The meeting of the Missouri State Board of Embalmers and Funeral Directors was called to order via conference call by Kenneth McGhee, Chairman, at 8:35 a.m. on Thursday, July 12, 2007, at the Division of Professional Registration, 3605 Missouri Boulevard, Jefferson City, Missouri.

Board Members Present via conference call
Kenneth McGhee, Chairman – via conference call
Marcia Shadel, Vice-Chairperson – via conference call
James Reinhard, Secretary – (in person at Board Office)
Martin Vernon, Member – via conference call
Gary Fraker, Member – via conference call
Joy Gerstein, Public Member – via conference call

Staff Present
Becky Dunn, Executive Director
Pamela Schnieders, Administrative Assistant
Lori Hayes, Inspector
Tabatha Lenzini, Licensure Technician
Kimberly Grinston, Division’s Legal Counsel
David Barrett, Division’s Legal Counsel
Sharon Euler, Assistant Attorney General – via conference call
Michelle Fox, Assistant Attorney General – via conference call

Public Present
Don Lakin – via conference call
John McCullough – via conference call
William Stuart – via conference call
Don Otto – via conference call

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

Pending Rules/20 CSR 2120-2.060(17)(18)(19)
March 2007, the board approve proposed amendment 20 CSR 2120-2.060 as drafted.
Existing Proposed language:
(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.

New Revised Proposal
(17) A licensed funeral establishment or funeral director that makes arrangements for an unlicensed person to transport dead human bodies within the State of Missouri, or out of this state, is responsible for the conduct of the unlicensed person.

Existing Proposed language to stay:
(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.

Existing Proposed language:
[(18)] (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;
   (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.

New Revised Proposal:
[(18)](19) No person other than a Missouri licensed funeral director shall be allowed to make the following at-need arrangements at or on behalf of a licensed funeral establishment or funeral director 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; and
   (C) Nothing in this subsection shall be construed to apply to persons exempt from Chapter 333, RSMo.

A motion was made by Joy Gerstein and seconded by Marcia Shadel to table pending Rules 20 CSR 2120-2.060(17)(18)(19). Have legal counsel review the newly suggested recommended changes to the draft and present at the August 2007 meeting. Motion carried with Kenneth McGhee, Marcia Shadel, James Reinhard, Martin Vernon, Gary Fraker and Joy Gerstein voting in favor with no votes in opposition.

Other Business/Open Discussion – Dialogue with General Public Attending Open Session Continuation and/or Completion of any Unfinished Open Session Business. Nothing more was discussed.
Closed Meeting
Motion was made by Gary Fraker and seconded by Martin Vernon to move into closed session and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from the closed meeting be closed pursuant to Section 610.021 Subsection (14) and 620.010.14 Subsection (7) RSMo for discussing educational transcripts and/or test scores and/or complaints and/or audits and/or investigative reports and/or other information pertaining to the licensee or applicant for licensure; Section 610.021 Subsection (1) RSMo for discussing general legal actions, causes of action or litigation and any confidential or privileged communications between this agency and its attorney. Motion carried with Kenneth McGhee, Marcia Shadel, James Reinhard, Martin Vernon, Gary Fraker and Joy Gerstein voting in favor with no votes in opposition.

Adjournment
A motion was made by Gary Fraker and seconded by Martin Vernon to adjourn. Motion carried with Kenneth McGhee, Marcia Shadel, James Reinhard, Martin Vernon, Gary Fraker and Joy Gerstein voting in favor with no votes in opposition. The meeting adjourned at 10:25 a.m. on Thursday, July 12, 2007.

Executive Director: ________________________________

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

July 12, 2007 – 8:30 a.m.
Division of Professional Registration
3605 Missouri Blvd.
Jefferson City, Missouri

The Missouri State Board of Embalmers and Funeral Directors will be meeting on July 12, 2007, beginning at 8:30 a.m. Notification of special needs as addressed by the American with Disabilities Act should be forwarded to the Missouri State Board of Embalmers and Funeral Directors, P.O. Box 423, 3605 Missouri Boulevard, Jefferson City, Missouri 65102 or by calling (573) 751-0813 to ensure available accommodations. The text telephone for the hearing impaired is (800) 735-2966.

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

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

Please see attached tentative agenda for this meeting.

Attachment

cc: David Broeker and Janice Sloca
TENTATIVE OPEN AGENDA
Missouri State Board of Embalmers
and Funeral Directors
Conference Call

July 12, 2007 – 8:30 a.m.
Division of Professional Registration
3605 Missouri Blvd.
Jefferson City, Missouri
Conference Call

Call to Order

Roll Call

1. Approval of Agenda

2. Pending Rules/20 CSR 2120-2.060(17)(18)(19)

3. Other Business/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.

Adjournment