Tuesday, March 27, 2007 – 1:30 p.m.
The meeting of the Missouri State Board of Embalmers and Funeral Directors was called to order by Kenneth McGhee, Chairman, at 1:30 p.m. on Tuesday, March 27, 2007, at the Isle of Capri Event Center, Boonville, Missouri.

Roll Call
Kenneth McGhee, Chairman, took roll call, the following members of the State Board of Embalmers and Funeral Directors were present. James Reinhard was absent due to a death of a very close friend, and Joy Gerstein was absent due to illness.

Board Members Present
Kenneth McGhee, Chairman
Marcia Shadel, Vice-Chairman
Martin Vernon, Member
Gary Fraker, Member

Board Members Absent
James Reinhard, Member
Joy Gerstein, Public Member/Secretary

Staff Present
Becky Dunn, Executive Director
Pamela Schnieders, Administrative Assistant
Kimberly Grinston, Board’s Legal Counsel

Approval of Agenda
Motion was made by Gary Fraker and seconded by Marcia Shadel to approve the open agenda. Motion carried with Kenneth McGhee, Marcia Shadel, Martin Vernon, and Gary Fraker voting in favor with no votes in opposition. James Reinhard and Joy Gerstein was absent for the entire meeting.

Closed Meeting
Motion was made by Gary Fraker 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 Kenneth McGhee, Marcia Shadel, Martin Vernon, and Gary Fraker voting in favor with no votes in opposition. James Reinhard and Joy Gerstein was absent for the entire meeting.

Wednesday, March 28, 2007

At 8:30 a.m. the board reconvened in closed session.

The State Board of Embalmers and Funeral Directors returned to open session on Wednesday, March 28, 2007. The open meeting was called to order by Kenneth McGhee, Chairman, at approximately 3:15 p.m., at the Isle of Capri Event Center, Boonville, Missouri.

Board Members Present
Kenneth McGhee, Chairman
Marcia Shadel, Vice-Chairman
Martin Vernon, Member
Gary Fraker, Member

Board Members Absent
James Reinhard, Member
Joy Gerstein, Public Member/Secretary

Staff Present
Becky Dunn, Executive Director
Pamela Schnieders, Administrative Assistant
Lori Hayes, Inspector
Kimberly Grinston, Board’s Legal Counsel
Sharon Euler, Assistant Attorney General
Craig Jacobs, Assistant Attorney General
Rex Fennessey, Assistant Attorney General

Theodore V. Foster/Ted Foster & Sons Funeral Home – Probation Violation Hearing

On Wednesday, March 28, 2007 at 3:15 p.m., the board held a probation violation hearing in the case of the State Board of Embalmers and Funeral Directors vs. Foster & Sons, Inc., dba/Ted Foster and Sons Funeral Home. Theodore V. Foster, Sr, was present for the hearing. Legal Counsel did not accompany Mr. Foster. All members of the State Board of Embalmers and Funeral Directors were present with the exception of James Reinhard and
Joy Gerstein. Rex Fennessey, Assistant Attorney General, represented the board during the hearing and Kimberly Grinston, Board’s Legal Counsel, was advisor to the Board on procedural and evidentiary matters. Assistant Attorney Generals Sharon Euler and Craig Jacobs were present for the hearing, along with Investigators Tim Lueckenhoff, Don Eggen, Kevin Lager, and Jim McMullin. The probation violation hearing was adjourned at 3:30 p.m.

Following the hearing, a motion was made by Gary Fraker 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) RS Mo for deliberation on discipline. Motion carried with Kenneth McGhee, Marcia Shadel, Martin Vernon, and Gary Fraker voting in favor with no votes in opposition. James Reinhard and Joy Gerstein was absent for the entire meeting.

Sheldon-Goodrich Funeral Home – Probation Violation Hearing
On Wednesday, March 28, 2007 at 4:00 p.m., the board held a probation violation hearing in the case of the State Board of Embalmers and Funeral Directors vs. Sheldon-Goodrich Funeral Home. Charles Randy Sheldon was present for the hearing. Legal Counsel did not accompany Mr. Sheldon. All members of the State Board of Embalmers and Funeral Directors were present with the exception of James Reinhard and Joy Gerstein. Rex Fennessey, Assistant Attorney General, represented the board during the hearing and Kimberly Grinston, Board’s Legal Counsel, was advisor to the Board on procedural and evidentiary matters. Assistant Attorney Generals Sharon Euler and Craig Jacobs, were present along with Investigators Tim Lueckenhoff, Kevin Lager, Don Eggen, and Jim McMullin. Before the hearing began, Mr. Fennessey requested that the board accept the amended complaint with corrected license numbers as well as the correct name of the individual named in the complaint “John Bash” corrected to read “John Rash”. A copy was given to Mr. Sheldon as well. Mr. Sheldon had no objections to amending the complaint that reflected the accurate information. The board officially accepted the amended complaint and the hearing continued. The probation violation hearing was adjourned at 4:25 p.m.

Following the hearing, a motion was made by Gary Fraker 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) RS Mo 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
Kenneth McGhee, Marcia Shadel, Martin Vernon, and Gary Fraker voting in favor with no
votes in opposition. James Reinhard and Joy Gerstein was absent for the entire meeting.

Thursday, March 29, 2007
The State Board of Embalmers and Funeral Directors returned to open session on Thursday,
March 29, 2007. The open meeting was called to order by Kenneth McGhee, Chairman, at
approximately 9:00 a.m., at the Isle of Capri Event Center, Boonville, Missouri.

Board Members Present
Kenneth McGhee, Chairman
Marcia Shadel, Vice-Chairman
Martin Vernon, Member
Gary Fraker, Member

Board Members Absent
James Reinhard, Member
Joy Gerstein, Public Member/Secretary

Staff Present
Becky Dunn, Executive Director
Pamela Schnieders, Administrative Assistant
Lori Hayes, Inspector
Kimberly Grinston, Board’s Legal Counsel
Sharon Euler, Assistant Attorney General

Public Present
Tim Lueckenhoff, Central Investigative Unit
Don Eggen, Central Investigative Unit
James Mc Mullin, Central Investigative Unit
Kevan Lager, Central Investigative Unit
Pete Fleishman, Division of Professional Registration
Sherry Hess, Division of Professional Registration
Darlene Russell, Capital Reserve Life
Bob Baker, MFDA
Bobbie Wood, Walnut Lawn Funeral Home
Linda Smith, Missing in America Program
Angie Hutchins, New Tribune
Stephen Watkins, MFDA
Randy Singer, NPS
Approval of Minutes

November 21, 2006 Open Conference Call Meeting Minutes
Motion was made by Gary Fraker and seconded by Marcia Shadel to approve the November 21, 2006 Open Meeting Minutes as submitted. Motion carried with Kenneth McGhee, Marcia Shadel, Martin Vernon, and Gary Fraker voting in favor with no votes in opposition. James Reinhard and Joy Gerstein were absent for the entire meeting.

November 27, 2006 Open Conference Call Meeting Minutes
Motion was made by Gary Fraker and seconded by Marcia Shadel to approve the November 27, 2006 Open Meeting Minutes as submitted. Motion carried with Kenneth McGhee, Marcia Shadel, Martin Vernon, and Gary Fraker voting in favor with no votes in opposition. James Reinhard and Joy Gerstein were absent for the entire meeting.

December 3-5, 2006 Open Meeting Minutes
December 3-5, 2006 Open Meeting Minutes were not completed for approval at this meeting.

December 8, 2006 Open Mail Ballot Meeting Minutes
Motion was made by Gary Fraker and seconded by Marcia Shadel to approve the December 8, 2006 Open Meeting Minutes as submitted. Motion carried with Kenneth McGhee, Marcia Shadel, Martin Vernon, and Gary Fraker voting in favor with no votes in opposition. James Reinhard and Joy Gerstein were absent for the entire meeting.

December 11, 2006 A.M. Open Conference Call Meeting Minutes
Motion was made by Gary Fraker and seconded by Marcia Shadel to approve the December 11, 2006 a.m. Open Meeting Minutes as submitted. Motion carried with Kenneth McGhee, Marcia Shadel, Martin Vernon, and Gary Fraker voting in favor with no votes in opposition. James Reinhard and Joy Gerstein were absent for the entire meeting.

December 11, 2006 P.M. Open Conference Call Meeting Minutes
Motion was made by Gary Fraker and seconded by Marcia Shadel to approve the December 11, 2006 p.m. Open Meeting Minutes as submitted. Motion carried with
Kenneth McGhee, Marcia Shadel, Martin Vernon, and Gary Fraker voting in favor with no votes in opposition. James Reinhard and Joy Gerstein were absent for the entire meeting.

December 13, 2006 Open Conference Call Meeting Minutes
Motion was made by Gary Fraker and seconded by Marcia Shadel to approve the December 13, 2006 Open Meeting Minutes as submitted. Motion carried with Kenneth McGhee, Marcia Shadel, Martin Vernon, and Gary Fraker voting in favor with no votes in opposition. James Reinhard and Joy Gerstein were absent for the entire meeting.

December 18, 2006 Open Mail Ballot Meeting Minutes
Motion was made by Gary Fraker and seconded by Marcia Shadel to approve the December 18, 2006 Open Meeting Minutes as submitted. Motion carried with Kenneth McGhee, Marcia Shadel, Martin Vernon, and Gary Fraker voting in favor with no votes in opposition. James Reinhard and Joy Gerstein were absent for the entire meeting.

December 21 2006 Open Mail Ballot Meeting Minutes
Motion was made by Gary Fraker and seconded by Marcia Shadel to approve the December 21, 2006 Open Meeting Minutes as submitted. Motion carried with Kenneth McGhee, Marcia Shadel, Martin Vernon, and Gary Fraker voting in favor with no votes in opposition. James Reinhard and Joy Gerstein were absent for the entire meeting.

December 28, 2006 Open Mail Ballot Meeting Minutes
Motion was made by Gary Fraker and seconded by Marcia Shadel to approve the December 28, 2006 Open Meeting Minutes as submitted. Motion carried with Kenneth McGhee, Marcia Shadel, Martin Vernon, and Gary Fraker voting in favor with no votes in opposition. James Reinhard and Joy Gerstein were absent for the entire meeting.

January 12, 2007 Open Mail Ballot Meeting Minutes
Motion was made by Gary Fraker and seconded by Marcia Shadel to approve the January 12, 2007 Open Meeting Minutes as submitted. Motion carried with Kenneth McGhee, Marcia Shadel, Martin Vernon, and Gary Fraker voting in favor with no votes in opposition. James Reinhard and Joy Gerstein were absent for the entire meeting.

January 19, 2007 Open Mail Ballot Meeting Minutes
Motion was made by Gary Fraker and seconded by Marcia Shadel to approve the January 19, 2007 Open Meeting Minutes as submitted. Motion carried with Kenneth McGhee, Marcia Shadel, Martin Vernon, and Gary Fraker voting in favor with no votes in opposition. James Reinhard and Joy Gerstein were absent for the entire meeting.

January 24, 2007 Open Mail Ballot Meeting Minutes
Motion was made by Gary Fraker and seconded by Marcia Shadel to approve the January 24, 2007 Open Meeting Minutes as submitted. Motion carried with Kenneth McGhee, Marcia Shadel, Martin Vernon, and Gary Fraker voting in favor with no votes in opposition. James Reinhard and Joy Gerstein were absent for the entire meeting.

February 9, 2007 Open Mail Ballot Meeting Minutes
Motion was made by Gary Fraker and seconded by Marcia Shadel to approve the February 9, 2007 Open Meeting Minutes as submitted. Motion carried with Kenneth McGhee, Marcia Shadel, Martin Vernon, and Gary Fraker voting in favor with no votes in opposition. James Reinhard and Joy Gerstein were absent for the entire meeting.

March 1, 2007 Open Conference Call Meeting Minutes
Motion was made by Gary Fraker and seconded by Marcia Shadel to approve the March 1, 2007 Open Meeting Minutes as submitted. Motion carried with Kenneth McGhee, Marcia Shadel, Martin Vernon, and Gary Fraker voting in favor with no votes in opposition. James Reinhard and Joy Gerstein were absent for the entire meeting.

March 5, 2007 Open Mail Ballot Meeting Minutes
Motion was made by Gary Fraker and seconded by Marcia Shadel to approve the March 5, 2007 Open Meeting Minutes as submitted. Motion carried with Kenneth McGhee, Marcia Shadel, Martin Vernon, and Gary Fraker voting in favor with no votes in opposition. James Reinhard and Joy Gerstein were absent for the entire meeting.

March 8, 2007 Open Mail Ballot Meeting Minutes
Motion was made by Gary Fraker and seconded by Marcia Shadel to approve the March 8, 2007 Open Meeting Minutes as submitted. Motion carried with Kenneth McGhee, Marcia Shadel, Martin Vernon, and Gary Fraker voting in favor with no votes in opposition. James Reinhard and Joy Gerstein were absent for the entire meeting.

**Executive Director’s Report**
Becky Dunn reported on the FY2007 Financial Statement as of January 31, 2007

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**FY 2007 OA Cost Allocation**

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<td>Expenditures</td>
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Missouri State Board of Embalmers and Funeral Directors
Open Meeting Minutes
March 27-29, 2007
Page 7
**Financial Update**
Sherry Hess, Division of Professional Registration, appeared to present the board a financial summary of the board’s appropriation and fund balance. Ms. Hess explained the bill proposed, SB 222, which requires the balance of all state funds to be transferred and credited to the state General Revenue Fund if state revenue does not increase by more than 2 percent. This bill could impact fee funded agencies throughout state government. Ms. Hess also discussed the financial situation that would occur if the legislation proposed in SB 222 would pass, requiring certain funds to be swept if the amount of those funds exceeded 200% of the previous year expenditures.

**Legal Counsel Report**
Kimberly Grinston had nothing to report at this time.

**Rules and Regulations**

**20 CSR 2120-1.010 General Organization**
The board reviewed proposed amendment 20 CSR 2120-1.010 General Organization, printed in the March 1, 2007 *Missouri Register*. This amendment clarifies examination meetings and adds examination scheduling requirements. Areas bolded are new language and those in brackets will be deleted. Comments from the public regarding this rule must be received by March 30, 2007.

**PROPOSED AMENDMENT**

20 CSR 2120-1.010 General Organization.
(2) The board is a unit of the Division of Professional Registration [in the Department of Economic Development].

(4) The board has at least two (2) regularly scheduled business meetings each year and such other meetings as determined by the board. [The board has at least two (2) regularly scheduled examination meetings each year and such other examination meetings as determined by the board.] The time and location for all board meetings [and examinations] may be obtained by contacting the board office at PO Box 423, Jefferson City, MO 65102-0423.

(5) [All board meetings will be governed by Roberts’ Rules of Order.] The meetings of the board shall be conducted in accordance with Robert’s Rules of Order, Newly Revised, 10th Edition, so far as it is compatible with the laws of Missouri governing this board or the board’s own resolutions as to its conduct.

(7) Members of the public may obtain information from the board, or make submissions to the board, by writing the board’s executive director at PO Box 423, Jefferson City, MO 65102-0423 or by visiting http://pr.mo.gov/embalmers.asp.

(8) Examinations. After verification and approval by the board, application, scheduling, administration and payment for any examination required for licensure from the board shall be made to the board’s testing service, currently the International Conference of Funeral Service Examining Boards, Inc. The testing service shall approve applications upon the board’s verification and approval.

(A) Notification of intent to take an examination shall be received by the board at least fifteen (15) working days prior to the date the candidate plans to sit for the examination, unless otherwise stated in a specific regulation. At its discretion, the board may waive such notice requirement for examination candidates for good cause, provided that no waiver can be provided by the board that may violate the rules of the testing service. If a reexamination is required or requested, there is a mandatory thirty (30)-day waiting period between each Missouri reexamination date.
(B) All Missouri examinations may be provided in a computer-based testing format, except oral examination. Oral examinations will be held at the location designated by the board. Other examinations shall be held at the locations designated by the testing service. A complete listing of the conference’s examination sites is at http://www.cfseb.org or is available at the board’s office.

[(8)(9)] 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.

20 CSR 2120-1.040 Definitions
The board reviewed proposed amendment 20 CSR 2120-1.040 Definitions, printed in the March 1, 2007 Missouri Register. This amendment will allow currently licensed Missouri funeral directors who have passed the Missouri Funeral Service Arts examination to qualify for an embalmer’s license without unnecessary delay or additional retaking the Missouri Funeral Service Arts examination. Areas bolded are new language and those in brackets will be deleted. Comments from the public regarding this rule must be received by March 30, 2007.

PROPOSED AMENDMENT

20 CSR 2120-1.040 Definitions.
(1) Apprentice embalmer—an individual who is being trained as an embalmer under the immediate direction and personal supervision of a Missouri licensed embalmer for the “practice of embalming,” the work of preserving, disinfecting and preparing by arterial embalming, or otherwise, of dead human bodies or the holding of oneself out as being engaged in such work and has met the requirements for registration pursuant to sections 333.041 and 333.042, RSMo and [4 CSR 120-2.010] 20 CSR 2120-2.010.

20 CSR 2120-2.010

(2) Apprentice funeral director—an individual who is being trained as a funeral director in a Missouri licensed funeral establishment under the supervision of a Missouri licensed funeral director in the “practice of funeral directing,” the business of preparing, otherwise than by embalming, for the burial, disposal or transportation out of this state of, and the directing and supervising of the burial or disposal of, dead human bodies or engaging in the general control, supervision or management of the operations of a Missouri licensed funeral establishment and has met the requirements for registration pursuant to [4 CSR 120-2.060] 20 CSR 2120-2.060.

20 CSR 2120-2.060

(8) Embalmer examination—an examination consisting of the following:

(B) In lieu of the National Board Funeral Service Arts examination, successful completion of the Missouri Funeral Service Arts examination will be accepted, or the board may accept successful completion of an examination administered by another state, territory or province of the United States that is substantially equivalent or more stringent than the Missouri Funeral Service Arts examination;

[(B)] (C) National Board Funeral Service Science Section developed and furnished by the International Conference of Funeral Service Examining Boards, Inc., or designee of the board; and

[(C)] (D) Missouri Law Section.

[(9) Embalming log—a written record or log kept in the preparation/embalming room of a Missouri licensed funeral establishment available at all times in full view for a board inspector, which shall include the following:

(A) The name of deceased to be embalmed;
(B) The Missouri licensed funeral establishment location;
(C) The date and time the dead human body arrived at the funeral establishment;
(D) The date and time the embalming took place;
(E) The name and signature of the Missouri licensed embalmer;
(F) The Missouri licensed embalmer’s license number; and
(G) The name of the Missouri licensed funeral establishment, or other that was in charge of making the arrangements if from a different location.]

[(10)] (9) Executive director—executive secretary of the board.

[(11)] (10) Function—the purpose for which a physical location may be used.

[(12)] (11) Funeral ceremony—a religious service or other rite or memorial ceremony for a decedent.

[(13)] (12) Funeral director—an individual holding a funeral director license issued by the State Board of Embalmers and Funeral Directors.

[(14)] (13) Funeral director examination—an examination consisting of the following:
   (A) Missouri Law Examination; and
   (B) Missouri Funeral Service Arts Examination developed and furnished by the International Conference of Funeral Service Examining Boards, Inc., or designee of the board; or
   (C) National Board Funeral Service Arts Examination developed and furnished by the International Conference of Funeral Service Examining Boards, Inc., or designee of the board.

[(15)] (14) Funeral director-in-charge—an individual licensed as a funeral director by the State Board of Embalmers and Funeral Directors responsible for the general management and supervision of a Missouri licensed funeral establishment in the state of Missouri. Each Missouri licensed funeral establishment shall have a Missouri licensed funeral director designated as the funeral director-in-charge.

[(16)] (15) Funeral establishment—a building, place or premises licensed by the Missouri State Board of Embalmers and Funeral Directors devoted to or used in the care and preparation for burial, cremation or transportation of the human dead and includes every building, place or premises maintained for that purpose or held out to the public by advertising or otherwise to be used for that purpose.

[(17)] (16) Funeral service—any service performed in connection with the care of a dead human body from the time of death until final disposition including, but not limited to:
   (A) Removal;
   (B) Entering into contractual agreements for the provision of funeral services;
   (C) Arranging, planning, conducting and/or supervising visitations and funeral ceremonies;
   (D) Interment;
   (E) Cremation;
   (F) Disinterment;
   (G) Burial; and
   (H) Entombment.

[(18)] (17) Interment—burial in the ground or entombment of dead human remains.

[(19)] (18) Limited license—allows a person to work only in a funeral establishment which is licensed for only cremation including transportation of dead human bodies to and from the funeral establishment.

[(20)] (19) Preparation room—refers to the room in a Missouri licensed funeral establishment where dead human bodies are embalmed, bathed, and/or prepared for [cremation] final disposition.

[(21)] (20) Reciprocity examination—shall consist of the Missouri Law Examination.
(21) Register log—a written record or log kept in the preparation/embalming room of a Missouri licensed funeral establishment available at all times in full view for a board inspector, which shall include the following:

(A) The name of the deceased;
(B) The date and time the dead human body arrived at the funeral establishment;
(C) The date and time the embalming took place, if applicable;
(D) The name and signature of the Missouri licensed embalmer, if applicable;
(E) The name and signature of the Missouri registered apprentice embalmer, if any;
(F) The Missouri licensed embalmer's license number, if applicable;
(G) The Missouri apprentice embalmer registration number, if any; and
(H) The name of the licensed funeral establishment, or other that was in charge of making the arrangements if from a different location.

20 CSR 2120-2.010 Embalmer's Registration and Apprenticeship
The board reviewed proposed amendment 20 CSR 2120-1.010 Embalmer's Registration and Apprenticeship, printed in the March 1, 2007 Missouri Register. This amendment will allow currently licensed Missouri funeral directors who have passed the Missouri Funeral Service Arts examination to qualify for an embalmer’s license without unnecessary delay or additional retaking the Missouri Funeral Service Arts examination. Areas bolded are new language and those in brackets will be deleted. Comments from the public regarding this rule must be received by March 30, 2007.

PROPOSED AMENDMENT
20 CSR 2120-2.010 Embalmer’s Registration and Apprenticeship.
(1) Every person desiring to enter the profession of embalming dead human bodies within Missouri, and who is enrolled in an accredited institution of mortuary science, [must] shall complete a practicum as required by the accredited institution of mortuary science education.

(3) After registration with the board as a practicum student in an accredited institution of mortuary science education, the student may assist in a Missouri licensed funeral establishment preparation room only under the direct supervision of a Missouri licensed embalmer and may assist in the direction of funerals only under the direct supervision of a Missouri licensed funeral director. Each person desiring to be a practicum student shall register with the board as a practicum student on the form provided by the board in accordance with the requirements of the accredited institution of mortuary science prior to beginning the practicum. Applications [must] shall be accompanied by the applicable fee.

(4) During the period of the practicum, the certificate of registration issued to the practicum student shall be displayed, at all times, in a conspicuous location accessible to the public at each funeral establishment where the practicum student is working.

(7) After graduating from an accredited institution of mortuary science education, the applicant then [must] shall file, with the board, an official transcript of his/her embalming school grades showing s/he is a graduate of that school. In addition, the applicant shall ensure that his/her official copy of the national board examination results are provided to the board in writing by the International Conference of Funeral Service Examining Boards, Inc., or designee of the board.

(8) Effective [June 1] July 30, 2004 the Missouri State Board embalmers’ examination shall consist of the National Board Funeral Service Arts section, the National Board Funeral Service Science section, and Missouri Law section. Application, [and] payment, scheduling and administration for the national board examinations will be made directly through the International Conference of Funeral Service Examining Boards, Inc., or other designee of the board. [Application and administration fees for the Missouri Law section shall be made directly to the board. Scheduling and payment for the Missouri Law section will be made directly to the International Conference of Funeral Service Examining Boards, Inc., or designee of the board.] An applicant shall be exempt from the requirement of successful completion of
the Missouri Law section if the applicant has successfully completed the Missouri Law section for another license within twelve (12) months of the date that the board receives the new application. In lieu of the National Board Funeral Service Arts examination, successful completion of the Missouri Funeral Service Arts examination results will be accepted, or the board may accept successful completion of an examination administered by another state, territory or province of the United States that is substantially equivalent or more stringent than the Missouri Funeral Service Arts examination.

(10) An applicant [must] shall submit proof of having satisfied the requirements of the National Board Funeral Service Arts section and the National Board Funeral Service Science section of the examination by having his/her official copy of the scores from the International Conference of Funeral Service Examining Boards, Inc., or designee of the board transmitted to the board from the Conference. In lieu of the National Board Funeral Service Arts examination, successful completion of the Missouri Funeral Service Arts examination will be accepted, or the board may accept successful completion of an examination administered by another state, territory or province of the United States that is substantially equivalent or more stringent than the Missouri Funeral Service Arts examination.

(11) Those applicants achieving seventy-five percent (75%) on each of the three (3) sections of the embalming examination will be deemed to have passed the board’s embalming examination. Any applicant who scores less than seventy-five percent (75%) on any section of the embalming examination may retake the failed section, upon application and payment of the administration and reexamination fees. On any reexamination of a single failed section, the applicant [must] shall score at least seventy-five percent (75%) to pass.

(12) After the applicant has made a passing grade on the National Board Funeral Service Arts section and the National Board Funeral Service Science section of the embalming examination s/he then may apply for registration as an apprentice embalmer. In lieu of the National Board Funeral Service Arts examination, successful completion of the Missouri Funeral Service Arts examination will be accepted, or the board may accept successful completion of an examination administered by another state, territory or province of the United States that is substantially equivalent or more stringent than the Missouri Funeral Service Arts examination. This application [must] shall contain the name(s) of the Missouri licensed embalmer(s) under whom s/he will serve. Each supervisor must be licensed and registered with and approved by the board. Any change in supervisor shall also be registered and approved within ten (10) business days after the change has been made. Applications [must] shall be submitted on the forms provided by the board and [must] shall be accompanied by the applicable fee. Application forms are available from the board office or the board’s website at http://pr.mo.gov/embalmers.asp.

(13) Each apprentice embalmer shall provide to the board, on the application provided by the board, the name(s), location(s) and license number(s) of the [Missouri] licensed funeral establishment(s) where s/he is serving as an apprentice. If the apprentice embalmer begins work at any other [Missouri] licensed funeral establishment during the period of apprenticeship, the apprentice embalmer shall notify the board, on the form provided by the board, within ten (10) business days after the change has been made.

(14) The period of apprenticeship under this rule [must] shall be at least twelve (12) consecutive months. The apprentice embalmer [must] shall devote at least thirty (30) hours per week to his/her duties as an apprentice embalmer. During the period of the apprenticeship, the certificate of registration issued to the apprentice shall be displayed, at all times, in a conspicuous location accessible to the public at each funeral establishment where the apprentice is working.

(15) Prior to completion of the period of apprenticeship, the apprentice embalmer [must] shall achieve a grade of seventy-five percent (75%) or greater on the Missouri Law exam [administered by the board]. This exam may be taken any time after graduating from an accredited institution of mortuary science, but [must] shall be successfully completed prior to appearing before the board for oral examination. The Missouri Law exam covers knowledge of Chapter 333, RSMo and the rules governing the practice of embalming, funeral directing and funeral home licensing, along with government benefits,
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statutes and rules governing the care, custody, shelter, disposition and transportation of dead human bodies. The Missouri Law section also contains questions regarding Chapter 436, RSMo relating to pre-need statutes and Chapters 193 and 194, RSMo relating to the Missouri Department of Health and Senior Services statutes, as well as questions regarding Federal Trade Commission rules and regulations and Occupational Safety and Health Administration (OSHA) requirements as they apply to Missouri licensees. Notification of intent to take this section of the examination [must] shall be received by the board at least [forty-five (45)] fifteen (15) working days prior to the date [of the next regularly scheduled] the candidate plans to sit for the examination.

(16) An affidavit provided by the board, signed by both the apprentice and the supervisor(s) verifying that the applicant has successfully completed the embalming of twenty-five (25) dead human bodies, [must] shall be submitted to the board at the time of completion of the apprenticeship period and prior to the oral examination.

(22) A Missouri licensed embalmer has the ongoing obligation to keep the board informed if the licensee has been finally adjudicated or found guilty of, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, [for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated under Chapter 333, RSMo, for any offense an essential element of which is fraud, dishonesty, or an act of violence, or for any offense involving moral turpitude,] whether or not sentence was imposed. This information [must] shall be provided to the board within thirty (30) days of being finally adjudicated or found guilty.

(24) Should an individual desire to obtain a Missouri embalmer’s license after his/her license has become void under section 333.081.3, RSMo, the individual shall be required to make application, obtain a passing grade on the embalmer examination and shall be required to complete a six (6) consecutive month period of apprenticeship during which time s/he shall be required to embalm at least twelve (12) dead human bodies under the supervision of a Missouri licensed embalmer. The applicant shall be required to pay the current applicable apprenticeship[,] and application[,] administration and examination] fees to obtain a new embalmer’s license under this section. No previous apprenticeship, application or examination will be considered for a new application under this section. However, the successful examination results of the National Board Funeral Service Arts section and the National Board Funeral Science section will be accepted.

(25) [All documents filed with the board under this rule shall become a part of its permanent files.] After successful completion of the embalmer’s examination and the embalmer apprenticeship as provided in these rules, the embalmer applicant shall appear for the oral examination at a location specified by the board. To arrange for the oral examination, the embalmer applicant shall submit an application of a form supplied by the board and pay the applicable fees to the board. Applicants shall successfully pass the oral examination administered by the board for licensure.

20 CSR 2120-2.040 Licensure by Reciprocity
The board reviewed proposed amendment 20 CSR 2120-2.040 Licensure by Reciprocity, printed in the March 1, 2007 Missouri Register. This amendment clarifies and lessens the processing time for applicants. Areas bolded are new language and those in brackets will be deleted. Comments from the public regarding this rule must be received by March 30, 2007.

PROPOSED AMENDMENT

20 CSR 2120-2.040 Licensure by Reciprocity.
(1) Applications for a Missouri embalmer’s or funeral director’s license by reciprocity shall be made on the forms provided by the board and [must] shall be accompanied by the applicable fee. Application forms are available from the board office or the board’s website at http://pr.mo.gov/embalmers.asp.

(2) Any person holding a valid unrevoked and unexpired license to practice embalming or funeral directing in another state or territory, is eligible to obtain licensure by reciprocity by [submitting to] meeting the following requirements of the board [the following]:

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(B) Proof of his/her educational and professional qualifications, which \textit{must} be substantially equivalent to the requirements existing in Missouri at the time s/he was originally licensed;

(C) A \textit{[certified statement for] certificate of state endorsement from} the examining board of the state or territory in which the applicant holds his/her license showing the grade rating upon which his/her license was granted, a statement whether the reciprocity applicant has ever been subject to discipline or if there are any complaints pending against the reciprocity applicant and a recommendation for licensure in Missouri;

(D) Evidence sufficient to the board that the applicant has achieved a score of seventy-five percent (75\%) or better on the National Board Funeral Service Arts Examination and the National Board Funeral Service Science Examination provided by the International Conference of Funeral Service Examining Boards, Inc., or designee of the board, if applying for an embalmer license or an embalmer and funeral director license; or

(E) Evidence sufficient to the board that the applicant has achieved a score of seventy-five percent (75\%) or better on the National Board Funeral Service Arts Examination provided by the International Conference of Funeral Service Examining Boards, Inc., or designee of the board, if applying for only a funeral director license; and

(F) \textit{[Evidence that the]} The reciprocity applicant \textit{[has] will be required to} successfully complete[d] the reciprocity examination with a score of seventy-five percent (75\%) or better within twenty-four (24) months after the board’s receipt of the reciprocity application. If an applicant by reciprocity has received either an embalmer or funeral director license from the board within twelve (12) months prior to applying for a license for which the reciprocity examination is required, that applicant will be exempt from taking the reciprocity examination for the second license;

(3) If the reciprocity applicant holds a license as an embalmer or funeral director in another state or territory with requirements less than those of this state, they may seek licensure in this state by \textit{[submitting to] meeting the following requirements of} the board \textit{[the following]}:

(A) \textit{[A copy of his/her original license by the other state board;] An} official certification from another state or territory which verifies that the licensee holds a valid, unrevoked and unexpired funeral director or embalmer license in the other state or territory;

(B) A copy of his/her original funeral director or embalmer license from the other state or territory in which the applicant is licensed;

[C]] \textit{[Evidence that the]} The reciprocity applicant \textit{[has] will be required to} successfully complete[d] the reciprocity examination with a score of seventy-five percent (75\%) or better within twenty-four (24) months after the board’s receipt of the reciprocity application. If an applicant by reciprocity has received either an embalmer or funeral director license from the board within twelve (12) months prior to applying for a license for which the reciprocity examination is required, that applicant will be exempt from taking the reciprocity examination for the second license;

[D] \textit{[Evidence that the reciprocity applicant has successfully completed the reciprocity examination with a score of seventy-five percent (75\%) or better either within twelve (12) months prior to application or within twenty-four (24) months after the board’s receipt of the reciprocity application:]}\]

(5) Applications \textit{[must] for reciprocity licensure shall} be completed and received by the board at least \textit{[forty-five (45)] thirty (30)} days prior to the date \textit{[of the next regularly scheduled] the candidate plans to sit for the} examination and \textit{[must] shall} be accompanied by the applicable \textit{[administration] fee. [Scheduling payment for the examination will be made directly through the International Conference of Funeral Service Examining Boards, Inc., or designee of the board.] Applications are deemed complete upon submission of any and all requisite forms required by the board, payment of requisite fees, and submission of all materials required by this rule or supplemental materials requested by the board. Application forms can be obtained from the board office or the board’s website at http://pr.mo.gov/embalmers.asp.

\textbf{20 CSR 2120-2.050 Miscellaneous Rules}

The board reviewed proposed amendment \textit{20 CSR 2120-2.050 Miscellaneous Rules Organization, printed in the March 1, 2007 Missouri Register. This amendment clarifies that all documents filed with the board under this rule shall become part of the board’s permanent
files. Areas bolded are new language and those in brackets will be deleted. Comments from the public regarding this rule must be received by March 30, 2007.

PROPOSED AMENDMENT

20 CSR 2120-2.050 Miscellaneous Rules.
(1) All licensees may be represented [themselves before the board without an attorney] before the board by an attorney. If the licensee desires to be represented by an attorney, the attorney [must] shall be licensed to practice law in Missouri or meet the requirements of the Supreme Court with respect to nonresident attorneys.

(3) All documents filed with the board shall become a part of its permanent files.

20 CSR 2120-2.071 Funeral Establishments Containing a Crematory Area
The board reviewed proposed amendment 20 CSR 2120-2.071 Funeral Establishments Containing a Crematory Area, printed in the March 1, 2007 Missouri Register. This amendment provides clarification relating to cremation containers. Areas bolded are new language and those in brackets will be deleted. Comments from the public regarding this rule must be received by March 30, 2007.

PROPOSED AMENDMENT

20 CSR 2120-2.071 Funeral Establishments Containing a Crematory Area.
(1) Definitions.
(B) Cremation—the technical heating process which reduces remains to bone fragments through heat and evaporation; [the] a final disposition of dead human remains.
(D) Cremation chamber—the total functioning mechanical unit for the actual cremation process.

(3) Each Missouri licensed funeral establishment that contains a crematory area shall maintain permanent records which shall include:
   (B) Information regarding the cremation which shall include:
       1. The full name of the deceased;
       2. The last place of residence of the deceased;
       3. The place of death of the deceased;
       4. The place of birth of the deceased;
       5. The date and place of the funeral;
       6. The name of the Missouri licensed funeral director, other than a limited license funeral director, with whom the arrangements were made;
       7. The name of the person(s) who made the arrangements with the Missouri licensed funeral director and the relationship to the deceased;
       8. The date and time when cremation was begun;
       9. The name and address of the person to whom the cremated remains were released or the location where the cremated remains were placed; and
       10. If the cremated remains were delivered or placed other than by an employee of the Missouri licensed funeral establishment, the name of the person who made the delivery or placement or the name of the business by which the cremated remains were shipped along with the receipt number.

(5) All records required to be maintained by this rule shall be maintained on the premises of the Missouri licensed funeral establishment for [a minimum of the current calendar year and the preceding calendar year] two (2) years from the date the record was created. All documents required to be maintained by this rule may be maintained electronically, but all documents shall be stored in such a manner to allow access by the board, or its assignee, and so the board, or its assignee, may easily and timely obtain hard copies or electronic copies in a format easily readable by the board, or its assignee.

[(8) If a Missouri licensed embalmer proceeds to embalm a body under the provisions in accordance with the provisions of 4 CSR 120-2.070(21) a Missouri licensed funeral establishment which employs the Missouri licensed]
embalmer shall not require payment for the embalming unless the funeral arrangements that are subsequently made authorized the embalming.]

[(9)] (8) The cremation chamber shall be completely functioning at all times and shall be constructed specially to withstand high temperatures and protect the surrounding structure. A Function B establishment shall not be in violation of this rule if the cremation chamber is completely restored to functioning capacity within one hundred twenty (120) days from the date the cremation chamber ceases to be in compliance with this section. However, if there are extenuating circumstances and the cremation chamber could not be repaired, documentation of such shall be provided to the board for review and approval. Cremation chambers shall be maintained in proper working order and in compliance with all applicable Missouri Department of Health and Senior Services statutes, rules and regulations, Missouri Department of Natural Resources, statutes, rules and regulations, and all other applicable federal, city, county, and municipal statutes, rules and regulations.

(A) If a Function B has only one (1) cremation chamber and that chamber is not functioning, written notification shall be made to the board within ten (10) business days after the cremation chamber stops functioning.

(B) A Function B establishment that has a nonfunctioning cremation chamber may arrange for cremation at another licensed establishment, if the use of an alternate establishment for purposes of cremation is disclosed to the person making the arrangements on the cremation authorization form.

[(10)] (9) The crematory area shall include a work center area equipped with forced air ventilation adequate to protect the health and safety of the operator and any other person(s) present.

[(11)] (10) No person shall be permitted in the crematory area while any dead human body is in the crematory area awaiting cremation or being cremated or while the cremation remains are being removed from the cremation chamber except the Missouri licensed funeral director, employees of the Missouri licensed funeral establishment in which the body is being cremated, members of the family of the deceased and persons authorized by the members of the family of the deceased or any other person authorized by law.

[(12)] (11) When there is no Missouri licensed funeral establishment employee in the crematory area, the crematory area shall be secure from entry by persons other than Missouri licensed funeral establishment employees.

[(13)] (12) Each body [shall be] delivered to the crematory, if not already in a cremation container, plastic pouch, cardboard cremation container, casket made of wood or wood product or metal, shall be placed in such a pouch, container or casket. If a metal container or casket is used [the purchaser must], the person making the arrangements shall 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, if not placed in the retort. 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.

[(14)] (13) The Missouri licensed funeral director with whom the arrangements are made shall make inquiry to determine the presence or existence of any body prosthesis, bridgework or similar items.

[(15)] (14) No body shall be cremated with a pacemaker in place. The Missouri licensed funeral director with whom the arrangements are made shall take all steps necessary to ensure that any pacemakers are removed prior to cremation.

[(16)] (15) No body shall be cremated until after a completed death certificate has been filed with the local registrar as required by section 193.175, RSMo.
[(17) Each cremation container or casket into which a body is placed shall be placed into the cremation chamber with the body and be cremated and each cremation box or urn into which the cremated remains are placed after removal from the cremation chamber shall be labeled clearly with the full name of the deceased and the name of the Missouri licensed funeral establishment with whom the arrangements were made.]

(16) Except for metal containers or caskets, each cremation container or casket into which a body is placed shall be placed into the cremation chamber with the body and be cremated. If a metal container or casket is used, the purchaser shall be informed by the funeral director at the time the arrangements are made of the disposition of the metal container or casket after cremation, if the container or casket is not to be placed in the retort. Each cremation box or urn into which the cremated remains are placed after removal from the cremation chamber shall be labeled clearly with the full name of the deceased and the name of the Missouri licensed funeral establishment with whom the arrangements were made.

[(18)] (17) The remains of only one (1) body shall be in the cremation chamber at one (1) time unless simultaneous cremation has been authorized in writing by the person(s) entitled to custody or control of each body.

[(19)] (18) Following the completion of the cremation process, all residual of the cremation process including the cremated remains and any other matter shall be thoroughly removed from the cremation chamber prior to placing another body in the cremation chamber.

[(20)] (19) If the cremated remains do not fill the interior of the cremation box adequately, the extra space may be filled with shredded paper or clean absorbent cotton.

[(21)] (20) If the cremated remains will not fit within the receptacle designated in the arrangements, the remainder shall be placed in a separate receptacle or, if written permission is obtained from the person entitled to custody or control of the body, disposed of in some other manner.

[(22)] (21) The cremation box shall be composed of rigid materials which shall be sealed in order to prevent the leakage of cremated remains or the entry of foreign objects.

[(23)] (22) If the cremated remains are to be shipped, the cremation box shall be packed securely in a corrugated cardboard box which is securely closed with tape acceptable to the shipper.

[(24)] (23) Cremated remains shall be shipped only by a method which has an internal tracing system available and which provides a receipt signed by the person accepting delivery.

[(25)] (24) Each urn into which cremated remains are placed shall be made of a durable material which shall enclose the cremated remains entirely.

[(26)] (25) Each Missouri licensed funeral establishment which comes into possession of cremated remains, whether or not it is the Missouri licensed funeral establishment at which the cremation occurred, shall retain the cremated remains until they are delivered, placed or shipped pursuant to the instructions of the person(s) entitled to custody or control of the body. However, nothing in this rule shall prohibit a Missouri licensed funeral establishment from disposing of cremated remains in another fashion if the Missouri licensed funeral establishment has obtained written permission for other disposition contingent upon the Missouri licensed funeral establishment attempting to dispose of the cremated remains according to instructions but being unable to do so through no fault of the Missouri licensed funeral establishment and provided that other disposition shall not occur prior to thirty (30) days after cremation.

[(27)] (26) Nothing in this rule shall be construed to prohibit a Missouri licensed funeral establishment which contains a crematory area from establishing more restrictive standards for its own operation.
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.

**20 CSR 2120-2.090 Preparation Rooms/Embalming Room**

The board reviewed proposed amendment 20 CSR 2120-2.090 Preparation Rooms/Embalming Room, printed in the March 1, 2007 Missouri Register. This amendment provides clarification relating to plumbing in the embalming room. Areas bolded are new language and those in brackets will be deleted. Comments from the public regarding this rule must be received by March 30, 2007.

**PROPOSED AMENDMENT**

20 CSR 2120-2.090 Preparation Rooms/Embalming Room.

(3) Floors, Walls and Ceilings. All preparation room floor surfaces [must] shall be smooth, nonabsorbent materials and so constructed as to be kept clean easily. Floor drains [must] shall be provided where the floor is to be subjected to cleaning by flooding. All walls and ceilings [must] shall be easily cleanable and light colored, and [must] shall be kept and maintained in good repair. All walls shall have washable surfaces.

[(5) Plumbing.

(A) All plumbing must be sized, installed and maintained so as to carry adequate quantities of water throughout the Missouri licensed funeral establishment, prevent contamination of the water supply, properly convey sewage and liquid waste from the preparation room to the sewage disposal system and prevent creation of an unsanitary condition or nuisance.

(B) All plumbing must be sized, installed and maintained in accordance with local plumbing laws and ordinances. Where local codes are not in force, the Missouri licensed funeral director shall contact the International Code Council (ICC), Chicago District Office, or designee of the board, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795 or current address, for additional requirements.]

[(6) Sewage and Liquid Waste Disposal.

(A) All sewage and water-carried wastes from the entire Missouri licensed funeral establishment, including the preparation room, [must] shall be disposed of in a public sewage system or an approved disposal system which is constructed, operated and maintained in conformance with the minimum standards of the Department of Health and Senior Services.

(B) The following aspirators are approved for preparation rooms:

1. Electric aspirators;
2. Water-operated aspirators. All water-operated aspirators shall be protected from back siphonage by the minimum of an atmospheric vacuum breaker approved by the American Society of Sanitary Engineering or by the Uniform Plumbing Code and installed a minimum of twelve inches (12") above the maximum possible height of the embalming table; and
3. Water-controlled unit. All water-controlled units shall be installed and maintained according to the Uniform Plumbing Code, and properly protected from back siphonage with a backflow prevention device approved by the American Society of Sanitary Engineering or the Uniform Plumbing Code.

[(7)] (6) Solid Waste Disposal.

(A) Refuse, bandages, cotton and other solid waste materials [must] shall be kept in leakproof, nonabsorbent containers which [must] shall be covered with tight-fitting lids prior to disposal.

(B) All waste materials, refuse, and used bandage and cotton [must] shall be destroyed by reducing to ashes through incineration or [must] shall be sterilized and buried. Sterilization may be accomplished by soaking for thirty (30) minutes in a solution of five percent (5%) formaldehyde, one (1) pint of formalin to seven (7) pints of water.
[(8)] (7) Disposal of Body Parts. Human body parts not buried within the casket [must] shall be disposed of by incineration in a commercial or industrial-type incinerator or buried to a depth which will insure a minimum of three feet (3') of compacted earth cover (overlay).

[(9)] (8) A mechanical exhaust system is required. Care [must] shall be taken to prevent the discharge of exhaust air into an area where odors may create nuisance problems.

[(10)] (9) All preparation rooms and all articles stored in them [must] shall be kept and maintained in a clean and sanitary condition. All embalming tables, hoppers, sinks, receptacles, instruments and other appliances used in embalming or other preparation of dead human bodies [must] shall be so constructed that they can be kept and maintained in a clean and sanitary condition. The following minimum standards shall apply:
   (A) An eye wash kit (bank) or suitable facilities for quick drenching or flushing of the eyes shall be provided within the area for immediate emergency use;
   (B) Facilities [must] shall exist for the proper disinfection of embalming instruments and the embalming table;
   (C) Facilities for the proper storage of embalming instruments [must] shall be maintained. At a minimum, a chest or cabinet [must] shall be used for the storage of embalming instruments;
   (D) All types of blocks used in positioning a dead human body on an embalming table [must] shall be made of nonabsorbent material. All wooden blocks [must] shall be sealed and painted with enamel; and
   (E) When not in use, embalming tables [must] shall be cleaned, disinfected and covered with a sheet.

[(11)] (10) Food and Beverages.
   (A) There may be no direct opening between the preparation room and any room where food and beverages are prepared or served.
   (B) The Department of Health and Senior Services sanitation laws and rules governing food sanitation apply to the operation, construction and sanitation of food service facilities, where provided for the comfort and convenience of a funeral party; provided, however, that coffee service utilizing single-service cups and spoons and a coffeemaker of easily cleanable construction shall be deemed acceptable where this service is the only food service offered.
   (C) A Missouri licensed funeral home providing coffee service utilizing single-service items and coffeemakers of easily cleanable construction [must] shall provide a water supply faucet at a suitable sink of easily cleanable construction for the filling and cleaning of this equipment in an area separate from the preparation room and restrooms.

[(12)] (11) A separate wash sink (separate from slop drain sink) [must] shall be present or in close proximity to the preparation room for a personal hand wash facility for Missouri licensed embalmers and the disinfecting of embalming equipment. If the wash sink is not present in the preparation room, it shall be in a location close to the preparation room which is not accessible to the public and it shall be at a distance of no further than ten feet (10') from the door of the preparation room.

[(13)] (12) Preparation rooms shall contain only the articles, instruments, and items that are necessary for the preparation, embalming, and final disposition of dead human bodies.

[(14)] (13) Preparation rooms shall be secured with a functional lock so as to prevent entrance by unauthorized persons.

[(15)] (14) 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.

20 CSR 2120-2.100 Fees
The board reviewed proposed amendment 20 CSR 2120-2.100 Fees, printed in the March 1, 2007 Missouri Register. This amendment eliminates examination administration fees. Areas
bolder are new language and those in brackets will be deleted. Comments from the public regarding this rule must be received by March 30, 2007.

PROPOSED AMENDMENT

20 CSR 2120-2.100 Fees.

(1) The following fees hereby are established by the State Board of Embalmers and Funeral Directors:

<table>
<thead>
<tr>
<th>Fee Description</th>
<th>Fee Amount</th>
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<tr>
<td>(B) Embalmer State Board Examination Administration Fee</td>
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<td>(C) Embalmer Application Fee</td>
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<td>(D) Embalmer Oral Examination Fee</td>
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<td>(E) Embalmer Reciprocity Application Fee</td>
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<td>(F) Embalmer Biennial Renewal Fee</td>
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<td>(G) Missouri Law Examination Administration Fee</td>
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<td>(H) Funeral Director Application Fee</td>
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<td>(I) Funeral Director Limited License Application Fee</td>
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<td>(J) Funeral Director Missouri Funeral Service Arts Section Examination Administration Fee</td>
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<td>(K) Funeral Director Reciprocity Application Fee</td>
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<td>(L) Funeral Director Biennial Renewal Fee</td>
<td>$200</td>
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<tr>
<td>(M) Reactivation Fee (up to one (1) year after lapse)</td>
<td>$100</td>
</tr>
<tr>
<td>(N) Reactivation Fee (up to two (2) years after lapse)</td>
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<tr>
<td>(O) Establishment Application Fee</td>
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<td>(P) Amended Establishment Application Fee</td>
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<tr>
<td>(Q) Establishment Biennial Renewal Fee</td>
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<tr>
<td>(R) Reciprocity Certification Fee</td>
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<td>(S) Reciprocity Examination Administration Fee</td>
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<tr>
<td>(T) Duplicate Wallhanging Fee</td>
<td>$10</td>
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<tr>
<td>(U) Collection Fee for Bad Checks</td>
<td>$25</td>
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<tr>
<td>(V) Law Book Requests</td>
<td>$5*</td>
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<tr>
<td>(W) Examination Review Fee</td>
<td>$25</td>
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<tr>
<td>(X) Background Check Fee</td>
<td></td>
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*This fee will not apply to the initial copy of the law book which is automatically mailed to all applicants for licensure and to educational institutions of mortuary science. Furthermore, this fee will not be charged to licensees or any other individual, for additions or corrections to the law book after the initial copy is mailed.

Drafted Proposed Amendments 20 CSR 2120-2.060 and 20 CSR 2120-2.070

The board reviewed the following proposed amendment drafts to 20 CSR 2120-2.060 and 20 CSR 2120-2.070. December 2006, the board requested the board’s attorney and executive director further modify requested changes for further discussion and review. Areas boldered are new language and those in brackets will be deleted.

DRAFTED
PROPOSED AMENDMENT

20 CSR 2120-2.060 Funeral Directing.
(1) Every person who desires to enter the profession of funeral directing in Missouri and who is not entitled to a license under section 333.051, RSMo shall provide the following to the board:
   (A) Proof of being at least eighteen (18) years of age;
   (B) Proof of possession of a high school diploma or equivalent;
   (C) Evidence of being a person of good moral character;
   (D) Proof of satisfactory completion of each section of the funeral director’s examination;
   (E) Affidavit of completion of a twelve (12) consecutive month apprenticeship; or official transcript and documentation indicating s/he is a graduate of an institute of mortuary science accredited by the American Board of Funeral Service Education or any successor organization recognized by the United States Department for Funeral Service Education; or has successfully completed a course in funeral directing offered by a college accredited by a recognized national, regional or state accrediting body and approved by the State Board of Embalmers and Funeral Directors; or proof of being a Missouri licensed embalmer;
   (F) Completed application form provided by the board;
   (G) Proof of successful completion of the National Board Funeral Service Arts examination, if applicable;
   (H) Payment of all applicable fees;
   (I) Satisfactory criminal history background check as provided to the board by the Missouri State Highway Patrol.
   Applicants shall submit to the board the applicable fee for the criminal history background check as determined by the Missouri State Highway Patrol; and
   (J) Any other information the board may require.

(2) Every person who desires to enter the profession of funeral directing in Missouri and who is not entitled to a license under section 333.051, RSMo, shall make application with the board for a Missouri funeral director license on the forms provided by the board and shall pay the funeral director application fee[s for the Missouri Law examination and Missouri Funeral Service Arts examination] directly to the board. [The scheduling and payment of the examinations will be made through the International Conference of Funeral Service Examining Boards, Inc., or designee of the board.] If the applicant has successfully completed the National Board Funeral Service Arts examination, no Missouri Funeral Service Arts examination is required. [and no Missouri Funeral Service Arts examination fee may be applicable.] Application forms can be obtained from the board office or the board’s website at http://pr.mo.gov/embalmers.asp.

(3) Effective [June 1] July 30, 2004 the funeral director examination developed and administered by the [board] International Conference of Funeral Service Examining Boards, Inc., or designee of the board, shall consist of the Missouri Law section and the Missouri Funeral Service Arts section [developed and furnished by the International Conference of Funeral Service Examining Boards, Inc., or designee of the board]. In lieu of the Missouri Funeral Service Arts examination, successful completion of the National Board Funeral Service Arts examination results will be accepted.

(4) To serve as an apprentice funeral director, the applicant shall file with the board a completed funeral director application on the form prescribed by the board and also shall complete an application to be registered as an apprentice funeral director on the form prescribed by the board and pay all applicable fees. Application forms and a list of fees can be obtained from the board office or on the board’s website at http://pr.mo.gov/embalmers.asp.

(5) Upon registration and payment in full of all applicable fees, the board shall issue the apprentice funeral director applicant a funeral director apprentice registration. This registration authorizes the apprentice registrant to engage in the practice of funeral directing under the supervision of a Missouri licensed funeral director. The funeral director apprentice registration, or a copy thereof, shall be displayed, at all times, in a conspicuous location accessible to the public at each establishment where the apprentice is working.

(6) The funeral director apprentice registration authorizes the registrant to engage in the practice of funeral directing only during the period of apprenticeship. Once the apprenticeship is successfully completed as defined in this rule, the funeral director apprentice registration shall become null and void. Any Missouri licensed funeral director who allows a former
apprentice who has completed his/her apprenticeship to engage in the practice of funeral directing before that apprentice is fully licensed shall be subject to discipline for misconduct under section 333.121.2, RSMo.

(7) Each registered funeral director apprentice shall provide to the board, on the application prescribed by the board, the name(s), location(s) and license number(s) of each funeral establishment(s) where they are serving as an apprentice. The funeral director apprenticeship may be served at a funeral establishment licensed by a state, other than Missouri, upon submission of proof to the board that the out-of-state funeral home is licensed for the care and preparation for burial and transportation of human dead in this state or another state which has established standards for admission to practice funeral directing equal to, or more stringent than, the requirement for admission to practice funeral directing in this state. If the funeral director apprentice changes funeral establishments during the course of the apprenticeship, the apprentice shall notify the board, on the form prescribed by the board, of the name(s), location(s) and funeral establishment(s) license number of the new apprenticeship location within ten (10) business days after the change has been made.

(8) Successful completion of a funeral director apprenticeship shall consist of the following:
   (A) Completed service as an apprentice funeral director for a period consisting of at least twelve (12) consecutive months in a Function C funeral establishment; and
   (B) Filing with the board a notarized affidavit(s) signed by the apprentice and his/her supervisor(s) that s/he has arranged for and conducted a minimum of ten (10) funeral ceremonies under the supervision of a Missouri licensed funeral director.

(9) An apprentice will be eligible to take the funeral director examination after completion of the twelve (12) consecutive month period of apprenticeship.

(10) An applicant will be deemed to have successfully completed the funeral director examination when a score of seventy-five percent (75%) or better is achieved on each section. If the applicant fails a section of the examination, the applicant shall be permitted to retake that section of the examination. [upon application and payment of the administration fee to the board. Scheduling and payment of the examination fee will be made through the International Funeral Service Examining Boards, Inc., or designee of the board.]

(11) All notifications for the funeral director’s examination [must] shall be in writing and received by the board at least fifteen (15) working [forty-five (45)] days prior to the date the candidate plans to sit for the [of the next regularly scheduled] examination [and must be accompanied by all applicable fees].

(12) A college accredited by a recognized national, state, or regional accrediting body may seek the approval of the State Board of Embalmers and Funeral Directors for a course of study in funeral directing by submitting a description of the program, the college catalog listing the course of study and evidence that the program has been approved to be offered in that institution by the administration of the college and the Missouri Coordinating Board for Higher Education.

(13) An applicant shall be exempt from the requirement of successful completion of the Missouri Law examination if the applicant has successfully completed the Missouri Law examination for another license within twelve (12) months of the date that the board receives the new application.

(14) It shall be considered misconduct in the practice of funeral directing for a Missouri licensed funeral director to permit any unlicensed person to engage in, or take charge of, the activities for which a license is required by law.

(15) A Missouri licensed funeral director shall be present and personally [must] shall supervise or conduct each funeral ceremony conducted by or from a Missouri licensed funeral establishment. A violation of this section will be considered misconduct in the practice of funeral directing.

(16) Unless otherwise authorized by law, [A] a Missouri licensed funeral director shall be present and personally [must] shall supervise any disinterment, interment, entombment, or cremation as defined in [4 CSR 120-1.040] 20 CSR 2120-1.040. If the disinterment does not require legal notification to the county coroner or medical examiner, a funeral director’s presence may not be required. A violation of this section shall be deemed misconduct in the practice of funeral directing. Once the body has been delivered to a cemetery for the purpose of interment or to a crematory for the purpose of
cremation and after any funeral ceremonies have been completed, the Missouri licensed funeral director is not required to stay with the body. Nothing in this rule shall be interpreted as requiring the Missouri licensed funeral director to leave the cemetery before disposition is complete. Furthermore, nothing in this rule shall be interpreted as relieving the Missouri licensed funeral director of any responsibilities s/he has under his/her contract with the person(s) having the right to control the incidents of burial.

(17) An unlicensed person [may] transporting dead human bodies from the place of death to another location in the State of Missouri, or [may] transporting dead human bodies out of this state, shall do so [if these services are performed] under the direction of a Missouri licensed funeral establishment unless otherwise authorized by law.

(18) A funeral director or funeral establishment licensed in another state that enters the state of Missouri solely for the purpose of transporting a dead human body through Missouri to another state, country or territory, shall not be deemed to be in the practice of funeral directing or required to obtain a license from the board. This regulation does not exempt any person or entity from complying with any applicable statutes or regulations governing the transportation of dead human bodies, including, but not limited to, Chapters 193 and 194, RSMo.

(19) No person other than a Missouri licensed funeral director shall be allowed to make the following at-need arrangements with the person having the right to control the incidents of disposition:
   (A) Removal of a dead human body, arrangements for final disposition, supervision of visitation and memorial ceremony, grave attendance, cremation, entering into a contractual relationship for performance of any other funeral services; and
   (B) Embalming, cremation, care, preparation, shipment or transportation of a dead human body
   (C) Nothing in this subsection shall be construed to apply to persons exempt from Chapter 333, RSMo.

(20) The taking of preliminary information by an unlicensed person will not be construed as the making of at-need funeral arrangements under this rule.

(21) Whenever an unlicensed person makes other than at-need funeral arrangements on behalf of a Missouri licensed funeral director or Missouri licensed funeral establishment, the unlicensed person shall be under the supervision and control of a Missouri licensed funeral director at all times.

(22) 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.

(23) The business and practice of funeral directing may be conducted only from a fixed place or establishment which has been licensed by the board.

(24) Limited License.
   (A) A person holding a limited license shall only be allowed to work [only] in a funeral establishment that is licensed [only] as a Function B [funeral] establishment (cremation only). [It shall be lawful for a limited licensee to engage in any act of funeral directing at a function B funeral establishment including transportation of dead human bodies to and from the funeral establishment.] A limited funeral director shall only engage in the activities of funeral directing authorized for a function B funeral establishment.
   (B) Every person desiring a limited license shall provide the following to the board:
   1. Proof of being at least eighteen (18) years of age;
   2. Proof of possession of a high school diploma or its equivalent;
   3. Evidence of being a person of good moral character;
4. Proof of successful completion by achieving a score of seventy-five percent (75%) or better on the Missouri Law examination;
5. Completed application form as provided by the board;
6. Payment of applicable fees;
7. Payment of any fee charged by the Missouri Highway Patrol for a criminal history background check; and
8. Any other information the board may require.

(C) Every limited licensee shall provide the board with the name, location and license number of each Function B funeral establishment where she/he is employed.

(D) A limited licensee shall be obligated to comply with all Missouri laws governing funeral directors subject to the limitations imposed by this rule and section 333.042.2, RSMo.

(E) If a limited licensee desires to obtain a full funeral director’s license, the licensee shall be required to complete an apprenticeship consisting of at least twelve (12) consecutive months as required by section 333.042.2, RSMo, and accompanying regulations OR fulfill the education requirements set forth in section 333.042.3, RSMo. The limited licensee shall also provide to the board proof of successful completion of the remaining sections of the funeral director examination as required by these regulations. [The limited licensee shall not be required to retake the Missouri Law examination.]

The applicant shall be exempt from the requirement of successful completion of the Missouri Law section if the applicant has successfully completed the Missouri Law section within twelve (12) months of the date that the board receives the new application.

[(24)] (25) All certificates, registrations, and licenses, or duplicate copies thereof, issued by the State Board of Embalmers and Funeral Directors shall be displayed at all times in a conspicuous location accessible to the public in each office(s) or place(s) of business where they work, for inspection by any duly authorized agent of the board.

[(25)] (26) Should an individual desire to obtain a Missouri funeral director’s license after his/her license has become void under section 333.081.3, RSMo, the individual shall be required to make new application and pay all applicable fees to the board. No previous apprentice, application or examination will be considered for the new application. However, the board shall accept the successful completion of the National Board Funeral Service Arts examination for new application.

[(26)] (27) A Missouri licensed funeral director may engage in the practice of funeral directing in the state of Missouri only in Missouri licensed funeral establishments. Each Missouri licensed funeral director shall inform the board in writing, in a timely manner, of each Missouri licensed funeral establishment name(s), location(s) and license number(s) where the Missouri licensed funeral director is engaged in funeral directing.

[(27)] (28) A Missouri licensed funeral director has the ongoing obligation to keep the board informed if the licensee has been finally adjudicated or found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, [for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated under this chapter, for any offense an essential element of which is fraud, dishonesty, or an act of violence, or for any offense involving moral turpitude,] whether or not sentence was imposed. This information [must] shall be provided to the board within thirty (30) days of being finally adjudicated or found guilty.

(29) Person Deemed to be Engaged in the Practice of Funeral Directing.

(A) No person shall be deemed by the board to be engaged in the practice of funeral directing or to be operating a funeral establishment if the person prepares, arranges or carries out the burial of the dead human body of a member of one’s own family or next of kin as provided by section 194.119, RSMo., provided that the activity is not conducted as a business or for business purposes.

(B) The board shall not deem a person to be engaged in the practice of funeral directing or to be operating a funeral establishment if the person prepares, arranges or carries out the burial of a dead human body pursuant to the religious beliefs, tenets or practices of a religious group, sect or organization, provided that the activity is not conducted as a business or for business purposes.
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.

20 CSR 2120-2.070 Funeral Establishments.
(1) Application for a Missouri licensed funeral establishment license shall be made on the forms provided by the board and must be accompanied by the appropriate fee. Applications are available from the board’s office or the board’s website at http://pr.mo.gov/embalmers.asp. Each application must indicate which license classification is being sought.

(2) There shall be the following license classifications:
   (A) Function A establishments shall have authority to embalm dead human bodies and to transport dead human bodies to and from the funeral establishment. An establishment licensed only as a function A establishment is prohibited from the care and preparation of dead human bodies other than by embalming, and shall also be prohibited from making funeral arrangements or embalming arrangements with any unlicensed person, cremating, conducting visitations and funeral ceremonies, and furnishing any funeral service in connection with the disposition of dead human bodies, or selling of funeral merchandise.
   (B) Function B establishments shall have authority to cremate dead human bodies and to transport dead human bodies to and from the funeral establishment. This establishment must have an operating cremation chamber except as otherwise provided by Chapter 333, RSMo, and the rules of the board. An establishment licensed only as a function B establishment is prohibited from the care and preparation of dead human bodies other than by cremating, and shall also be prohibited from embalming, making funeral arrangements or cremation arrangements with any unlicensed person, conducting visitations and funeral ceremonies, and furnishing any funeral service in connection with the disposition of dead human bodies or selling funeral merchandise.
   (C) Function C establishments shall have authority for the care and preparation of dead human bodies, other than by embalming or cremating, authority to transport dead human bodies to and from the funeral establishment, make funeral arrangements, and furnish any funeral services in connection with the disposition of dead human bodies or the sale of funeral merchandise.
   (D) Function D establishments shall have authority to conduct visitations and funeral ceremonies only. A Function D license is dependent upon and must be operated under the supervision and ownership of a Function C establishment.

(3) If a Missouri licensed funeral establishment wishes to change or add to its classification, it shall file a new application for a Missouri licensed funeral establishment indicating its new classification. If a Missouri licensed funeral establishment desires to eliminate one (1) of its functions, other than a Function C, it must notify the board in writing of its intention to surrender the function, but is not required to file a new application for a new Missouri licensed funeral establishment.

(4) A Missouri licensed funeral establishment shall not be used for any other business purpose other than as a Missouri licensed funeral establishment. It shall be permissible for a Missouri licensed funeral establishment to be in the same building as another business so long as the Missouri licensed funeral establishment has a separate entrance and a separate street address.

(5) A Missouri licensed funeral establishment shall be used only for the function for which it is licensed.
(6) 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.

(7) A funeral establishment application shall indicate the name and license number of the Missouri licensed funeral director-in-charge, as defined by [4 CSR 120-1.040] 20 CSR 2120-1.040. When the Missouri licensed funeral director-in-charge changes for a period of more than thirty (30) days, the new Missouri licensed funeral director-in-charge and the former Missouri licensed funeral director-in-charge, jointly or individually, shall notify the board of the change within thirty (30) days of the date when the change first occurs. Failure to notify the board shall be considered a violation of this rule on the part of each Missouri funeral director licensee and on the part of the Missouri licensed funeral establishment. A change in the Missouri licensed funeral director-in-charge does not require a new Missouri licensed funeral establishment license.

(8) Within thirty (30) days after an application for a Missouri licensed funeral establishment has been received in the board’s office, the board shall cause the establishment to be inspected. The board shall act on the application and, within thirty (30) days after the application was received in the board’s office, the applicant will be advised whether the license is granted or denied. If an applicant determines the establishment will not meet the qualifications for inspection or licensure within the thirty (30)-day application period, up to two (2) thirty (30)-day extensions of the application may be requested by the applicant in writing to the board before the application expires. Each request for an extension must be received by the board prior to the expiration of the application or extension period.

(9) The establishment license issued by the board is effective for a fixed place or establishment and for a specific name of a person or entity authorized to conduct business in Missouri and may include one (1) “doing business as” name. The license issued by the board shall be displayed in a conspicuous location accessible to the general public at that location. Whenever the ownership, location or name of the Missouri licensed establishment is changed, a new license must be obtained. If the Missouri licensed funeral establishment maintains a chapel, preparation room or other facility in a building or portion physically separated from and located at a place designated by an address differing from the office, chapel or other facilities of the applicant, the chapel, preparation room or other funeral facility otherwise located shall be deemed to be a separate funeral establishment. Nothing contained in this rule shall be construed or interpreted to require a separate registration for a building if it is joined or connected by a private passage, walk or driveway existing between the registered establishment and the other building.

(A) If a change of ownership is caused by the elimination of one (1) or more owners, for whatever reason (death, sale of interest, divorce, etc.) without the addition of any new owner(s), it is not necessary to obtain a new establishment license. However, a new application for an establishment license form shall be filed as an amended application within thirty (30) days after the change of ownership. This form shall be filled out completely with correct, current information.

(B) A corporation is considered by law to be a separate person. If a corporation owns a Missouri licensed funeral establishment, it is not necessary to obtain a new establishment license or to file an amended application for an establishment license if the owners of the stock change. However, as a separate person, if a corporation begins ownership of a Missouri licensed funeral establishment or ceases ownership of a Missouri licensed funeral establishment, a new establishment license must be obtained regardless of the relationship of the previous or subsequent owner to the corporation.

(10) The professional business and practice of funeral directing shall be conducted only from a fixed place or establishment that has been licensed by the board except as permitted by section 333.071, RSMo. The Missouri licensed funeral establishment physical facility shall be under the general management and supervision of the Missouri licensed funeral director-in-charge. Every Missouri licensed funeral establishment must provide and allow access to any member or duly authorized agent of the board for the purpose of inspection as provided by sections 333.061 and 333.101, RSMo. If any representative of the Missouri licensed funeral establishment fails or refuses to provide or allow access, it shall be considered a violation of this rule by the Missouri licensed funeral establishment and by the Missouri licensed funeral director-in-charge of the Missouri licensed funeral establishment. Additionally, if the Missouri licensed funeral establishment representative who fails or refuses to provide or allow access holds any license or registration issued by this board, that person shall be in violation of this rule.

(11) No one licensed by this board may be employed in any capacity by an unlicensed funeral establishment. Violation of this section will be deemed misconduct in the practice of embalming or funeral directing.
(12) Only one (1) license will be issued by this board for any physical facility that is considered to be a Missouri licensed funeral establishment as defined by statute and rule. If a Missouri funeral establishment licensed by this board is destroyed by fire or some other disaster or act of God, the board, in its discretion, for a period of not more than six (6) months, may allow the Missouri licensed funeral establishment to continue its operation from another Missouri licensed funeral establishment or from a facility that has not been licensed as a funeral establishment if the facility meets the minimum requirements for the functions outlined in section (2) of this rule.

(13) A Missouri licensed funeral establishment may use only its registered name in any advertisement or holding out to the public.

   (A) All signs, stationery and any advertising in newspapers, publications or otherwise, [must] shall include the name(s) of the Missouri licensed funeral establishment registered with the board. Advertisements that do not comply with this section shall be deemed misleading for the purposes of section 333.121, RSMo.

   (B) It shall not be deemed to be misleading if a listing appears in a telephone directory or national directory if the name of the Missouri licensed funeral establishment changes after the listing has been placed, but before a new directory is published.

(14) The interior and exterior of the Missouri licensed funeral establishment physical plant shall be kept free and clean of litter, dirt, debris and clutter or other objects or conditions which present a potential or actual hazard to the health, safety or welfare of the public.

(15) The interior and exterior of the Missouri licensed funeral establishment physical plant shall be maintained in a manner that does not present a potential or actual hazard to the health, safety or welfare of the public.

(16) Each Missouri licensed funeral establishment used solely or partially for embalming shall contain a preparation room that shall be devoted to activities incident or related to the preparation or the embalming, or both, of dead human remains and shall be equipped and maintained as described in [4 CSR 120-2.090] 20 CSR 2120-2.090.

(17) No person shall be permitted in a preparation room during the course of embalming a dead human body except the employees of the Missouri licensed funeral establishment in that the human body is being embalmed, members of the family of the deceased, and persons authorized by the members of the family of the deceased, or any person otherwise authorized by law.

(18) Each Missouri licensed funeral establishment which is used solely or partially for cremations shall be equipped and maintained as described in [4 CSR 120-2.071] 20 CSR 2120-2.071.

(19) Each Function C establishment shall contain a separate area for the care and custody of dead human remains and a separate area for confidential conferences to arrange funeral services. The Function C establishment shall have on-site equipment necessary for arranging funeral services including tables or desks and chairs for funeral service arrangement conferences and file cabinets for the confidential storage of funeral records.

(20) Each Function C or Function D establishment shall contain a restroom, available drinking water, and an area where funeral ceremonies or visitations may be conducted. The establishment [must] shall be equipped with seating for visitations or funeral ceremonies, casket bier, register book stand, officiate stand, flower display stands and music-producing equipment.

(21) According to section 333.121.2(17), RSMo, the State Board of Embalmers and Funeral Directors may impose disciplinary action for failure to obtain authorization to embalm from the person entitled to custody or control of the body, if the body is embalmed. If the body is not embalmed, a Missouri licensed funeral establishment shall not hold the unembalmed body for any longer than twenty-four (24) hours unless the unembalmed body is refrigerated in a cooling unit at a temperature of forty degrees Fahrenheit (40°F) or cooler or encased in an airtight metal or metal-lined burial case, casket or box that is closed and hermetically sealed. If the deceased gave written authorization to embalm and did not revoke the authorization, the authorization shall satisfy this requirement. If the deceased did not give written authorization to embalm, the next of kin of the deceased may give authorization to embalm. Authorization to embalm may be given by the next of kin prior to the death of the person whose body is to be embalmed. Authorization to embalm given prior to death may be in any written document, including a preneed contract.
(A) The next of kin, for purposes of this rule, shall be as defined in section 194.119.2, RSMo.

(B) Any person or friend who assumes responsibility for the disposition of the deceased’s remains if no next of kin assumes such responsibility may authorize to embalm the deceased;

(C) The county coroner or medical examiner pursuant to the provisions of Chapter 58, RSMo may authorize to embalm the deceased;

(D) If the body is required to be buried at public expense, the body shall be disposed of according to the terms of section 194.150, RSMo;

(E) If the Missouri licensed funeral establishment receives no authorization to embalm from any of the persons identified in subsections (21)(A), (B), or (C) of this rule, the Missouri licensed funeral establishment may proceed with embalming if it has attempted to locate a person from whom authorization to embalm may be obtained for at least six (6) hours and it has a written statement from city, county, or state law enforcement officials that they have assisted the Missouri licensed funeral establishment in attempting to locate such a person. However, the Missouri licensed embalmer may proceed to embalm sooner if the condition of the body is such that waiting for six (6) hours would substantially impair the ability to effectively embalm the body or if the deceased died as a result of a communicable disease, was subject to isolation at the time of death; and

(F) If a Missouri licensed embalmer proceeds to embalm a body under the provisions of subsection (21)(E), the Missouri licensed funeral establishment which employs the Missouri licensed embalmer shall not require payment for the embalming unless the funeral arrangements that are subsequently made authorized the embalming.

(22) Each Missouri licensed funeral establishment shall maintain documentation of the following information regarding authorization to embalm a body which is embalmed by or on behalf of the Missouri licensed funeral establishment:

(A) When authorization to embalm is given in writing—
   1. The name and signature of the person who is authorizing embalming;
   2. The relationship of that person to the deceased;
   3. The time and date authorization to embalm was given; and
   4. The name and title of the person receiving authorization to embalm on behalf of the Missouri licensed funeral establishment;

(B) Authorization to embalm [must] shall be given in writing if the person authorizing embalming is present in the Missouri licensed funeral establishment or in the physical presence of the person receiving authorization to embalm on behalf of the Missouri licensed funeral establishment. If verbal authorization to embalm is given, the Missouri licensed funeral establishment shall document—
   1. The name of the person who is actually authorizing embalming, if different from the person who is verbally communicating authorization to embalm to the Missouri licensed funeral establishment;
   2. The relationship of that person to the deceased;
   3. The name of the person who is verbally communicating authorization to embalm and that person’s relationship to the person who is actually authorizing embalming;
   4. The time and date authorization to embalm was given; and
   5. The name and title of the person receiving authorization to embalm on behalf of the Missouri licensed funeral establishment.

(23) Each Function C funeral establishment shall maintain on the Missouri premises the following documents:

(A) General price list;

(B) Preneed contracts which have been cancelled or fulfilled;

(C) Purchase agreements; and

(D) Authorizations to embalm or cremate.

(24) Each Function A funeral establishment licensed for embalming shall maintain on the premises in the preparation room an embalming log.

(25) Each Function B establishment licensed for cremation shall maintain on the premises a completely functioning cremation chamber, as defined by 20 CSR 2120-2.071(1)(D), and maintain on the premises in the cremation area a cremation log. A function B establishment shall not be in violation of this rule if the cremation chamber is completely restored to functioning capacity within one hundred (120) days from the date the cremation chamber ceases to be in compliance with this section. However, if there are extenuating circumstances,
and the cremation chamber could not be repaired, documentation of such shall be provided to the board for review and approval. Cremation chambers shall be maintained in proper working order and in compliance with all applicable Missouri Department of Health and Senior Services statutes, rules and regulations; Missouri Department of Natural Resources, statutes, rules and regulations; and all other applicable federal, city, county, and municipal statutes, rules and regulations.

If a function B establishment has only one (1) cremation chamber, and that chamber is not functioning, notification from the establishment shall be made to the board within ten (10) business days after the cremation chamber stops functioning.

A function B establishment that has a non functioning cremation chamber may arrange for cremation at another licensed establishment, if the use of an alternate establishment for purposes of cremation is disclosed to the third party making the arrangements on the cremation authorization form.

(26) All documents required by this rule to be maintained, [must] shall be maintained on the premises [for a minimum of the current calendar year and the previous calendar year] of the Missouri licensed funeral establishment for two (2) years from the date the record was created. All documents required to be maintained by this rule may be maintained electronically, but all documents shall be stored in such a manner to allow access by the board and so the board, or its assignee, may easily and timely obtain hard copies or electronic copies in a format easily readable by the board, or its assignee.

(27) Each funeral establishment shall maintain a register log, as defined by 20 CSR 2120-1.040(9). The log shall be kept in the preparation or embalming room of the Missouri licensed funeral establishment at all times and in full view for a board inspector. If the funeral establishment does not contain a preparation or embalming room, the log shall be kept on the premises of the licensed funeral establishment and shall be easily accessible and in full view for a board inspector. A register log shall contain the information required by 20 CSR 2120-1.040(9).

[(27)] (28) No dead human body shall be buried, disinterred, interred, or cremated within this state or removed from this state, unless the burial, disinterment, interment, cremation, removal, or other authorized disposition, is performed under the direction of a Missouri licensed funeral establishment or Missouri licensed funeral director, unless otherwise authorized by law. If the disinterment does not require legal notification to the county coroner or medical examiner, a funeral director’s presence may not be required.

(29) A licensee shall be prohibited from knowingly using, placing, or including any false, misleading, deceptive or materially incorrect information, or assisting or enabling any person to provide such information, on a death certificate filed in the State of Missouri.

[(28)] (30) Whenever a dead human body is donated to a medical or educational institution for medical and/or scientific study and arrangements for return of the body to the legal next of kin have not been made, then delivery of the body to the medical or educational institution shall constitute final disposition. If, however, arrangements for return of the body to the legal next of kin have been made, then final disposition shall be the burial, interment, cremation, or removal of the body out of this state, after the medical or educational institution has returned the body.

[(29)] (31) 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 Marcia Shadel and seconded by Martin Vernon to approve proposed amendment 20 CSR 2120-2.060 and 20 CSR 2120-2.070 as drafted. Motion carried with Kenneth McGhee, Marcia Shadel, Martin Vernon, and Gary Fraker voting in favor with no votes in opposition. James Reinhard and Joy Gerstein was absent for the entire meeting.
NEW Drafted Proposed Amendments 20 CSR 2120-2.060
The board reviewed new drafted language to proposed amendment to 20 CSR 2120-2.060. The board tabled for the Executive Director and board’s legal counsel to review with division counsel and bring back to the board for further review.

• New

4 CSR 120-2.060
(17) An unlicensed person may transport dead human bodies from the place of death to another location on behalf of a Missouri licensed funeral establishment or may transport dead human bodies out of this state on behalf of a Missouri licensed funeral establishment if these services are performed under the direction and supervision of the licensed funeral establishment.

(18) A Missouri licensed funeral director shall be present and personally must supervise any disinterment, interment, entombment or cremation as defined in 4 CSR 120-1.040. However, once the body has been delivered to a cemetery for the purpose of interment or to a crematory for the purpose of cremation and after any funeral ceremonies have been completed, the Missouri licensed funeral director is not required to stay with the body. If the disinterment does not require legal notification to the county coroner or medical examiner, a funeral director’s presence may not be required. A violation of this section shall be deemed misconduct in the practice of funeral directing. Nothing in this rule shall be interpreted as requiring the Missouri licensed funeral director to leave the cemetery before disposition is complete nor shall this rule be construed to require the presence of a licensed funeral director if the person(s) having the right to control the incidents of burial request or determine otherwise. Furthermore, nothing in this rule shall be interpreted as relieving the Missouri licensed funeral director of any responsibilities s/he has under his/her contract with the person(s) having the right to control the incidents of burial.

4 CSR 120-2.060
(27) No dead human body shall be buried, disinterred, interred, or cremated within this state or removed from this state, unless the burial, disinterment, interment, cremation, removal, or other authorized disposition, is performed under the direction of a Missouri licensed funeral establishment or Missouri licensed funeral director, unless otherwise authorized by law. If the disinterment does not require legal notification to the county coroner or medical examiner, a funeral director’s presence may not be required. Nothing in this rule shall be interpreted to require the use of a Missouri licensed funeral establishment or director if the person(s) having the right to control the incidents of burial request or determine otherwise, provided that this provision does not exempt any person from licensure as required by Chapter 333, RSMo.

Legislation
The board reviewed the following language introduced in the 94th General Assembly that may be of interest to the State Board of Embalmers and Funeral Directors. General discussion was held.

HB825 sponsored by Representative Tim Meadows, changes to the law regarding preneed funeral contracts. Representative Meadows, 101st State Representative, from Imperial, Missouri, appeared before the board to discuss the importance of this bill. Don Otto, representative with the Missouri Funeral Directors Association informed the board that they will support this bill.

SB659 sponsored by Senator Bill Stouffer, modifies laws regarding the final disposition of a dead human body.

SB222 sponsored by Senator Chuck Gross, requires the balance of all state funds to be transferred and credited to the state General Revenue Fund if state revenue does not
increase by more than 2 percent. Robert Baker, representative with the Missouri Funeral Directors Association informed the board that they will NOT support this bill. 

**SB455** sponsored by Senator Chuck Gross, requires the balance of all state funds in excess of 200 percent be transferred to the state General Revenue Fund every two years. Robert Baker, representative with the Missouri Funeral Directors Association informed the board that they will NOT support this bill.

**HB777** sponsored by Representative Jay Wasson, requires an endowed care cemetery to file an annual report when renewing its license and expands the definition of “funeral establishment” to include crematory.

**SB525** sponsored by Senator Delbert Scott, modifies funeral director and embalmer licenses.

**HB655** sponsored by Representative Brian David Yates, revises the laws to implement the Governor’s executive order that renames the Department of Insurance, Financial and Professional Regulation. Robert Baker, representative with the Missouri Funeral Directors Association informed the board that they will support this bill.

**SB164** sponsored by Senator Delbert Scott, modifies various statutes to implement the Governor’s executive order that created the Department of Insurance, Financial and Professional Regulation.

**HB568** sponsored by Representative Dr. Charles R. Portwood, authorizes an income tax credit for preparing the bodies of organ donors for cremation or burial.

**HB1076** sponsored by Representative Shannon Cooper, requires the Department of Revenue to send a written notice to certain professional licensees who are delinquent on any state tax informing them of possible license suspension for nonpayment.

**Ethics Commission/Financial Disclosures**
All members of the board are required to file a Personal Financial Disclosure Statement with the Missouri Ethics Commission and should have received their blank statement. The completed statement must be submitted directly to the Missouri Ethics Commission after January 1, 2007 and no later than 5:00 p.m. May 1, 2007.

**Examination Pass/Fail Results**
The board was provided an updated report of pass/fail numbers for candidates that took the Missouri Law Examination and Missouri Funeral Service Arts Examination during FY2007 as of February 21, 2007.

**Letter to Licensees relating to Entity/DBA (Chapter 417.210)**
At the direction of the board, board staff verified all funeral establishments registered with the board against their registered name at the Secretary of State’s Office to see if the funeral establishments are properly registered. The board wrote letters to all funeral establishments with possible Entity Name/DBA Name discrepancies. Licensees are being provided every opportunity to explain and rectify the discrepancies. Depending upon the circumstances, these discrepancies may only need a phone call, other may take an Amended Application and $25.00 fee, and if the funeral establishment changed the entity without informing the board of such change may require a new application and $300.00 fee.

**Provider/Seller Registration Report**
As of March 2007, registered preneed sellers in Missouri reported a total of 21,876 contracts sold with a total face value of $95,291,060.03 for the 2005-2006 reporting period.

**Josh Slocum**
The board reviewed an email received from Joshua Slocum, Funeral Consumer Alliance, relative to private burials with regards to the board’s proposed regulations; other Missouri Laws that govern or prohibit private disposition; health risks and related health requirements; and a proposal for the board to consider that would provide families with guidance on how to legally accomplish a private disposition. Sharon Euler, Assistant Attorney General advised the board that the Attorney General's Office has several brochures on their website regarding private burials. It was also suggested by Chairman McGhee that the board draft something for consumers. The board directed the Executive Director to contact and work with Mr. Slocum and coming up with language for the boards review.

**Missing in American Program (Linda Smith)**
Linda Smith, newly appointed to the Missouri State Coordinator for the Missing in America Program (MIAP), met with the board to discuss Missouri laws concerning unclaimed remains and the best way to approach each funeral home etc. This program is a joint effort between the Patriot Guard Riders, Veterans Administration National Cemeteries and other national organizations. The mission of the MIAP is to locate, identify and intern the unclaimed cremated remains of veterans through the joint efforts of private, state and federal organizations. To provide honor and respect to those who have served this country by securing a final resting place for these forgotten heroes. This is a massive nation-wide effort with almost 100 veterans found so far.

Members of the board, along with public attendees at the meeting, commended Ms. Smith along with the volunteers for the work they are doing, and hope to do.

**News Releases**
The following news releases were provided for informational purposes only.

- **Vincent T. Dungey – Consumer Alert**
The Missouri State Board of Embalmers and Funeral Directors alerts all consumers of an unlicensed funeral director that may be illegally operating in the St. Louis area.

- **State Board of Embalmers and Funeral Directors reaches agreement with FTC**
The Missouri State Board of Embalmers and Funeral Directors announced that it has reached a voluntary agreement with the Federal Trade Commission to protect the public and enhance consumer education. The agreement reiterates a Missouri law that has been in place since 1965, which specifically authorizes private individuals to sell caskets and other funeral merchandise without a license from the board.

- **Missouri Funeral Regulators Agree to Settle FTC Antitrust Charges**
Missouri funeral regulators have agreed to settle antitrust charges by the Federal Trade Commission, affirming that they will not prohibit or discourage the sale of rental of caskets, services, or other funeral merchandise by persons not licensed as funeral directors.

- **Funeral Service Insider**
The board was provided a copy of the March 19, 2007, Vol. 32, No. 11 issue of the *Funeral Service Insider*. 
Conferences
The Council on Licensure, Enforcement and Regulation will be holding their Annual Conference and Training Programs, September 3-8, 2007 in Atlanta, Georgia.
The National Funeral Directors Association will be hosting their 2007 Annual Convention & Expo, on October 7-10, 2007 in Las Vegas, Nevada.
Tri-State Conference – The Missouri Funeral Directors Association will hold their annual convention April 29 – May 2, 2007 in conjunction with Kansas and Nebraska.
If any board member is interested in attending any of these conferences, contact the board office.

Election of Officers (To become effective April 1, 2007)
A motion was made by Gary Fraker and seconded by Marcia Shadel to nominate and vote in by acclamation the following as officers of the State Board of Embalmers and Funeral Directors.
Kenneth McGhee as Chairman
Marcia Shadel as Vice-Chairman
James Reinhard as Secretary
Motion carried with Kenneth McGhee, Marcia Shadel, Martin Vernon, and Gary Fraker voting in favor with no votes in opposition. James Reinhard and Joy Gerstein was absent for the entire meeting.

Future Meeting Dates
A board meeting has been scheduled for August 27-29, 2007 at the Country Club Hotel in Lake Ozark, Missouri.
A board meeting has been scheduled for December 3-5, 2007, at the InterContinental Kansas City at the Plaza (Fairmont), Kansas City, Missouri.

Web Registration System/Ivra Cross
Ivra Cross, Department of Health and Senior Services, addressed the board regarding Electronic Death Registration Systems (EDRS). Ms. Cross handed out a brochure explaining the EDR Project Pilots and welcomed any suggestions. Discussions with the Department of Health and Senior Services will begin in the Fall of 2007.

Motion was made by Marcia Shadel and seconded by Gary Fraker 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 Kenneth McGhee, Marcia Shadel, Martin Vernon, and Gary Fraker voting in favor with no votes in opposition. James Reinhard and Joy Gerstein was absent for the entire meeting.

Pet Crematory – drafted language
As a result of a pet crematory discussion in closed session on March 27, 2007, Kimberly Grinston, Board Legal Counsel, drafted language for the board’s review.

(1) Cremation areas shall contain only the articles, instruments and items that are necessary for the preparation and cremation of dead human bodies. For purposes of this section, the cremation area shall include the entire room where the retort is located and any rooms used for viewing or visitation of a dead human body awaiting cremation or that is being cremated or being removed from the cremation chamber. This subsection (1) shall not apply to establishments containing retorts or cremation areas for the cremation of non-human remains prior to April 1, 2008, provided that such establishment shall be prohibited from cremating human remains at the same time or in the same retort as non-human remains.

(2) Any establishment containing an area for the cremation of non-human remains prior to April 1, 2008, shall be required to comply with this rule if a change of ownership is caused by the addition or replacement of one (1) or more owners or a new corporation beings ownership of the establishment. This subsection (2) shall not apply if only the owners of the stock of a corporation changes.

(3) In no event shall any license or licensed establishment cremate human remains in the same retort used for cremating non-human remains.

A motion was made by Marcia Shadel and seconded by Gary Fraker to accept language as drafted. Motion carried with Kenneth McGhee, Marcia Shadel, Martin Vernon, and Gary Fraker voting in favor with no votes in opposition. James Reinhard and Joy Gerstein was absent for the entire meeting.

Adjournment
A motion was made by Marcia Shadel and seconded by Gary Fraker to adjourn. Motion carried with Kenneth McGhee, Marcia Shadel, Martin Vernon, and Gary Fraker voting in favor with no votes in opposition. James Reinhard and Joy Gerstein was absent for the entire meeting. The meeting adjourned at 2:00 p.m. on Thursday, March 29, 2007.

Executive Director: ________________________________

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

March 27-29, 2007
Isle of Capri Event Center
Boonville, Missouri

The Missouri State Board of Embalmers and Funeral Directors will be meeting on Tuesday, March 27, 2007 beginning at 12:00 p.m., Wednesday, March 28, 2007 beginning at 8:30 a.m., and Thursday, March 29, 2007 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: David Broeker and Janice Sloca
AMENDED OPEN AGENDA
Missouri State Board of Embalmers
and Funeral Directors

March 27-29, 2007
Isle of Capri Event Center
Boonville, Missouri

Tuesday, March 27, 2007 – 12:00 p.m.

Call to Order

Roll Call

1. Approval of Agenda

Closed Meeting. The Board may 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 open minutes of previous meetings.

Wednesday, March 28, 2007 – 3:00 p.m.

2. 3:00 p.m. – Ted Foster/Ted Foster & Sons Funeral Home – Probation Violation Hearing

3. 3:30 p.m. – Sheldon-Goodrich Funeral Home – Probation Violation Hearing

Closed Meeting. The Board may 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 open minutes of previous meetings.

Thursday, March 29, 2007 – 9:00 a.m.

Call to Order

Roll Call

4. Approval of Minutes
   • November 21, 2006 Open Conference Call Meeting Minutes
   • November 27, 2006 Open Conference Call Meeting Minutes
   • December 3-5, 2006 Open Meeting Minutes
   • December 8, 2006 Open Mail Ballot Meeting Minutes
   • December 11, 2006 a.m. Open Conference Call Meeting Minutes
   • December 11, 2006 p.m. Open Conference Call Meeting Minutes
   • December 13, 2006 Open Conference Call Meeting Minutes
   • December 18, 2006 Open Mail Ballot Meeting Minutes
   • December 21, 2006 Open Mail Ballot Meeting Minutes
   • December 28, 2006 Open Mail Ballot Meeting Minutes
   • January 12, 2007 Open Mail Ballot Meeting Minutes
   • January 19, 2007 Open Mail Ballot Meeting Minutes
   • January 24, 2007 Open Mail Ballot Meeting Minutes
   • February 9, 2007 Open Mail Ballot Meeting Minutes
   • March 1, 2007 Open Conference Call Meeting Minutes
   • March 5, 2007 Open Mail Ballot Meeting Minutes
   • March 8, 2007, Open Mail Ballot Meeting Minutes

5. Executive Director’s Report

6. Financial Update (Sherry Hess-Division)

7. Legal Counsel Report (Kim Grinston)

8. Rules and Regulations
• Rules printed in Missouri Register 3/1/2007
• Pending
• New

9. Legislation
• HB825 – Chapter 436
• SB659 – Chapter 436 and Right of Sepulcher/Next of Kin
• SB222 – Fee Funds
• SB455 – Fee Funds
• HB777 – Crematory/Reverse side of Death Certificate
• SB525 – Crematory/Reverse side of Death Certificate
• HB655 – Reorganization
• SB164 – Reorganization
• HB568 – Income Tax Credit for Funeral Services
• HB1076 – Tax Compliance
• Others

10. Ethics Commission/Financial Disclosures

11. Examination Pass/Fail Results

12. Letter to Licensees relating to Entity/DBA (Chapter 417.210)

13. Provider/Seller Registration Report

14. Josh Slocum

15. Missing in American Program (Linda Smith)

16. News Releases
• Vincent T. Dungey – Consumer Alert
• State Board of Embalmers and Funeral Directors reaches agreement with FTC
• Missouri Funeral Regulators Agree to Settle FTC Antitrust Charges
• Others

17. Conferences

18. Election of Officers (To become effective April 1, 2007)

19. Future Meeting Dates

20. Web Registration System/Ivra Cross

21. Open Discussion – Dialogue with General Public Attending Open Session
Continuation and/or Completion of any Unfinished Open Session Business
Closed Meeting. The Board may 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 open minutes of previous meetings.

Adjournment