OPEN MEETING MINUTES
Missouri State Board of Embalmers
and Funeral Directors

December 3-5, 2007
InterContinental Kansas City at the Plaza
401 Ward Parkway
Kansas City, Missouri

Monday, December 3, 2007 – 8:30 a.m.
The meeting of the Missouri State Board of Embalmers and Funeral Directors was called to order by Marcia Shadel, Chairperson, at 9:00 a.m. on Monday, December 3, 2007, at the InterContinental Kansas City at the Plaza, 401 Ward Parkway, Kansas City, Missouri.

Board Members Present
Marcia Shadel, Chairperson
James Reinhard, Secretary
Martin Vernon, Member
Gary Fraker, Member
Daniel (Todd) Mahn
Joy Gerstein, Public Member

Staff Present
Becky Dunn, Executive Director
Pamela Schnieders, Administrative Assistant
Lori Hayes, Inspector
David Barrett, Division’s Legal Counsel

Marcia Shadel introduced Daniel Todd Mahn, appointed by Governor Matt Blunt to replace Kenneth McGhee who has served on the board since 2002. Mr. Mahn is the owner and operator of Mahn Funeral Homes in DeSoto and Festus.

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

Election of Officers
A motion was made by Gary Fraker and seconded by Joy Gerstein to nominate and vote in by acclamation James Reinhard as Chairman of the State Board of Embalmers and Funeral Directors. Motion carried with James Reinhard, Martin Vernon, Gary Fraker, Todd Mahn and Joy Gerstein voting in favor with no votes in opposition.

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

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

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; 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. Motion carried with James Reinhard, Martin Vernon, Gary Fraker, Todd Mahn and Joy Gerstein voting in favor with no votes in opposition.

Charles Sheldon & Deborah Sheldon dba/Sheldon-Goodrich Funeral Home – Probation Violation Hearing
The probation violation hearing scheduled for 1:30 p.m. on today’s date did not occur for Charles Sheldon & Deborah Sheldon dba/Sheldon-Goodrich Funeral Home due to the chairman granting continuance.

Charles R. Sheldon – Probation Violation Hearing
The probation violation hearing scheduled for 2:00 p.m. on today’s date did not occur for Charles R. Sheldon due to the chairman granting continuance.

Wednesday, December 5, 2007 – 9:00 a.m.
The State Board of Embalmers and Funeral Directors returned to open session on Wednesday, December 5, 2007. The open meeting was called to order by Marcia Shadel, Chairperson, at 9:00 a.m. on Wednesday, December 5, 2007, at the InterContinental Kansas City at the Plaza, 401 Ward Parkway, Kansas City, Missouri.
Board Members Present
Marcia Shadel, Chairperson
James Reinhard, Secretary
Martin Vernon, Member
Gary Fraker, Member
Daniel (Todd) Mahn
Joy Gerstein, Public Member

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

Public Present
Don Lakin, Lakin Funeral Home
John Frownfelter, DW Newcomers
Rusty Shadel, Shadel's Colonial Chapel
Randy Singer
Bill Stalter, DW Newcomers
Don Otto, MFDEA/MFT
Robert Baker, MFDEA
Mike Meierhoffer, Meierhoffer Funeral Home
Cliff Hibbs, Meierhoffer Funeral Home
Greg Russell, Self
John McCulloch, APS

Approval of Minutes
March 27-29, 2007 Open Meeting Minutes
Motion was made by Joy Gerstein and seconded by Martin Vernon to approve the March 27-29, 2007 Open Meeting Minutes as submitted. Motion carried with James Reinhard, Martin Vernon, Gary Fraker, Todd Mahn and Joy Gerstein voting in favor with no votes in opposition.

April 24, 2007 Open Mail Ballot Meeting Minutes
Motion was made by Joy Gerstein and seconded by Martin Vernon to approve the April 24, 2007 Open Meeting Minutes as submitted. Motion carried with James Reinhard, Martin Vernon, Gary Fraker, Todd Mahn and Joy Gerstein voting in favor with no votes in opposition.

May 2, 2007 Open Mail Ballot Meeting Minutes
Motion was made by Joy Gerstein and seconded by Martin Vernon to approve the May 2, 2007 Open Meeting Minutes as submitted. Motion carried with James Reinhard, Martin Vernon, Gary Fraker, Todd Mahn and Joy Gerstein voting in favor with no votes in opposition.

May 10, 2007 Open Mail Ballot Meeting Minutes
Motion was made by Joy Gerstein and seconded by Martin Vernon to approve the May 10, 2007 Open Meeting Minutes as submitted. Motion carried with James Reinhard, Martin Vernon, Gary Fraker, Todd Mahn and Joy Gerstein voting in favor with no votes in opposition.
May 21, 2007 Open Mail Ballot Meeting Minutes
Motion was made by Joy Gerstein and seconded by Martin Vernon to approve the May 21, 2007 Open Meeting Minutes as submitted. Motion carried with James Reinhard, Martin Vernon, Gary Fraker, Todd Mahn and Joy Gerstein voting in favor with no votes in opposition.

June 5, 2007 Open Mail Ballot Meeting Minutes
Motion was made by Joy Gerstein and seconded by Martin Vernon to approve the June 5, 2007 Open Meeting Minutes as submitted. Motion carried with James Reinhard, Martin Vernon, Gary Fraker, Todd Mahn and Joy Gerstein voting in favor with no votes in opposition.

June 12, 2007 Open Mail Ballot Meeting Minutes
Motion was made by Joy Gerstein and seconded by Martin Vernon to approve the June 12, 2007 Open Meeting Minutes as submitted. Motion carried with James Reinhard, Martin Vernon, Gary Fraker, Todd Mahn and Joy Gerstein voting in favor with no votes in opposition.

June 14, 2007 Open Mail Ballot Meeting Minutes
Motion was made by Joy Gerstein and seconded by Martin Vernon to approve the June 14, 2007 Open Meeting Minutes as submitted. Motion carried with James Reinhard, Martin Vernon, Gary Fraker, Todd Mahn and Joy Gerstein voting in favor with no votes in opposition.

June 20, 2007 Open Mail Ballot Meeting Minutes
Motion was made by Joy Gerstein and seconded by Martin Vernon to approve the June 20, 2007 Open Meeting Minutes as submitted. Motion carried with James Reinhard, Martin Vernon, Gary Fraker, Todd Mahn and Joy Gerstein voting in favor with no votes in opposition.

June 27, 2007 Open Mail Ballot Meeting Minutes
Motion was made by Joy Gerstein and seconded by Martin Vernon to approve the June 27, 2007 Open Meeting Minutes as submitted. Motion carried with James Reinhard, Martin Vernon, Gary Fraker, Todd Mahn and Joy Gerstein voting in favor with no votes in opposition.

June 29, 2007 Open Mail Ballot Meeting Minutes
Motion was made by Joy Gerstein and seconded by Martin Vernon to approve the June 29, 2007 Open Meeting Minutes as submitted. Motion carried with James Reinhard, Martin Vernon, Gary Fraker, Todd Mahn and Joy Gerstein voting in favor with no votes in opposition.

July 3, 2007 Open Mail Ballot Meeting Minutes
Motion was made by Joy Gerstein and seconded by Martin Vernon to approve the July 3, 2007 Open Meeting Minutes as submitted. Motion carried with James Reinhard, Martin Vernon, Gary Fraker, Todd Mahn and Joy Gerstein voting in favor with no votes in opposition.

July 12, 2007 Open Conference Call Meeting Minutes
Motion was made by Joy Gerstein and seconded by Martin Vernon to approve the July 12, 2007 Open Meeting Minutes as submitted. Motion carried with James Reinhard, Martin Vernon, Gary Fraker, Todd Mahn and Joy Gerstein voting in favor with no votes in opposition.
July 16, 2007 Open Mail Ballot Meeting Minutes
Motion was made by Joy Gerstein and seconded by Martin Vernon to approve the July 16, 2007 Open Meeting Minutes as submitted. Motion carried with James Reinhard, Martin Vernon, Gary Fraker, Todd Mahn and Joy Gerstein voting in favor with no votes in opposition.

August 1, 2007 Open Mail Ballot Meeting Minutes
Motion was made by Joy Gerstein and seconded by Martin Vernon to approve the August 1, 2007 Open Meeting Minutes as submitted. Motion carried with James Reinhard, Martin Vernon, Gary Fraker, Todd Mahn and Joy Gerstein voting in favor with no votes in opposition.

August 6, 2007 Open Mail Ballot Meeting Minutes
Motion was made by Joy Gerstein and seconded by Martin Vernon to approve the August 6, 2007 Open Meeting Minutes as submitted. Motion carried with James Reinhard, Martin Vernon, Gary Fraker, Todd Mahn and Joy Gerstein voting in favor with no votes in opposition.

August 14, 2007 Open Mail Ballot Meeting Minutes
Motion was made by Joy Gerstein and seconded by Martin Vernon to approve the August 14, 2007 Open Meeting Minutes as submitted. Motion carried with James Reinhard, Martin Vernon, Gary Fraker, Todd Mahn and Joy Gerstein voting in favor with no votes in opposition.

August 27-29, 2007 Open Meeting Minutes
August 27- 28, 2007 closed meeting minutes were not completed for approval at this meeting.

August 31, 2007 Open Mail Ballot Meeting Minutes
Motion was made by Joy Gerstein and seconded by Martin Vernon to approve the August 31, 2007 Open Meeting Minutes as submitted. Motion carried with James Reinhard, Martin Vernon, Gary Fraker, Todd Mahn and Joy Gerstein voting in favor with no votes in opposition.

September 11, 2007 Open Mail Ballot Meeting Minutes
Motion was made by Joy Gerstein and seconded by Martin Vernon to approve the September 11, 2007 Open Meeting Minutes as submitted. Motion carried with James Reinhard, Martin Vernon, Gary Fraker, Todd Mahn and Joy Gerstein voting in favor with no votes in opposition.

September 27, 2007 Open Meeting Minutes
September 27, 2007 closed meeting minutes were not completed for approval at this meeting.

October 10, 2007 Open Mail Ballot Meeting Minutes
Motion was made by Joy Gerstein and seconded by Martin Vernon to approve the October 10, 2007 Open Meeting Minutes as submitted. Motion carried with James Reinhard, Martin Vernon, Gary Fraker, Todd Mahn and Joy Gerstein voting in favor with no votes in opposition.

October 18, 2007 Open Mail Ballot Meeting Minutes
October 18, 2007 closed meeting minutes were not completed for approval at this meeting.
October 26, 2007 Open Mail Ballot Meeting Minutes
Motion was made by Joy Gerstein and seconded by Martin Vernon to approve the October 26, 2007 Open Meeting Minutes as submitted. Motion carried with James Reinhard, Martin Vernon, Gary Fraker, Todd Mahn and Joy Gerstein voting in favor with no votes in opposition.

November 1, 2007 Open Mail Ballot Meeting Minutes
Motion was made by Joy Gerstein and seconded by Martin Vernon to approve the November 1, 2007 Open Meeting Minutes as submitted. Motion carried with James Reinhard, Martin Vernon, Gary Fraker, Todd Mahn and Joy Gerstein voting in favor with no votes in opposition.

Marcia Shadel announced and introduced the new Election of Officers to members of the public.
James Reinhard, Chairman
Marcia Shadel, Vice-Chairman
Martin Vernon, Secretary
New officer of the board will take over at the conclusion of this meeting.

Executive Director's Report
Becky Dunn reported on the FY2008 Financial Statement as of September 30, 2007

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<th>Year-To-Date</th>
<th>Projected</th>
<th>Remaining</th>
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<tr>
<td>FY 2008 Beginning Fund Balance</td>
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<tr>
<td>Revenue</td>
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<tr>
<td>Expense and Equipment</td>
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<tr>
<td>Total Transfers</td>
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<tr>
<td>Ending Fund Balance</td>
<td>972,813.65</td>
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FY 2008 OA Cost Allocation
Board Cost:

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<thead>
<tr>
<th></th>
<th>Auditor Expenditures</th>
<th>Governor Expenditures</th>
<th>Lt. Governor Expenditures</th>
<th>Sec. of State Expenditures</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>OA Expenditures</td>
<td>$824.00</td>
<td>$0.00</td>
<td>$93.00</td>
<td>$22.00</td>
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<td>$1,476.00</td>
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<td>$5,813.00</td>
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<td>DOR Receipts</td>
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<td></td>
<td></td>
<td></td>
<td>$5,813.00</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$8,152.00</td>
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Division Cost:

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<tr>
<th></th>
<th>Auditor Expenditures</th>
<th>Governor Expenditures</th>
<th>Lt. Governor Expenditures</th>
<th>Sec. of State Expenditures</th>
<th>Total</th>
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<tbody>
<tr>
<td>OA Expenditures</td>
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<td>$0.00</td>
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<td>$265.36</td>
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<tr>
<td>DOR Receipts</td>
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<tr>
<td>Total</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$552.07</td>
</tr>
</tbody>
</table>

FY2008 Total Cost: $8,680.07

Rules and Regulations
Proposed Amendment 20 CSR 2120-2.060 Funeral Directing and Proposed Amendment 20 CSR 2120-2.070 Funeral Establishments previously reviewed and approved by the board and Division, were filed with the Secretary of State’s Office and will be printed in the December 17, 2007 Missouri Register. Comments from the public regarding to the rule must be received no later than January 16, 2008.
Proposed Amendment 20-CSR 2120-2.070 Funeral Establishments, subsection (2)(B)(1) and subsection (2)(B)(2)

September 2007, the board voted to have legal counsel work to clarify language on Proposed Amendment 20-CSR 2120-2.070 Funeral Establishments, subsection (2)(B)(1) and subsection (2)(B)(2). Areas bolded are new language and those in brackets will be deleted.

**New Proposed Amendment**

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

(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 May 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 May 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 being ownership of the establishment. This subsection (2) shall not apply if only the owners of the stock of a corporation changes.

A motion was made by James Reinhard and seconded by Gary Fraker to table the amended language for attorney review and clarification. Motion carried with James Reinhard, Martin Vernon, Gary Fraker, Todd Mahn and Joy Gerstein voting in favor with no votes in opposition.

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Proposed Amendment 20-CSR 2120-2.070 Funeral Establishments, subsection (4)

September 2007, the board voted to table and have legal counsel work to clarify language on Proposed Amendment 20-CSR 2120-2.070 Funeral Establishments, subsection (4). Areas bolded are new language and those in brackets will be deleted.

**New Proposed Amendment**

(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. If another business is in the same building as the Missouri licensed funeral establishment, it must be separated by walls from ceiling to floor, with a separate entrance.

(1) This separation of another business shall not apply to establishments containing multiple businesses prior to May 1, 2008.

(2) Any establishment containing more than one business prior to May 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 being ownership of the establishment. This subsection (2) shall not apply if only the owners of the stock of a corporation changes.

A motion was made by James Reinhard and seconded by Gary Fraker to table the amended language for attorney review and clarification. Motion carried with James Reinhard, Martin Vernon, Gary Fraker, Todd Mahn and Joy Gerstein voting in favor with no votes in opposition.

Draft of Proposed Amendments 20 CSR 2120-2.070 Funeral Establishments

The board was provided the following draft of proposed amended language to be considered to 20 CSR 2120-2.070 Funeral Establishments, subsection (9). Areas bolded are new language and those in brackets will be deleted.

New Proposed Amendment to be considered

(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 two (1)) (2) “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] shall 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] shall be obtained regardless of the relationship of the previous or subsequent owner to the corporation.

A motion was made by James Reinhard and seconded by Martin Vernon to not pursue the drafted language at this time. Motion carried with James Reinhard, Martin Vernon, Gary Fraker, Todd Mahn and Joy Gerstein voting in favor with no votes in opposition.

Chapter 436.021 Seller Trust

September 2007, the board discussed concerns relating to Chapter 436.021 Requirements for sellers. Is a preneed seller in need of a trust for registering with the board, versus using insurance or joint accounts? Should the board require proof of having a trust when submitting annual report? The board voted to notify all preneed seller registrants, in writing, by October 31, 2008, that all preneed sellers must have a trust.

The board revisited Chapter 436.021 Seller Trust. A motion was made by James Reinhard and seconded by Gary Fraker to table this issue. Motion carried with James Reinhard, Martin Vernon, Gary Fraker, Todd Mahn and Joy Gerstein voting in favor with no votes in opposition.
Other Statutes/Rules/Regulations
There was no discussion on this agenda item.

Proposed Legislation
Becky Dunn, Executive Director, reported that the board has provided a legislative proposal to the division for consideration for the ability to hiring outside legal counsel.

Provider and Seller Registration Report
Lori Hayes reported the registered preneed sellers in Missouri reported a total of 29,551 contracts sold with a total face value of $115,213,843.61 for the 2006-2007 annual reporting period. These totals are not complete at this time.

Future Board Meetings
The board asked the Executive Director to check into board meeting room availability for March 2008 in the Springfield area.

Open Discussion – Dialogue with General Public Attending Open Session Continuation and/or Completion of any Unfinished Open Session Business
Don Otto reported April 2008 is the MFDEA Legislative Day at the Capitol, everyone is welcome.
Don Otto reported the Missouri Funeral Directors and Embalmers Association will hold their Annual Convention June 1-4, 2008 at the Lake of the Ozarks.

Becky Dunn, Executive Director advised that a current lawbook and newsletter will be mailed to all licensees soon.

Closed Meeting
Motion was made by Martin Vernon and seconded by Joy Gerstein to 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; and Section 610.021 Subsection (1) RSMo and 620.010.14 Subsection (8) for deliberation on discipline Motion carried with James Reinhard, Martin Vernon, Todd Mahn and Joy Gerstein voting in favor with no votes in opposition. Gary Fraker was absent for this portion of the meeting.

Adjournment
A motion was made by Martin Vernon and seconded by Todd Mahn to adjourn. Motion carried with James Reinhard, Martin Vernon, Todd Mahn and Joy Gerstein voting in favor with no votes in opposition. Gary Fraker was absent for this portion of the meeting. The meeting adjourned at 10:40 a.m. on Wednesday, December 5, 2007.

Executive Director:

Approved by the Board on: August 18, 2008