Shadel and seconded by William Stuart 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. Motion carried with Marcia Shadel, William Stuart, James Reinhard, Martin Vernon, and Joy Gerstein voting in favor with no votes in opposition.

**Adjournment**
A motion was made by William Stuart and seconded by Joy Gerstein to adjourn. Motion carried with Marcia Shadel, William Stuart, James Reinhard, Martin Vernon, and Joy Gerstein voting in favor with no votes in opposition. The meeting adjourned at 3:10 p.m. on Tuesday, February 7, 2006.

**Executive Director:** ________________________________

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

February 7, 2006 – 10:30 a.m.
Division of Professional Registration
3605 Missouri Blvd.
Jefferson City, Missouri

The Missouri State Board of Embalmers and Funeral Directors will be meeting on February 7, 2006 beginning at 10:30 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
OPEN AGENDA
Missouri State Board of Embalmers and Funeral Directors

February 7, 2006 – 10:30 a.m.
Division of Professional Registration
3605 Missouri Blvd.
Jefferson City, Missouri

Tuesday, February 7, 2006 – 10:30 a.m.

Call to Order

Roll Call

1. Approval of Agenda

2. Election of Officers

3. Introduction of Central Investigative Unit Staff (Tim Lueckenhoff)

4. Central Investigative Unit Inspection Form and Process

5. Legislation
   • SB578
   • SB917

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.

Adjournment