OPEN MEETING MINUTES
Missouri State Board of Embalmers
and Funeral Directors

July 29-30, 2009
Division of Professional Registration
3605 Missouri Boulevard
Jefferson City, Missouri

Wednesday, July 29, 2009 – 12:00 p.m.
The meeting of the Missouri State Board of Embalmers and Funeral Directors was
called to order by Martin Vernon, Chairman, at 12:00 p.m. on Wednesday, July 29,
2009, at the Division of Professional Registration, 3605 Missouri Boulevard, Jefferson City, Missouri.

Roll Call
Board Members Present
Martin Vernon, Chairman
Gary Fraker, Vice-Chairman
James Reinhard, Member
John McCulloch, Member
Joy Gerstein, Public Member

Board Members Absent
Todd Mahn, Secretary

Staff Present
Becky Dunn, Executive Director
Lori Hayes, Inspector
Tabatha Lenzini, Licensure Technician
Earl Kraus, Senior Legal Counsel
Sharon Euler, Assistant Attorney General
Connie Clarkston, Director of Budget & Legislation

Closed Meeting
A motion was made by Gary Fraker and seconded by John McCulloch 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 324.001.8 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 324.001.9 RSMo 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), 324.001.8 and 324.001.9 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. The motion carried with Gary Fraker, James Reinhard, John McCulloch and Joy Gerstein voting in favor with no votes in opposition.

Thursday, July 30, 2009 – 9:00 a.m.
The open meeting of the Missouri State Board of Embalmers and Funeral Directors reconvened in open session at approximately 9:00 a.m. on Thursday, July 30, 2009. The meeting was called to order by Martin Vernon, Chairman, at the Division of Professional Registration, 3605 Missouri Boulevard, Jefferson City, Missouri.

Roll Call
Board Members Present
Martin Vernon, Chairman
Gary Fraker, Vice-Chairman
James Reinhard, Member
John McCulloch, Member
Joy Gerstein, Public Member

Board Members Absent
Todd Mahn, Secretary

Staff Present
Becky Dunn, Executive Director
Lori Hayes, Inspector
Tabatha Lenzini, Licensure Technician
Earl Kraus, Senior Legal Counsel
Sharon Euler, Assistant Attorney General
Connie Clarkston, Director of Budget & Legislation

Public Present
Sam Licklider, MFDEA
Mark Warren, Attorney
Scott Lindley, CFA
Bill Stalter, Attorney
Darlene Russell, CFL Preneed
Don Lakin
Amy Battagler, Stuart Enterprises
Bill Stuart
Approval of Agenda
A motion was made by Gary Fraker and seconded by James Reinhard to approve the open agenda as submitted. The motion carried with Gary Fraker, James Reinhard, John McCulloch and Joy Gerstein voting in favor with no votes in opposition. Todd Mahn was absent from the meeting in its entirety.

Approval of Minutes
A motion was made by Joy Gerstein and seconded by Gary Fraker to approve the following open minutes as submitted:
- August 18-20, 2008 Open Meeting Minutes
- October 28, 2008 Open Mail Ballot Meeting Minutes
- October 31, 2008 Open Mail Ballot Meeting Minutes
- December 2-4, 2008 Open Meeting Minutes
- December 8, 2008 Open Meeting Minutes
- December 11, 2008 Open Conference Call Meeting Minutes
- December 16, 2008 Open Meeting Minutes
- December 23, 2008 Open Mail Ballot Meeting Minutes
- January 28, 2009 Open Mail Ballot Meeting Minutes
- February 18, 2009 Open Mail Ballot Meeting Minutes
- March 9, 2009 Open Mail Ballot Meeting Minutes
- April 28, 2009 Open Mail Ballot Meeting Minutes
- June 3, 2009 Open Mail Ballot Meeting Minutes
The motion carried with Gary Fraker, James Reinhard, John McCulloch and Joy Gerstein voting in favor with no votes in opposition. Todd Mahn was absent from the meeting in its entirety.

Executive Director’s Report
Becky Dunn, Executive Director, had nothing new to report.

Future Meeting Dates
The Board discussed future meeting dates to be conducted at the Division of Professional Registration, 3605 Missouri Boulevard, Jefferson City, Missouri. They are as follows:
- August 5, 2009, 9:00 a.m.
- August 11, 2009, 9:00 a.m.
- August 19, 2009, 9:00 a.m.
- August 25, 2009, 9:00 a.m.
- September 2, 2009, 9:00 a.m.

Legislation
Connie Clarkston, Director of Budget and Legislation, gave the Board a brief overview of the rulemaking process. A court reporter was present and recorded the discussion. The transcript is a permanent part of the record and as such a summary of the discussion is not made a part of the official minutes of this meeting.
Letter from Brad Speaks
A motion was made by Joy Gerstein and seconded by John McCulloch to instruct Becky Dunn, Executive Director, to work with legal counsel on a response to Mr. Speaks' request. The motion carried with Gary Fraker, James Reinhard, John McCulloch and Joy Gerstein voting in favor with no votes in opposition. Todd Mahn was absent from the meeting in its entirety.

Senate Bill 1 Implementation Process
Discussion was held on the Senate Bill 1 implementation process. A court reporter was present and recorded the discussion. The transcript is a permanent part of the record and as such a summary of the discussion is not made a part of the official minutes of this meeting. Only discussions involving further Board action are referenced in the minutes.

- **Applications:** A motion was made by John McCulloch and seconded by Gary Fraker to direct staff to draft a rule that everyone who wishes to practice as a preneed agent, preneed provider or preneed seller must make application with the board for a Notice of Intent. The application would ask basic questions on the individual's background history and would give timeframes for which the Notice of Intent is valid. The board would like to see these applications on the board's website by next week. The motion carried with Gary Fraker, James Reinhard, John McCulloch and Joy Gerstein voting in favor with no votes in opposition. Todd Mahn was absent from the meeting in its entirety.

- **Annual Reports:** A motion was made by John McCulloch and seconded by Jim Reinhard that the annual reporting requirements for preneed providers and preneed sellers remain the same as last year. The motion carried with Gary Fraker, James Reinhard, John McCulloch and Joy Gerstein voting in favor with no votes in opposition. Todd Mahn was absent from the meeting in its entirety.

- **Fees:** A motion was made by Joy Gerstein and seconded by Gary Fraker that Becky Dunn, Executive Director, work with the Division staff to develop three different options for fees for annual reports, prioritize them based on the effects they would have on the Board and report back at the next meeting. The motion carried with Gary Fraker, James Reinhard, John McCulloch and Joy Gerstein voting in favor with no votes in opposition. Todd Mahn was absent from the meeting in its entirety.

- **Educate the licensees and the public:** A motion was made by Joy Gerstein and seconded by John McCulloch to have Sharon Euler, Assistant Attorney General, and Earl Kraus, Senior Legal Counsel, for the Division to draft an informational brochure that will highlight key areas of Senate Bill 1, and bring it back to the Board for approval. The board requested that this brochure be placed on the website, and a postcard be mailed out to all licensees informing them of the information that is available on the website in regards to Senate Bill 1. The motion carried with Gary Fraker, James Reinhard, John McCulloch and Joy Gerstein voting in favor with no votes in opposition. Todd Mahn was absent from the meeting in its entirety.
  - A motion was made by Gary Fraker and seconded by John McCulloch to instruct the inspectors to hand out the brochures while conducting inspections. The motion carried with Gary Fraker, James Reinhard, John McCulloch and Joy
Gerstein voting in favor with no votes in opposition. Todd Mahn was absent from the meeting in its entirety.

Open Discussion – Dialogue with General Public Attending Open Session Continuation and/or Completion of any Unfinished Open Session Business
Nothing further to report.

Closed Meeting
A motion was made by Joy Gerstein and seconded by John McCulloch 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 324.001.8 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 324.001.9 RSMo 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), 324.001.8 and 324.001.9 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. The motion carried with Gary Fraker, James Reinhard, John McCulloch and Joy Gerstein voting in favor with no votes in opposition. Todd Mahn was absent from the meeting in its entirety.

Adjournment
A motion was made by James Reinhard and seconded by Gary Fraker to adjourn. The motion carried with Gary Fraker, James Reinhard, John McCulloch and Joy Gerstein voting in favor with no votes in opposition. The meeting adjourned at 12:54 p.m. on Thursday, July 30, 2009. Todd Mahn was absent from the meeting in its entirety.

Executive Director: Sandy Sebastian

Approved by the Board on: 12/8/09
MISSOURI STATE BOARD OF EMBALMERS
AND FUNERAL DIRECTORS

ORIGINAL

TRANSCRIPTION OF MEETING

DIVISION OF PROFESSIONAL REGISTRATION
3605 MISSOURI BOULEVARD
JEFFERSON CITY, MISSOURI

JULY 30, 2009
9:00 A.M. – 12:05 P.M.

RECEIVED
AUG 14 2009
STATE BOARD OFFICE
CHAIRMAN: We are in session, so call to order -- or we just called to order, and I will say welcome to everybody that's here and came to visit with us today, and glad everybody could make it. Do a roll call.

Mr. Fraker?

MR. FRAKER: Here.

CHAIRMAN: Joy Gerstein?

MS. GERSTEIN: Here.

CHAIRMAN: John McCulloch?

MR. McCULLOCH: Here.

CHAIRMAN: Jim Reinhard?

MR. REINHARD: Here.

CHAIRMAN: Todd Mahn? Absent. All right. We'll make some introductions of everybody. Actually, we've got a quaint group this morning, so I think everybody knows anyway, but we'll go through the officialness of it. I am Martin Vernon, Chairman of the Board. Gary Fraker, member; Joy Gerstein, member; Jim Reinhard, member; John McCulloch, member. Our legal counsel, Earl Kraus; executive director, Becky Dunn; assistant attorney general, Sharon Euler; our -- I'm not sure what your official title is -- office
with the board --

MS. LENZINI: Licensure technician.

CHAIRMAN: Licensure tech, Tab Lenzini; director of budget and legislation, Connie Clarkston; and our court reporter. You can tell us your name, if you would like.

THE REPORTER: Kristy Bradshaw.

CHAIRMAN: Thank you, Kristy. So -- and here comes our inspector, Lori Hayes. You timed that perfect, didn't you? You wanted a stand-up, walk-in introduction. So, guys, I'll go around the room and let you tell us who you are. Start right back here.

MS. DUNN: And if you would just say your name and your organization clearly for the court reporter.

MR. LICKLIDER: Sam Licklider, Missouri Funeral Directors and Embalmers Association.

MR. WARREN: Mark Warren --

(inaudible.)

MR. LINDLEY: Scott Lindley, Lindley Funeral Homes, and I'm president of CFA.

MR. STALTER: Bill Stalter, Stalter Legal -- (inaudible.)

MS. BATTAGLER: Amy Battagler of Stuart
Enterprises.

MS. RUSSELL: Darlene Russell, CFL Perneed.

CHAIRMAN: And thank you all, again, for coming today.

MS. DUNN: And if anyone has a business card, if you could give that to the court reporter, it would be helpful, as well.

CHAIRMAN: All right. So, we need a motion for the approval of the agenda.

MR. FRAKER: I make the motion.

CHAIRMAN: Gary makes the motion.

MR. REINHARD: Second.

CHAIRMAN: Jim seconds. John?

MR. McCULLOCH: Yes.

CHAIRMAN: Yes. Joy?

MS. GERSTEIN: Yes.

CHAIRMAN: Yes. All right. Motion approved. And now we need another motion for the approval of the minutes.

MS. GERSTEIN: I so move.

CHAIRMAN: Joy moves.

MR. FRAKER: Second.

CHAIRMAN: Gary seconds. Jim?

MR. REINHARD: Yes.
CHAIRMAN: Yes, John?

MR. McCULLOCH: Yes.

CHAIRMAN: Yes. And the minutes are approved. We are moving. Executive director, would you like anything to say today in a report?

MS. DUNN: Actually, I don't have anything to report today.

CHAIRMAN: Nothing to report today?

MS. DUNN: No.

CHAIRMAN: All right. Well, I guess that falls under your category, a future date. So --

MS. DUNN: We have not posted these meetings yet, but, tentatively, I'll give you a list of the dates that we're looking at here at the Division. August 5th at 9:00 a.m.; August 10th at 9:00 a.m. -- I'm sorry -- August 11th. Correction: August 11th at 9:00 a.m.; August 19th at 9:00 a.m.; August 25th at 9:00 a.m.; and September 2nd at 9:00 a.m.

CHAIRMAN: Any further discussion in the dates? All right, Gary?

MR. FRAKER: Did you say August 25th or August 27th?
MS. DUNN: The agenda -- those were tentative. We didn't have meeting rooms at the time. So, don't pay attention to the agenda dates. The dates I just read: August 5th, August 11th, August 19th, August 25th, and September 2nd.

CHAIRMAN: All right. Any other comments or questions on dates? All right. We've had Mr. Lakin join us. Everybody else got their formal introduction. Would you like yours?

MR. LAKIN: No, not really.

CHAIRMAN: Okay.

MR. LAKIN: Not really.

MR. STALTER: Nice shirt you've got on, Don.

MR. LAKIN: Huh?

MR. REINHARD: Nice shirt you're got on.

MR. LAKIN: Thank you.

MR. STALTER: It still has the tag on the back.

MR. LAKIN: I look like an old man coming up here, so I got to Springfield and thought I'd drink a cup of coffee. I got my
thermos jug out and got it poured. Screwed
the top off one of them free things that you
get at the convention. Screwed it --
(inaudible.) I had coffee all down my -- so
I had to stop at Wal-Mart somewhere to buy a
shirt, but I did get a bargain. It was only
$15, and it was regularly $19.95, because it
was short-sleeved and the season is over.

CHAIRMAN: There you go. You did
well. You did well. All right. Moving
along. Under legislation, I understand Becky
and Connie will be addressing us in this
thought this morning.

MS. DUNN: Well, actually, Connie, we
thought we'd give you an opportunity to just
give a brief overview of the rule-making
process.

MS. CLARKSTON: Okay. I've handed out
a sheet that goes through a flow sheet of the
rule-making process and put together what's in
statute, what our processes are, and
summarizing it in a brief overview.
Obviously, rule -- (inaudible) -- is given by
legislative authority and there's three types
of rules: Either a new rule, an amendment, or
a rescission. And each of these types of rules -- (inaudible) -- may be rules which we'll be working with. Once -- regardless of the type of rule that you promulgate, the process from that point forward is exactly the same. They all go through Division, department, and governor's office approval. There's a filing with the Secretary of State's Office, the Joint Committee on Administrative Rules, and the Small Business Regulatory Fairness Board, and then they appear on a schedule with the Secretary of State's Office and a publication called the "Missouri Register." It is available on-line, and I'm sure that we'll link that onto the Board's Web site for easy access for our licensees. Once the rule appears in the register, there is a 30-day comment period for public comments to be submitted to the Board. Following that 30-day comment period, the Board is required to review the comments and respond to that, and then we summarize those comments and the Board's response into a document called "The Final Order of Rule Making." That "Final Order of Rule Making," again, is on a time
line because everything with rules is
statutorily driven by times and dates. So, we
have 90 days to prepare a final order on file
with the Joint Committee on Administrative
Rules. I'm sorry; that's 60 days with them.
Once we file it with JCAR, they have 30 days
in which they need to review that and
determine whether or not they will hold a
hearing. A hearing before JCAR could be
called for any reason, but they are
statutorily driven on what they can affect a
rule for, and that's guided by Chapter 536.
Once the 30 days is over with, the Joint
Committee on Administrative Rules, regardless
of whether or not they hold a hearing, that
rule -- if it -- if they approve it, it goes
on to the Secretary of State's Office, again,
for scheduling to be published in the
"Missouri Register." Once it's published in
the "Missouri Register," it then is published
in the "Code of State Regulations" and
becomes, again, basically, law within 30 days.
So, once the publication occurs, we have 30
days that we allow the office and
administration to get the rule books ready and
get those notifications out to the Boards, so there's -- or to the licensees and available, and then it becomes law. So, that's a quick overview of the legislative process -- or the rule process. Do you have any questions?

MS. RUSSELL: Connie, could you explain what happens with an emergency rule?

MS. CLARKSTON: An emergency rule is filed, and once it is filed, it becomes effective within ten days of filing. It is in effect for 180 days. Typically, when we file an emergency rule, we also file the accompanying rule with it so that when the emergency rule expires, the normal rule process will take place and there is not a break between rules. Now, the difference with an emergency rule is no public comments are received, so it, basically, goes into effect within ten days. The public comments would come through the regular rule process. And an emergency rule is limited in time, where a regular rule is not, so that's the difference between the two. But emergency rules are also guided by Chapter 536.

CHAIRMAN: Okay. Any comments,
questions to Connie? Scott?

MR. LINDLEY: Do you anticipate --

with that question, do you anticipate this

being an emergency rule?

MS. CLARKSTON: I think that's up to

the determination of the Board.

CHAIRMAN: Are you talking about the

entire bill?

MR. LINDLEY: I'm just asking if

somebody is thinking about pulling the trigger

on the emergency rule, I'd just kind of like

to hear somebody's thoughts about that if

that's what somebody is thinking about.

MR. KRAUS: And that's something that

I think the Board is going to address in this

meeting and in subsequent meetings. They'll

be talking about that directly.

MR. LINDLEY: Okay. I mean, does

anybody think that we need to do that?

MS. RUSSELL: I think there may be

sections in here that they may need to look at

as an emergency rule regarding funding and

things of that nature, and that -- I mean,

like they said, it'll work out as they're

going down the agenda.
CHAIRMAN: We'll identify issues as we go that might fall into that category, might not. It'll just depend on where the discussion goes, I guess. So -- okay.

MR. LAKIN: Are you going to be able to make rules without your ten members -- you, as five members?

MS. DUNN: Yes.

CHAIRMAN: Yes.

MR. LAKIN: You will?

CHAIRMAN: Or we can, I guess, is the answer.

MS. EUER: The authority is given to the Board to make the rules as long as there's a quorum. Regardless how many members there are, the Board can act, and the Board will have a quorum.

CHAIRMAN: Any other comments from the Board? Do you have anything else to follow with that?

MS. DUNN: No. Are you going to discuss the meeting environment?

CHAIRMAN: Uh-huh.

MS. DUNN: Okay.

CHAIRMAN: Yeah. Once we get there. I
thought we'd do this next.

MS. DUNN: Okay.

CHAIRMAN: So, okay. All right. We passed out to the Board there a while ago, we have received an official request from Brad Speaks -- the Board has -- to formally ask the attorney general's office to file a motion for hearing with Texas Court in regard to -- I'm just going to state it as the listed items that you're looking at there in what was handed --

MS. DUNN: Can we ask if they want a copy?

CHAIRMAN: And if anybody wants a copy, we have it. Legal counsel has advised that the seven listed items would not fall under the scope of the Board to make that request, so we need to follow up with action of the Board to give Becky direction as to where to go. So, a motion for Becky to address the requestor?

MS. GERSTEIN: I will make a motion that Becky --

MS. DUNN: -- work with legal counsel.

MS. GERSTEIN: -- on this.
CHAIRMAN: Okay. Need a second.

MR. McCULLOCH: Second.

CHAIRMAN: John seconds it. Jim?

MR. REINHARD: Yes.

CHAIRMAN: Gary?

MR. FRAKER: Yes.

CHAIRMAN: Okay. That passes. So, you can take care of working with legal and taking care of that.

MS. DUNN: Okay.

CHAIRMAN: There was -- yes, sir?

MR. LINDLEY: Could I address that a little bit? Can we have a little discussion on that? Is that appropriate?

MR. KRAUS: I think what the Board had in mind for this meeting and in subsequent meetings to have discussion of the agenda items among the Board members first, and then have an opportunity after that to have comments from the public -- I think.

CHAIRMAN: It was. He's actually speaking of this, though.

MR. KRAUS: And if you want to make exception to that for individual items, you can.
CHAIRMAN: Okay. Go ahead.

MR. LINDLEY: Did I hear you say that legal counsel says that the Board has no legal basis or standing in this; is that what -- I heard that right?

CHAIRMAN: That is our understanding; out of the scope of the Board.

MR. LINDLEY: And the reason for that? Do you know why?

CHAIRMAN: Do you guys want to define that or --

MR. KRAUS: Well, we're not going to comment on legal advice in open session. That's a closed matter.

MR. LINDLEY: Okay. So, should we have our attorney get ahold of you then?

MR. KRAUS: I'm not going to discuss it with anyone, whether they're an attorney or not, because it's a closed matter and that would be waiving privilege.

CHAIRMAN: So, I guess, if he really wants on the agenda with his attorney, get on the agenda about it?

MR. KRAUS: If you or someone wanted to make comment on that, then you can.
CHAIRMAN: To the Board.
MR. KRAUS: To the Board. Sure.
CHAIRMAN: Did that answer your question, Scott?
MR. LINDLEY: Well --
CHAIRMAN: Within reason?
MR. LINDLEY: -- yeah. I mean, it's -- I mean --
CHAIRMAN: Basically, the technical hoops.
MR. LINDLEY: What's that?
CHAIRMAN: I said, basically, the technical hoops. If you want to discuss it farther, and you would like to really address it with the -- in a closed session with your attorney in front of the Board, then --
MR. LINDLEY: You just make an appointment.
CHAIRMAN: -- make an appointment.
MR. LINDLEY: Okay. That's fine.
We'll do it.
CHAIRMAN: All right. In closed.
MS. EULER: I'm not sure --
MR. KRAUS: I'm not sure that would be in closed.
CHAIRMAN: Specifically?

MS. EULER: I'm not sure that there's -- you know, it falls within -- (inaudible) -- closed sessions.

MR. KRAUS: Yeah. That wouldn't be in closed. That would in open.

CHAIRMAN: Okay.

MR. KRAUS: Which is why I was saying in the open forum today, if you want to make additional comments in the open forum. You can make additional comments on this or any other agenda item.

CHAIRMAN: Okay.

MR. KRAUS: But that wouldn't be in closed.

CHAIRMAN: All right. So, I misread what I was hearing. So, hang on till the end, if you really want to address it in public, I guess you can.

MR. LINDLEY: Or do you want us to -- I mean, do you set an appointment and have counsel there to discuss it, or what's your thoughts? I mean, which is ever the best way, just what you want to do.

CHAIRMAN: I guess, if it's a debate.
between legal counsels, whatever, and it is legal counsel addressing it.

    MR. LAKIN: (Inaudible.)

    MR. KRAUS: I mean, if counsel wants to call and talk to me to -- but, essentially, they're going to -- they can, but they're, essentially, going hear the same response because, essentially, that's asking what's the substance of your attorney-client communication, and I'm not going to reveal that, so --

    MS. EULER: But if Scott would like an opportunity to have his attorney present to meet with the Board, the Board would accommodate that.

    MR. KRAUS: Oh, sure.

    MR. LINDLEY: What's that, Sharon?

    MS. EULER: I'm sorry. I've got a cold.

    MR. LINDLEY: I understand.

    MS. EULER: If you would like to have your attorney present to discuss with the Board, the Board will accommodate that request.

    MR. LINDLEY: Okay. So, does Robert need to just call Becky or you or him, or...
what do you want to do?

MS. EULER: You can just ask now if you can have -- request to be on the agenda.

MS. DUNN: I can schedule it for next week's meeting, if you like.

MR. LINDLEY: Okay. That's fine.

MS. DUNN: And we can set up a time. Well, the open agenda is scheduled for -- and I'll just -- if you call me, I will list it as an agenda item.

MR. LINDLEY: And then do you want to just kick it off the next time at 9:00 then; is that kind of your thought?

MS. DUNN: If you would prefer to have your attorney here.

MR. LINDLEY: Well, and I don't think that would be -- I think that would be a more fruitful discussion; don't you guys?

MS. DUNN: Okay.

MR. LINDLEY: I mean, you know, what do you think?

CHAIRMAN: Yes. That's fine with me.

MR. LAKIN: The problem is, Scott, they've already discussed and they've already voted on it. It really is not going to
change what they just voted on. MR.

LINDLEY: I understand that.

CHAIRMAN: But if he wants his
opportunity to try to change our mind, well,
he can.

MR. LAKIN: Well, then you shouldn't
be voting on it.

CHAIRMAN: No. I know. I know. I
just said that. Okay. Let's go on and then
we'll see about that one. All right. I
think we have covered the agenda items prior
to the big discussion which is the
implementation process of Senate Bill 1. Dah,
dah, dah, dah. Yes. So --

MR. LAKIN: (Inaudible.)

CHAIRMAN: What's that?

MR. LAKIN: All right. Number one, in
the first -- I do -- I have not had a chance,
Sharon, to cross-reference the bills in 333 to
what they have in 436, which I don't
understand why they didn't change the 333
bills and place -- put it into preneed. I
don't understand that at all. But number one
that I am very concerned about is a
discrimination suit against this Board and
this law. The way I read this, you have to be an owner of a funeral home in order to be on this Board. Now, how are they going to produce an audit of their -- it's not -- that needs to be straightened up first thing before you go any farther because you're going to have application for Board members.

MS. EULER: And that is something that is really within the purview of the governor's office. And the way we've got this structured is today we want to talk about setting out a game plan and talk about what we need to do for emergency rules. And then starting with the next meeting, we're going to go section by section through the statute and how things are going to be interpreted. And so, that section is on the agenda for the next meeting, and we'll look at that. Because there does need to be -- I think there needs to be some rules related to that, but they also need to be coordinated with the governor's office because the governor's office is who does the appointments.

MR. LAKIN: This -- according to this thing, this is going to go into law the 28th
of August.

MS. EULER: Oh, right.

MR. LAKIN: Just the way it reads.

MS. EULER: Right. It is what it is.

MR. LAKIN: And the way it reads is you have to have a financial of your at-need and preneed business, which I don't think my at-need business -- in fact, I think that's sort of asinine myself about my at-need business. When you're talking about Senate Bill 1 which is supposed to be a preneed bill, which it's not. It's got so much in there with 333. But you've got your -- you've got people that's going to be running for that board.

MS. EULER: Uh-huh. And we're going to take that up next week.

MR. LAKIN: I drove all the way up here, wasting a shirt, Sharon, and you're going to put it off till next week.

MS. EULER: Yeah.

MR. LAKIN: Okay.

CHAIRMAN: And add this behind it because this is kind of like how -- not kind of like. This is the way we would like to
handle the ground rules for this, and this will help. Comments, the Board would like to have in written form where we can actually have those and have some time for legal to look at those and put in -- all the Board members put together their list of questions. Legal has been looking at those and trying to put everything in a real organized group so when we get into these discussions of this section on this date and this section on this date, and we would like those same comments from all of you. If you have concerns or questions, where they have time, we have time to put it in, the thought was that if we could get those comments or questions by Thursday prior to that date, that that could then be added into the compiled group of those comments from everyone where it really could be addressed because a lot of our questions will be the same from different individuals coming together. We thought that made a lot of sense. We thought, to try to keep this thing flowing really orderly and smooth, we actually -- and I don't mean any offense. I'm not picking on you, Don, because you got the
first one out there, but we really want to
hold the comments to the end. We actually
have paper and pen over here if you need
something to write, keep thoughts on, or
whatever, to ask at the end, we will have a
comment time at the end, and we may have more
time than we think we'll have here, but,
obviously, we don't have the answers, either.
That's why we're here, to try to figure them
out. So, what did I miss? Oh, if you have
comments, send them to you?

MS. DUNN: Uh-huh.

CHAIRMAN: So, Becky would be the
person to -- as to where they go.

MS. DUNN: E-mail.

CHAIRMAN: In e-mail. So --

MS. EULER: I think Bill has a
question, though.

MS. DUNN: Bill Stalter has a question.

CHAIRMAN: Yes.

MR. STALTER: Martin, on this, the way
we're going to approach this, you could give
them time, but the problem that we tend to
have is -- (inaudible.)

CHAIRMAN: Uh-huh. Well, they're
already written, you know.

MR. STALTER: That's what I'm saying. Yeah. With regard to all these questions that you already, as a group, have found all together, can you put something out so that we don't -- we're not hitting the same subjects -- the same questions?

MS. EULER: What we would like to see is if -- and the Board has submitted some, but I think there are going to be more. If everybody could submit those to Becky by the Thursday before the next meeting, and then we're going to compile them all by section, so we're going to have, you know, Section 333.011, or whatever the first one is, and then all the comments and questions under that so that we can have those to distribute in advance of the meeting.

MR. STALTER: So, today is the Thursday before the next meeting; right?

MS. EULER: Yes.

MR. STALTER: Yeah. So, okay. You're going to cut this meeting short so we can run home and write up these questions?

MS. EULER: You know that piece of
paper --

CHAIRMAN: You can leave them today.

MR. STALTER: Okay. But you -- I mean --

MS. EULER: But we would -- we just set Thursday as --

MR. STALTER: Okay.

MS. EULER: Because most of the meetings are going to be on a Tuesday. So, for today, we would probably give you till noon tomorrow, maybe. But get them to us because we want to compile them all because things that people have questions about are the things that we'll need to do rules about because there will be things that aren't clear. So, yes, we want to get them all compiled so everybody has them in front of them at the meeting, or before the meeting.

MR. STALTER: Then did some publish right before the meeting or up here on the Web site, then we know what's going on?

MS. EULER: Yeah. Yeah.

MR. STALTER: Okay.

MS. EULER: That's the plan.

MR. KRAUS: And if we get them after
that time, then it's not that we're not going to consider them, it's just we can't guarantee we'll able to get them in and get them included.

MS. EULER: Right.

MR. STALTER: Basically, mine is just look at the list and see if there's anything that -- you know, make sure we cover each base, and we can see what you've already done.

MS. EULER: Yes. Right.

MR. STALTER: Because I don't want to beat anything to death if you've already got it on your Web site.

CHAIRMAN: Sure.

MS. EULER: So -- and we divided the statute up into three kind of random sections to try to make it a little more manageable.

CHAIRMAN: And some of the comments or the questions, hopefully, at the end, maybe we can get some answers on that, too. So --

MR. LAKIN: Have you got a list of the ones you're going to -- maybe I missed out on this.

MR. STALTER: I think you just did.

MR. LAKIN: No. Have you got a list
of what you're going to discuss next Thursday?

MS. EULER: Yeah.

CHAIRMAN: It's in the open agenda.

MS. EULER: It's on the agenda.

CHAIRMAN: All of the dates.

MR. STALTER: That's what they look --

(inaudible.)

MS. EULER: We have group 1, group 2, and group 3.

CHAIRMAN: And then the comments would be, you know, applied appropriately to wherever that falls.

MR. KRAUS: And as we go forward, there's bound to be some crossover between those groups because they relate to each other, but that's just the way we set them out to have some kind of organization as to how we march through this.

CHAIRMAN: Okay? So, in that light, we would like -- see how it goes here, at least -- hold the questions till the end and maybe -- and, hopefully, it will be more in the written form where we can really put some thought in it. I did forget one thing that I want to back up on, though. In the request
from Brad Speaks, and I was going to add something behind that, there was a mention of Mr. Cowherd being the -- considered as the attorney for the Board. Senate Bill 1 did give the Board the authority to hire its own legal counsel, and all I really want to say about that is we will start pursuing that thought once we get the information that it takes to go through that. And I just want to address that thought that we will start that process, so that's pretty much just an FYI, and that's where that ends at the moment, so -- okay. Okay. The way we thought we would start, at least, this morning, is Earl and Sharon have put together, I'll just call it presentation, for the start of this, and give it to you guys and let's go.

MS. EULER: I'm going to let Earl talk because my voice is --

CHAIRMAN: You're the man.

MR. KRAUS: I'll start off. And some of this has been covered already, but I'll touch on it briefly. First, Senate Bill 1 has been passed and signed into law; it goes into effect August the 28th. There is new
provisions, there were repeal provisions, there is amended provisions in there covering a lot of different areas, so there's a lot to cover by the Board. Particularly, to the extent of potential rules, those can be regular rules that go through the normal promulgation process, those can be emergency rules like Connie was talking about. Of course, any of those rules can only be to the extent that it's implementing the current law or soon-to-be current law on August 28th. It can't go beyond the scope of that law. So, if someone says, well, I think -- you know, if a particular Board member says, well, I think doing this would be a good idea. Why, let's just do a rule and say that. Well, if that's not already set out in law and just simply further implementing that, it's a whole new thing, we can't do that. That's not -- it wouldn't be a properly promulgated rule, and it would be rejected. So, we want to keep that in mind when we are going forward, of course, in implementing just what is in the law. And that's even if some don't agree with what's in the law, it's still the law and we
all have to follow it. So, as to an
approach, we've kind of talked about that some
already. We've broken down the different
sections of the statute so that we can get
comments from the Board members, from the
public, consider those comments and questions,
counsel and staff can put together some type
of proposals or recommendations, hopefully,
based on discussion today among the Board.
And I think that's what we were hoping to do
primarily in this meeting is have initial
discussions among the Board and get some
direction as to where the Board thinks we may
want to go on particular global ideas and
issues. For example, transition initially.
What happens on August the 28th? What do
people do? Are they -- can they operate?
Can they run their business? And some ideas
on how to address that initially in the short
term, and also in the long term. And maybe
part of that is done in emergency rule for the
short term and by regular rule in the long
term and doing a combination of both of those
things. So, if we can get the different
comments and discussion and ideas, then at the
subsequent meeting, then we can walk through
the sections individually, have those comments
in front of everyone so everyone has thought
they had the opportunity to read and think
about those ahead of time and have a more
productive discussion as to what's the best
way to do all this. There is a lot to do in
a relatively short amount of time, and that's
why we really condensed down how we would -- I
think the Board would normally set its
meetings, without -- normally allow a lot more
time between meetings and more time for
comment and all of that. But I think everyone
would agree it's important to get some kind of
clarity out there for the industry before the
28th. Now, I think Connie mentioned that no
rules, emergency or otherwise, can be filed
until the 28th because the law isn't effective
before then. You can't promulgate a rule
based on a statute that's not in effect yet.
So, the Board does have to wait until then,
but I think a lot can be prepared and ready
to just go file so that it could be filed
right on the 28th, hopefully. So, that's kind
of how we talked about going forward. Some of
the topics that we could start off on,
actually -- I mean, if the Board members have
certain topics they want to hit on, we could
start with those. Some that Sharon and I have
talked about that, I'm sure, everyone has
thought about and will want to address is the
mission through the transition initially.
There are many different options on how to
address that. We could hit on that first.
There's the issue of fees to talk about.
There's annual reporting; a lot of different
ways to approach that. And I don't know if
this would be one of the easier ones to tackle
first. I think one of the harder ones, but
educating licensees and the public, too, as to
what's -- what do I have to do under this
law? What does it really mean? What are the
really just important things? If you have to
tell me ten things, what's -- about this law,
what would it be? And how to share that with
the public; is that meetings, is that Web
site, is that publications, is that a
combination of things? So, that's a big group
of things to swallow all at once. Martin, do
you or the Board have any one of those you
want to jump on first?

MS. EULER: Actually, before -- can I

MR. KRAUS: Yeah. Go ahead.

MS. EULER: I'd just like to piggyback
on something Earl said to remind everybody
that, you know, whenever we have a new law, I
hear the word "autonomous" floated around.
Well, the Embalmers Board is an autonomous
board and you can do whatever you want. And
Sam is giggling; he hears that, too. But the
thing to remember is that the Board is an
agency of the State created by the
legislature, vested with authority by the
legislature, and the Board can only do those
things the legislature has given them
statutory authority to do. So, the Board is
limited in what it can do by what it has
statutory authority, but the Board also is
under a mandate from the legislature to do
what they've been told, whether we agree with
it or not. So, you know, the Board's charge
is to enforce the law as written, so I know
there are a lot of people in Missouri who
aren't happy with one part of the law or
another part of the law or whatever. That ship has sailed, it's over. The law is what it is and we need to work with it, with what we've got moving forward.

CHAIRMAN: Okay. All right.

MS. EULER: Where would you like to start? What would you like to start with?

CHAIRMAN: You all?

MR. McCULLOCH: I've got one. It would be page 21 in here, 436.435. I'd like just maybe for the attorneys to tell me what does that mean exactly in your mind?

MR. STALTER: Which one is that, John? I didn't hear you.


MR. STALTER: Okay. Of the trust?

MR. McCULLOCH: Talking about the business on August 28th and having till July 10 -- that part.

MS. EULER: Is this something that you think we need an emergency rule about, or is this something you're just wanting clarification on?

MR. McCULLOCH: I'd just like to know what you all think about that. I'd like to
hear your take on that.

MS. EULER: Okay. Because I'm wondering if maybe we should hold back until when we talk about this section of the statute, in general, and we talk today about what we need emergency rules for. That's just my suggestion.

MR. MCCULLOCH: Why? I guess, why do you think we need to wait?

MS. EULER: So that we can address these things --

MR. MCCULLOCH: Because that's going to clear up a lot.

MS. EULER: Okay.

MR. MCCULLOCH: If I can just hear what you think about that.

MS. EULER: Well, I'll tell you what I think.

CHAIRMAN: Do you want -- I may be inappropriate here, but do you want that thought at the moment or -- that section, actually, is referenced in the meeting #3?

MS. EULER: Yes.

CHAIRMAN: By point. In that agenda that you look -- in meeting #3.
MR. McCULLOCH: Why do you think it's important to wait till then or --

MS. EULER: We can talk about it now, but we had talked about talking first about what things needed emergency rules.

MR. McCULLOCH: Okay.

CHAIRMAN: We may be better prepared to talk about it --

MS. EULER: Yes.

CHAIRMAN: -- in meeting #3 or whatever.

MS. EULER: Yes.

CHAIRMAN: Okay? Whether the -- how did you guys break down the subjects? As what?

MR. KRAUS: Well, I kind of thought one of the number-one items is going to be -- let's say I have a registration. I'm currently registered with the Board, and the 28th gets here and can I open my doors? What do I do?

CHAIRMAN: Okay.

MR. KRAUS: And then, again, there are a lot of different ways to address this. One potential option may be -- and I'm not recommending this as the way you should go
forward, it's just as a starting point -- is, basically, an arrangement to maintain the status quo until permanent rules are in place. One way to address that -- public rules which are providing for licensing as required under the statute -- there is not any way that I can think of to have someone be able to have procedures put in place, have someone fill out an application, have them file it, have them do some undetermined fee, and then be licensed on August 28th. It's not possible.

CHAIRMAN: Uh-huh.

MR. KRAUS: So, one potential way to address that would be for the Board to -- and this would have to be through emergency rule -- provide for there to be either some type of temporary or provisional license or some type of statement that the Board is not going to be taking actions with regard to anyone for operating without a license under the new statute because there aren't any provisions for it yet, until a certain date or until -- and that date can be a set date. You can say August 31st -- or October 31st, or December, or whenever you pick. And you could build
into that such registrants should -- will need to notify the Board in writing that that's their intent. That gets them in as a temporary okay person. And then, of course, they have to actually apply once there is the application and the process set out, and then -- and you could even set a date where you have to apply by a certain date and, if you don't, you lose your temporary status, but, if you do, you're still good, and you would continued to be good until the Board approves or denies the application; something like that. That process then would allow someone who is currently registered, currently fine to operate before the Board or under the authority of the Board, to continue doing that. They have to tell the Board, hey, I'm intending to get licensed. As soon as you tell me how I can get licensed, I'm going to do it. Then they're still okay. Then the application process is developed, they submit their application by the stated deadline, so they're still okay. And then until the Board rules on it, because it's going to take some time for the Board to go through all those and
actually make a determination on each
application, then they're not penalized for
having to wait for the Board to get around to
their application. But the Board can still,
if they're looking at one and there is some
problem with it, still has the authority to
say yes or no just like with every
application. So, that's one -- of course,
that leaves out a whole lot of details, but
that's one overall potential approach and you
can build in different dates with that or
requirements as you see fit. And so, there's
a starting point.

CHAIRMAN: Okay. Anybody on the Board
have a question just about that thought of a
starting point? I actually came up with one,
but --

MR. McCULLOCH: So, basically,
anything you do, you just do business as usual?

MR. KRAUS: Under that scenario, as
long as you provide whatever notification the
Board determines to the Board that you intend
to continue -- that you intend to get a
license under the new statute, and you're
currently registered, then you would just
operate as usual until that happens. And
after you -- let's say you get your license
and you're approved, then you continue doing
business.

MS. EULER: And you would have to fill
out the application form by whatever date we
say, but the status quo would be maintained
until your license application is either
denied or a new license is issued. Does that
make sense?

MR. McCULLOCH: Yeah. That makes
sense to me.

CHAIRMAN: Guys, any other questions
there? You, Joy?

MS. GERSTEIN: No.

CHAIRMAN: Jim?

MR. REINHARD: No.

CHAIRMAN: No? I'm just curious, just
as a litmus test, even though we're saving
comments till the end, just out of that one
thought of the discussion, anybody out there
have a question? I'm just curious by hand.
All right. Okay. I just wanted to see. All
right.

MR. KRAUS: And, of course, in
subsequent meetings, we'll be hitting details
of all this and discussing this again. But
for initial discussion as to whether this is
an approach the Board is interested in the
concept, it's not interested in that concept,
would rather do something else, then I think
to the extent you have -- I mean, I'm -- this
is kind of being sprung on you, but to the
extent you have thoughts on that today, then I
think that can help us prepare for future
meetings.

MR. McCULLOCH: It's almost like
you're saying the Board could do nothing and
then no one can do anything on -- after August
28th; is that what you're saying?

MS. EULER: That's -- I mean --

MR. KRAUS: Well --

MS. EULER: That is an option.

MR. McCULLOCH: That would be a poor
option --

MS. EULER: Yes.

MR. KRAUS: That would be a poor
option.

MR. McCULLOCH: -- for this Board to
take. I hope they're not thinking that way.
MS. EULER: Right. That's why Earl and I have been talking about some ways that we can maintain -- keep everybody in business until the Board gets the application process up and running, the Board sets the fees, and we give everybody a little lead time to get everything together that needs to be done for the license processing. Plus it's going to be a bunch of licenses -- license applications that need to be processed all at once, and Board staff, physically, is not going to be able to do that in a day or two days. So, we were just trying to think of some ways to maintain the status quo, keep everybody in business while we transition to the new law.

MR. McCULLOCH: Okay.

MR. REINHARD: And so, you're going to give them a grace period?

MS. EULER: Yeah, a grace period.

MR. REINHARD: And explain -- okay. what you're talking about here is, like, if they do charge a fee per contract, like, oh, $2. So, they go to $25. During the grace period, you wouldn't have to pay that fee. Like, you're not going to have to go back to
August 28th and pay forward. You just pay from September or October or whatever, from there on.

MS. EULER: Well, and that brings up a related issue in that, you know, the reporting period under old 436 ends October 31st. Well, the Board may want to do a rule that says that for this year, you know, you filed your annual report on October 31st as you would have under the old law, and we'll count that as good for this year, and then we'll start the new process the next year beginning October 31st. So that for this year until October 31st, you kind of maintain status quo so that everything kind of stays the same, and then you start with the new reporting year with the new law.

MS. DUNN: But in order to do that --

MS. EULER: You need a rule.

MS. DUNN: -- an emergency rule would have to be done.

MS. EULER: Yes.

MS. DUNN: And so, then we would have to -- correct me if I'm wrong --

MR. McCULLOCH: So, you're saying that
the old -- the way we are doing it now, that
this new law would actually say that you have
to file two reports then?

        MS. EULER: No. That for this year --

        MR. McCULLOCH: Because that makes no
        common sense at all, in my opinion.


        MR. McCULLOCH: Just go ahead and file
        your regular deal.

        MS. EULER: That for this year, you
        file the report like you would have last year.

        MR. McCULLOCH: You shouldn't even
        have to talk about it.

        MS. EULER: Well, but --

        MR. McCULLOCH: Should just be the way
        it is.

        MS. EULER: Well, but we need a rule
        that says that.

        MR. McCULLOCH: Really?

        MS. EULER: Yeah.

        MR. McCULLOCH: (Inaudible.)

        MS. EULER: Because the new -- that's
        why we need a rule.

        MR. McCULLOCH: That's crazy.

        MS. EULER: To make this not crazy.
UNIDENTIFIED: Right.

MR. KRAUS: Well, because the statute
as written goes into effect the 28th and it has
requirements. And if you don't meet --

MR. McCULLOCH: I thought it wasn't
affecting the old stuff.

MS. EULER: Yes.

MR. KRAUS: Well, but if it says -- if
a statute goes into effect on the 28th and it
says in October, you have to file a report,
well then you have to file a report.

MR. McCULLOCH: From the 29th through
October 1st, you would have to file a report?

MR. KRAUS: Well, that's not explicit
in the statute. That's why it's best to set
it out in rule what the Board will consider
compliant with that.

MR. McCULLOCH: Okay.

MS. EULER: And that's why when Earl
and I --

MR. KRAUS: So everyone understands
and is doing the same thing.

MS. EULER: That's why we thought as a
suggestion to the Board that it made sense,
like he was saying, to maintain the status quo
until October 31st of this year because nobody
is set up bookkeepingwise to do an annual
report based on the new law because nobody
knew when it was going to be here.

MR. REINHARD: Well, that brings up a
point, though --

MR. McCULLOCH: This department is not
set up for it.

MS. EULER: Right.

MR. McCULLOCH: It's not just
everybody else, this department can't handle
that.

MR. KRAUS: And if you're going to do
-- and it also would be very difficult for the
-- and I don't know if this would be
beneficial at all -- to do a report of one
type for one period and another type for
another period --

MS. EULER: Right.

MR. KRAUS: -- and have that be your
whole report for the year. I mean, that's
just not going to be workable for anyone, I
don't think.

MR. REINHARD: Well, Bill has got a
hell of a point here, too, though, and Earl is
just saying that if the law says that you have
to put 15 percent in front, you know --
(inaudible) -- so, if that's the law, which
it is -- that's not a rule, that's going to
be the law. So, then it -- August 28th, you
need to start putting whatever you're supposed
to fundwise; right?

MR. STALTER: But the bigger issue is
accruing income. Can we continue to
distribute income up to October 31st, or do we
have to start on August 28th? I mean, those,
for me, you know, we can -- there's a lot of
things to work through, but then back to your
issue about July 10th. At what point do we
have to pull the trigger on -- (inaudible.)

MS. EULER: Right. Right. And if
you'll notice that that's item #3 on my triage
list.

MR. STALTER: But if it ties into this
issue about -- with the provisional license
and the status quo, we have to be careful what
we define as status quo -- (inaudible.)


MR. KRAUS: And to this point in
talking about transition with regard to
licensure, that's what I was referring to.

MR. STALTER: Yeah. It's -- yeah.

MR. KRAUS: Because registration and
licensure, duties as to payments in trusts, is
something else to address. It's an important
matter.

MS. EULER: Right. And if we can get
some ideas from the Board's direction
conceptwise, how the Board wants to go, Earl
and I can work with them together to draft
rules to make the Board's concept -- put it in
writing. But we need direction from the Board
as to what you want conceptwise.

MR. KRAUS: And if certain concepts
you think, no, that's not what we want to do,
then we won't spend time on that anymore and
we'll move on to something else.

MS. EULER: Yeah. And I hear from
John's thinking that, conceptwise, he would
like to see the annual report for this year be
the same as the annual reporting in the old
436; is that accurate?

MR. McCULLOCH: It seems like the
obvious to me.

CHAIRMAN: Well, obviously, we're
going to have to micromanage every detail of this to get down to every single issue.

MS. EULER: Yeah. Right.

CHAIRMAN: So, we kind of started out that discussion with just how to take care of business so the office doesn't melt down on the 28th. How are we going to? Are we going to? Whatever. So, I guess the discussion, really, at the moment is, if you have questions, Board, about the proceeding of that. Earl made some comment as to just take care of business as usual until those specific dates are decided on or whatever as August 28th rolls around here. So, in that one single subject aspect, any comment? Joy?

MS. GERSTEIN: I tend to believe that, along with Earl, you're going to be working on new rules, new dates, different things like that for the future. Why confuse the matter by putting new things in now that's only going to last till August 28th. I think it would be better, also, just that I don't know -- I'm a public member, guys; it might not be easier for you -- but, to me, in my mind, it would be better to continue -- put in the emergency
rule to continue at status quo until that date
and you're ready to submit the new things that
we have to do. Why submit new -- small new
things now that's going to change in less than
four months.

MR. KRAUS: Well, I think we're
actually suggesting what you're saying --

MS. EULER: Yes.

MR. KRAUS: -- is file -- we can't file
anything before August the 28th.

MS. GERSTEIN: Right.

MR. KRAUS: File emergency rules on
the 28th that address the interim time period
until permanent rules with regard to licensure
are in place.

MS. GERSTEIN: Right.

MR. KRAUS: Typically, as Connie was
saying, when we file -- if we were to file
emergency rules, and along with that filing,
we would file the permanent rules, the
emergency rules would take effect ten days
later; the permanent rules wouldn't take
effect until six months later.

MS. GERSTEIN: And that's what I'm
saying.
MR. KRAUS: Hopefully, there wouldn't be a lag time between the end of the emergency rule and the beginning of a permanent rule, hopefully.

MS. GERSTEIN: And that's what I'm saying, but don't add anything into the emergency rule that's going to confuse the issue for the permanent rules.

MS. EULER: So, is what you're saying is that your thought would be that everybody who is currently registered as a preneed seller would either remain so, but if they want to practice after October 31st, that you would like to see that be the deadline, so -- because that's the renewal date in the new statute so that we start with the renewal process, new licenses issued by October 31st?

MS. GERSTEIN: Now, that item, I think we need to discuss.

MS. EULER: Okay.

MS. GERSTEIN: But I'm not -- what I'm saying is that it's going to be confusing enough for them when the new -- when the old switches over. We add some -- a lot of new stuff with the old, it's going to be a whole
lot more confusing.

MS. EULER: Yeah.

MS. GERSTEIN: To follow what's going
to happen, and so, this date, everything is
going to change. Am I -- do I make sense?

MS. EULER: Yeah. Yeah.

CHAIRMAN: Okay. Board, anybody else
with a thought on that? I have one and that
would be to you. And what kind of
ramifications -- are there any ramifications
if we just take no -- if we, basically, say
we're just going to keep marching on as we do
while we're pulling this together, are there
ramifications of that?

MR. KRAUS: You mean, doing no
emergency rules at all?

CHAIRMAN: Well, or making the
emergency rule, but as far as -- well, I guess
that is the ramification.

MR. McCULLOCH: Making one rule and
that is that we're just going to not do
anything, let business be as usual until some
--

CHAIRMAN: I mean, that makes total
sense to me to do that, but I'm just asking,
is there a blind side here I'm not seeing that
there's a problem with that?

MS. EULER: The concern is that the
rule needs to be drafted so that it's not
deeded -- (inaudible) -- that you can do
whatever you want with preneed money until
October 31st and with no repercussions. So,
you can drain your trust fund, you can --

CHAIRMAN: Well, no.

MS. EULER: I mean, but -- but --

CHAIRMAN: You know, the current law,
I guess, or whatever.

MS. EULER: Well, but there are people
who might interpret, you know, where it says
we're not going to prosecute anybody, "Oh."

MR. KRAUS: Yeah. Until you see
somebody do something really bad, you want to
prosecute them where you said you wouldn't.

MS. EULER: Yeah.

CHAIRMAN: Okay. So --

MS. EULER: That's why there needs to
be a rule.

CHAIRMAN: Okay.

MS. EULER: And that's why there needs
to be a rule on what seems plainly obvious.
MR. STALTER: (Inaudible) -- you don't do anything, and I see this as being a licensure issue. On August 28th, you have to be licensed in that sellers license.

MR. KRAUS: I think that's right, that if you do nothing at all, then you have a rule saying, well, you're not going to do anything, but then you have a statute saying you have to be licensed on the 28th.

MS. EULER: Yeah.

MR. KRAUS: And you're not. But you're performing the functions of a seller. You're doing that unlicensed. That's a violation of the law, so one could pursue you; okay?

MR. MCCULLOCH: Well, I'm willing to get licensed, but you all aren't able to get me licensed. How's that?

MS. EULER: Right.

MR. KRAUS: Right.

MS. EULER: And therein lies the problem.

MR. KRAUS: And that's the problem. But that doesn't mean it's not a violation. It's just you're not doing what you're supposed to do and neither is the Board.
MR. McCulloch: I don't think anybody can be covered, though.

MS. Euler: You're not going to sue the Board for not getting your license.

MR. McCulloch: And you all aren't going to sue me, either, because you're just wasting your time, because nobody is going to get anywhere on that.

MR. Kraus: Well, and, of course, I don't want to say that that's not an option of the Board because it's the Board who decides what they're going to do. It's my understanding there are a lot in the industry that are looking for more comfort than that -- well, no one is going to pursue me, so --

MS. Gerstein: So, the emergency rule will protect you until the new rule goes into effect?

MS. Euler: Until you can get your application processed and license issued.

MS. Dunn: In a reasonable time frame for everybody.

MS. Euler: Yeah.

MR. Kraus: And the reason I started on the registration licensure issue is because
I think that the statute builds in a lot of discretion with the Board as to how that process is going to work. And so, I think the Board does have the ability to set out, well, for this period, we're going to do this, and then we're going to do this, and then we're going to permanently do this from here forward. That may or may not be the case with regard to other issues in the statute like payments with regard to trust accounts and that sort of thing.

CHAIRMAN: I'm going to break stride here for a second in our ground rules because I'm just -- I feel like I should -- I want to litmus test it. We want to keep this thing orderly and precise and micromanaged on single subjects, so we're not shotgun, chasing rabbits all over the place, because we'll be here till next Saturday if we even think that way. So -- but I'm curious. The ones that you all raised hands, give us your question. Short, sweet, and let's see what we can do with it.

MS. EULER: On transition issues.

CHAIRMAN: On transition, what we're
just talking about right there. Anybody? Go.

MS. RUSSELL: I've got a load.

MS. DUNN: You need to say your name

and who you are with for the record.

MS. RUSSELL: Oh, I'm sorry. Darlene

Russell, CFL Preneed. Earl, I sympathize with

you for going through this. I was originally

there when Senate Bill 644 passed, so -- and I

felt sorry for the staff for what they're

getting ready to go through, having been there

through a transitional period. But I concur

that the fact that August 28th, that people

cannot just sell preneed -- the law prevents

that -- without being registered of some sort.

Your answer to that is perfect at this point,

some kind of a notification and some type of

an application that allows them, until they do

take the test, to continue to have a

livelihood. But my problem is, is what's out

there, without certain questions on that

application, that you're giving them the

go-ahead to go ahead and continue to sell even

though they haven't taken a test, it's three

things need to be covered, just like the

renewal. That would be are you -- have you
been convicted of a felony -- the same
questions you ask on the renewal application,
just to streamline it, to make sure you're not
-- the Board is not giving a go-ahead to
somebody who has been convicted of a felony or
has your license been disciplined.

MR. KRAUS: A couple of basic
questions.

MS. RUSSELL: A couple of basic
questions and just a one sheet until the
process goes, but that allows the Board not to
have the problem of letting somebody in who
you know is a convicted felon.

MR. KRAUS: Right. Would you rely
upon their certified answer?

MS. RUSSELL: You would hope that's
what you do when you do the application
processing. I know you do the fingerprinting.
But at this stage in the game, it's a starting
point.

MR. KRAUS: Okay.

MS. RUSSELL: But at least the Board
can say, look, they lied to use.

MR. KRAUS: You asked.

MS. RUSSELL: Yes. Yes. I'm just
trying to look at the Board's part of it, and then I've got about seven other things, but I'll let somebody else go first.

MR. KRAUS: All right.

CHAIRMAN: Go ahead.

MS. BATTAGLER: Amy Battagler with Stuart Enterprises. We have a lot of people selling preneed for our company that -- (inaudible) -- people who are going to be registered as preneed agents who are paranoid right now that they no longer have a job as of August 28th. So, you have huge requests about the testing that they're going to have to do to be registered -- (inaudible) -- and everything else. So, it's very, very important for us to get something -- (inaudible) -- continue until you have everything in place to get the testing done, and give them plenty of time to get your applications together and everything. We've got some extreme concerns.

CHAIRMAN: So do we. Understand. Anybody else? Scott?

MR. LINDLEY: I would suggest that you issue the temporary license or application
only if they had one prior; okay -- no new
ones -- so that everybody that's operating can
still continue to operate and that you put,
like, if it's January 15th, the day you think
you're going to have all these rules done,
then that be the date, or if it's next May,
or whatever it is, that you do that and, you
know, you require the same thing. Yeah, we
want to know where your bank is, we want to
know, you know, how many contracts you've
sold, and we want to know who you've got
selling for you, and that sort of thing, and
send a fee in based on what it was last time
on the old section, and temporarily operate on
that old section law until you get these rules
done. And along with that, I think you need
to do that today, and I think you need to get
e-mails and communications out to all these
companies and people immediately so they know
what's going on. And that way, this confusion
is over with before you start into this
rule-making process, and you're going to save
yourselves a lot of grief with people and
companies and everything else. And I think
you're going to be as -- under the law, you'll
be as covered as you can be.

CHAIRMAN. Okay. Next? Anybody?

MR. WARREN: I think you have to have something -- some notice of intent to apply. You know, there was the law. It's the discretion of the Board as to whether you're going to go after people. There are certain things the Board -- for example, the trust portions of the new law. Everyone I've talked to, I've just told them you better be in compliance by August 28th as best you can. The licensure is a tougher issue because there's not a form or test and all that good stuff yet. But I think if you give people some assurance that they can continue and give you something like a notice of intent to apply or whatever, then you have an idea of what you're looking at, as well, from your workload, and that would at least assure people that if they go out and continue to sell, they're not going to get hauled back in at some time later and be accused of doing something they didn't know they couldn't do.

CHAIRMAN: Okay.

MR. LAKIN: If you had joint contracts
prior to this and you don't have a license
because you didn't have to have a license with
joint contracts, what are you going to do with
those type of people? And this completely
goes against what Scott said because Scott
just wants the ones that are in business now
to have that, but those of us that had a
joint CD, what do you expect those people to
do? And, you know, there are several of those
people out there, and especially anymore. Due
to the present circumstances of the preneed,
there's a lot of people that have that. Would
you just make an application that you -- you
know, because I cannot read by this law -- and
this has nothing to do with it, and that's why
I hate to mention that, but I cannot figure
out whether you need a preneed provider's
license with joint contracts under the new
statute. Can somebody tell me -- that could
answer the question that I'm asking.

CHAIRMAN: It sounds like the written
question, so I don't know that we can.

MS. EULER: Yeah.

MR. LAKIN: No. But in regard to

getting licensed or make applications for a
license, if you have to have a license for
joint contracts. If you don't have to have
one, there is no need to worry. The people
that have joint accounts don't have to worry
about it then. So, it is on this issue.

CHAIRMAN: Okay.

MR. REINHARD: Anybody got an answer
for him? Sharon?

MS. EULER: Yes.

MR. STALTER: Well, I'll talk first.
Because, I mean, a lot of this is if -- your
application form is kind of like your first
opportunity to really start to educate the
licensees. In this case, our sellers aren't
licensed, they're registrants, you know.

UNIDENTIFIED: That's a good point.

MR. STALTER: So, we've got to license
sellers and providers, you know. And then a
lot of these guys relied upon somebody else
like this, you know. If we're doing
contracts, we don't have to do this. So, I
think your application forms will be
important, too. This might be the first time
they're ever reading something that's -- you
know, that you're telling them it's important
to the Board. And, basically, I think that
ye're going to certify, they're going to
just use their best efforts, but we know it's
going to be six months before we start getting
down into -- you know, till it's going to be
enforced. But it is, like -- like I said, a
provisional license, you know. We're going to
-- we just need to get all the names down of
who intends to sell. And beyond that then,
you know, we'll start educating them.

CHAIRMAN: And your point well taken
in the thought that I guarantee you 90 percent
of them think their registration is a license.
So, anybody else with just a comment?

MS. RUSSELL: Just one quick thing.
It's important for the funeral directors, you
know. They know that if you have a
funeral-director's license, you do not have to
take the exam, you know. But letting them
know that, you know, you'll be obtaining other
information from them as required, but the
most important part is getting the individual
agents who have their livelihood at stake
right now, you know. So, I mean, letting the
funeral director -- if you've got a funeral
director, you're okay, in a sense. But if
you're -- you know, if you've got the people
out there that don't have a funeral-director's
license, you know, they're really worried.

CHAIRMAN: Sure.

MS. RUSSELL: It's like Amy said.

CHAIRMAN: Absolutely. So, Board,
anything following? Should we even pursue
that thought? A request has been made that we
take a short break, so we'll break.

(Off the record)

CHAIRMAN: Everybody is back, so let's
proceed. During the break, I spoke with
staff, and we've got a little concept here
that could be beneficial, I think. So, I'm
just going to ask that that be --

MS. EULER: Summarized?

CHAIRMAN: -- summarized. Yeah.

There's the good word.

MS. EULER: Do you want me to go ahead?

CHAIRMAN: Yeah, go ahead.

MS. EULER: Earl and I kind of put our
heads together, and what we're hearing the
Board say -- and please correct me if I'm
wrong -- but what we're hearing the Board
saying is that, one, the Board wants to do
something to make sure that business continues
on August 28th; two, that the Board would like
to have some sort of process, like, I think
we've marked the term notice of intent to
apply. That the Board could develop a form,
otice of intent to apply, ask a few
questions, name, rank, and serial number, what
kind of license do you intend to apply for.
And once people submit that form, they have a
short-term provisional permit to operate until
such time as their application process goes
forward. It would be a good for a very short
period of time. The Board should work on
getting forms together for the application
process, maybe even have the applications
ready by October 1, potential deadline.

CHAIRMAN: At least a goal.

MS. EULER: A goal, so that the
provisional permits could be for a month.
Licenses. And so, everybody who will need a
license under the new law -- that includes
people who are currently registered as preneed
sellers or providers, people who will be
joint-account-funded contracts who will need a
seller license, people who sell insurance
under contract, all of those people will need
a seller license, agents who will need to be
registered, all of those people would fill out
this one form, check the box, and a copy of
that would serve as their permit until such
time as we get the application processed.

CHAIRMAN: And the thought being that
possibly that form of notice of intent could
be maybe, like, on the Web site by, like, next
week, or something like that.

MS. EULER: Yes. Yeah.

CHAIRMAN: Okay. So --

MS. EULER: Does that summarize what
the Board is thinking? Would you like to
direct us to draft an emergency rule?

MR. FRAKER: I'd like to see us maybe
pin down the date today. I think if we do
nothing other than -- (inaudible) -- selling,
possibly, or at least give them some direction
-- (inaudible.)

MS. EULER: Okay. Give us date.

MR. REINHARD: Well, I think we -- and
we've got short staff here now. We've got a
problem there, so, I mean, I think we need to
be aware of that. So --

CHAIRMAN: I heard a date of October 1st as a possibility. As far as just this notice of intent in the office thinking, would that be something you could see happening?

MS. DUNN: The form?

CHAIRMAN: Just the form.

MS. DUNN: Uh-huh.

MS. EULER: To get the form for the application is what he's saying.

MS. DUNN: On the Web site?

CHAIRMAN: And that would be good, again, just a date that was chatted was, if that would be good till October 1st, with the real form being, hopefully, in place by that date and that point in time where people could really apply. So --

MS. GERSTEIN: Is that feasible?

CHAIRMAN: We think. It would be a goal.

MS. DUNN: We're going to be working very much on Web site. I mean, if everybody can make sure that people use our Web site. The least that we have to mail out, the better for us expensewise and staffing.
MR. STALTER: I think you call them pdf forms?

MS. DUNN: Yes.

CHAIRMAN: Connie has a comment.

MS. CLARKSTON: Just a question, and I go back to when I worked at nursing private practice. Will October 1st give you enough time to get that form out, issue those licenses, or what's your process there? I mean, are you thinking temporaries end October 1st, and then they apply? I mean, is there a lag time there we need to cover?

MS. EULER: I think that the temporary license is good until October 1st.

MS. DUNN: Permit.

CHAIRMAN: Permit.

MS. EULER: Permit. Thank you.

CHAIRMAN: Yeah. Lose the license.

MS. EULER: And they need to apply by October 1st. And so long as they apply, their temporary stays into effect until the Board denies or grants.

CHAIRMAN: Now, in saying what you just said, we're actually going to mail something out to that individual or this is...
just fill out the intent and send back?

MS. EULER: They need to fill out the intent. They need to download it off the Board's Web site and send it in.

CHAIRMAN: But we --

MS. EULER: We're not going to mail anything out.

CHAIRMAN: Okay.

MR. STALTER: Yeah. But I think that's going to be problematic. If they don't know about it, you know.

MS. EULER: Well, we'll get the word out.

MR. STALTER: Okay. Well, that's -- you said we won't mail anything out.

MS. EULER: I mean, we'll work out those details. Right now, we're looking at the concept of just focus on the intent to apply.

MR. MCCULLOCH: Why the rush?

MS. EULER: So, that people aren't out of business on August 29th.

MR. MCCULLOCH: They're not going to be. You're going to let them continue on. You're just going to try to get these forms.
MS. EULER: That's why we need a rule for. That's what we need a rule for.

MR. McCULLOCH: Do the rule, that's done.

MR. LAKIN: (Inaudible) for ten days, though, Sharon, because there's ten days in there --

MS. EULER: Right.

MR. LAKIN: There's ten days that you're not going to be able to sell preneeds legally.

MS. EULER: And we will address that in the rule.

MR. KRAUS: You're right. And there's nothing that we can do about that because the earliest we can have anything take effect is ten days after the 28th.

MR. LAKIN: How are you --

MR. KRAUS: But we can -- the Board -- we could draft wording --

MR. McCULLOCH: What are you going to do to someone that writes a preneed in that ten-day period when you find out about it?

MR. KRAUS: We could draft wording in that rule that is filed on the 28th that
discusses the Board's position with respect to those ten days.

      MS. EULER: Right. Then if you --
      MR. KRAUS: That won't take effect until ten days later, I understand, but there's -- again, there is nothing we can do about that. But we could insert wording in the rule that talks about those ten days that, as of the effective date, the emergency rule have already passed, but people will see that wording as of the date of filing, and that's really the best you can do about those ten days, I think.

      MS. EULER: Uh-huh. And that that temporary permit covers you from August 28th until whatever date.

      MS. DUNN: They would address in the emergency rule.

      MS. EULER: Right.

      MS. DUNN: But you can't -- the State systen doesn't allow us to do anything else.

      MS. EULER: Right.

      CHAIRMAN: Okay. So, anybody with a question in that regard or a motion to proceed in that way or comments?
MR. KRAUS: Thoughts about other dates?

MR. LINDLEY: I think your October 1st is pretty -- you know, is a tough thing for you. I really think -- and if you're going to allow that application to dovetail into your temporary, and by doing both of them, you're good to go, and keep going, then that's going to be fine if that's explained in that rule, or I would, you know -- you might want to back that date up to give yourself plenty of time. You can always come in before the date, you know, but that's something we need to think about.

CHAIRMAN: My thought would be that that notice of intent really wouldn't dovetail into the -- if you're saying that is possibly the application, because there will be a new real application with a fee with all that goes with it that's going to have to come out behind that, so --

MS. DUNN: Well, if we could get a motion of the Board for the attorneys to draft, and then if we can think about this date that is reasonable for staff and the profession, then we can modify the date at the
next meeting because staffing and the ability
to do what we're talking about is one thing,
and the profession to be able to comply. And
then the other thing is, direct them to write
the rule and let's work with that date. I
think that would be reasonable.

MR. McCULLOCH: I'll make that motion,
whatever you just said.

CHAIRMAN: John made the motion.

MR. McCULLOCH: How's that?

MR. REINHARD: Yes.

CHAIRMAN: There's a yes. It's done.

So, you are directed to do that.

MS. DUNN: Lori, do you have a
question?

MS. HAYES: I need the motion.

MR. McCULLOCH: It's what she just
said.

CHAIRMAN: Sharon, could you state all
that again? Or Becky. I'm sorry.

MS. GERSTEIN: Whatever Becky said.

MS. EULER: I believe what I
understood you to say is that your motion is
to direct staff to draft a rule to provide for
some temporary practice provisions --
MR. MCCULLOCH: Yeah.

MS. EULER: -- including submission of a notice of intent to apply for a license, check the boxes to which license people want to apply for, some basic questions that it would cover the ten days from August 28th till the time the emergency rule went into effect, would include a date by which time they need to file their application, which may or may not be October 1, and would apply to everybody who needs a license or a registration, whether it's an agent, a seller, or a provider.

MR. MCCULLOCH: That's exactly what I said.

MS. EULER: It's just a draft of a rule --

MR. STALTER: Something to work with.

MS. EULER: -- and we'll bring the rule back next week and we can work with the dates. Is that an accurate summary of your motion?

MR. MCCULLOCH: That is. That is.

MR. FRAKER: The only thing I would add to that is I think it's important this needs to be going today. This needs to be
started or at least the industry needs to know
that it's in the works.

MS. EULER: Our plan is to have a
draft rule to bring back next week.

MS. GERSTEIN: I think what he's
saying is --

MR. FRAKER: Leave the discussion open
and it would be publicly available.

MS. EULER: Uh-huh.

MR. FRAKER: Yeah. I mean, we're
going to have questions for a week until this
thing comes out, so I'm just trying to take
care of some of that.

MS. EULER: When we get a rule
drafted, we can probably get it posted on the
Web site.

MR. KRAUS: Of course, that will
generate more questions.

MS. EULER: Yeah.

UNIDENTIFIED: Well, people need to get
answers.

MS. GERSTEIN: It's not leaving them
out there with nothing.

UNIDENTIFIED: Right. Right. That's
true.
MS. EULER: That may have been part of John's motion, as well.

CHAIRMAN: Joy and Jim, all voted yea?

So, it was done. All right. I guess, actually, next subject.

MR. KRAUS: Yeah. Which, again, can be a number of different items. Do you have ? Sharon?

CHAIRMAN: The most important.

MS. EULER: Do we want to cover the annual reports, which seems to be a no-brainer?

MR. McCULLOCH: Say it again.

MS. EULER: The annual reports; do we want to do a rule -- a temporary rule on annual report and saying that for this reporting year, you'll file a report like last year?


MR. McCULLOCH: Yeah.

MS. EULER: John, would you like to direct staff to draft a rule on that?

MR. McCULLOCH: I would. I would like to make that motion that we keep the status quo on the annual report; is that okay?
MR. REINHARD: Second.

CHAIRMAN: Jim seconds. Gary?

MR. FRAKER: Yes.

CHAIRMAN: Joy?

MS. DUNN: Did you get that, Lori?

CHAIRMAN: It is passed.

MR. KRAUS: And, again, that's for a draft rule.

MS. EULER: For a draft of the rule.

MR. KRAUS: Not a final decision.

MS. EULER: Back on the notice of intent to apply, do you want any sort of fee associated with that or just sending in the form?

MR. FRAKER: They're going to be paying the fee anyway.

MS. EULER: Okay. Just thought I'd bring it up.

MS. DUNN: You know, the only concern I would have is -- of course, it's the vote of the Board. One, we need money to operate, but, secondly, I don't want to confuse the profession with setting a fee and then another fee and then another fee and another fee.
CHAIRMAN: I agree.

MS. DUNN: So, we might consider that when we're -- as we proceed with the discussion of the rule.

MS. EULER: I just know that sometimes people take things more seriously if there's money attached to it.

MS. DUNN: Okay.

MS. EULER: And you could credit them towards their application fee with what they pay with the preliminary, but I just throw that out. It's an option. I'm just throwing it in as an option. That's my job. I'm not the decision maker.

MS. DUNN: Okay. It would be a very difficult process for us, so I --

MR. LAKIN: Sharon, is the Hancock Amendment still in effect, or we never did -- I want to know about the Hancock Amendment.

MS. EULER: I don't believe that's on the agenda, Don.

MR. LAKIN: Well, if we're going to raise all this money, does the Hancock Amendment affect what you are talking about now in regard to fees?
MS. EULER: No. Next topic.

MR. KRAUS: Well, but, you know, that does lead to something that we had talked about, which is fees.

MS. EULER: I tried to move on, Earl.

MR. KRAUS: I am moving on. That's an excellent segue, Sharon and Don. We talked about talking about fees, not necessarily setting any kind of dollar amounts today because we're going to go through in subsequent meetings and talk about various specific sections. But if the Board wanted to, you could have a discussion as, again, conceptwise, like is the goal of today. Talk about how you envision the fees as they relate to each other. Do you envision there being an equal breakdown of all the different fees across the feat? Or do you envision the ones for applications being higher and the contract being lower, or the contracts being higher and the applications being lower, renewal fees being higher than the rest? I mean, there's a lot of different ways to address that. That may not be something that we want to get into today, and, of course, that's up to the Board,
but I think related to that -- and, Connie, I
don't know if you want to --

MS. EULER: And that is --

MR. KRAUS: -- address anything
generically today as to how money goes from
the Board to the Division to the Board, how
that works and the sweeping and that sort of
thing.

MS. CLARKSTON: I guess I would shoot
for the agenda. That's a lengthier
conversation and probably something we need to
have handouts for, so if we could get on the
agenda for next week.

MR. KRAUS: Okay. All right.

MS. CLARKSTON: And have a more
detailed conversation, I think that would be
more fruitful.

MR. KRAUS: Because it is a very
involved process as to money coming in for
fees, the upper limits of how much the Board
can have, how that's split then, how it
relates to the Division, and how the Division
pays for some things, the Board pays for other
things, and then it's billed back. But we can
address that. That is -- it's a significant
MS. DUNN: So, do you want to discuss that with Sherri, as well, or just you, or how do you want to do that?

MS. CLARKSTON: Maybe we should visit with Sherri and let's come together and figure that out.

MS. DUNN: Okay.

CHAIRMAN: And then you all will make an agenda item out of that next go?

MS. DUNN: Uh-huh.

CHAIRMAN: All right. So, he mentioned does the Board want to have any just questions of the fee structure or whatever that he just -- do you have something specific or something -- give you that opportunity quickly.

MS. EULER: Or any thoughts in terms of just in a general sense, do you want -- on how the fees should be apportioned. I know that, you know, on the fiscal note, we had to -- when Connie and Becky worked on preparing that, we had to submit some numbers which are being tossed around in the industry as sacred and golden, but they're not. Do you want to
talk about do you want to have a higher
per-contract fee? Do you want to have a high
application fee? Do you want to equalize them
across the board?

MR. KRAUS: And something that I
hadn't really thought about is that it
wouldn't -- certain fees, like, say, the
contract fee, wouldn't necessarily have to be
this much dollar amount per contract. It
could be this much dollar amount per 1 to 20.

MS. EULER: Right. So, there's one
fee.

MR. KRAUS: Or 40 to 80. I mean,
there are different ways to structure that
than just dollar per contract. You don't have
to do anything like that, but there are --
that's a possibility.

MS. EULER: Right.

MS. CLARKSTON: And just from someone
that works on projections, just so the Board
is aware and so Becky is aware, when you do
that, it becomes a little more difficult to do
your projections and plan ahead. So, we do
have to take that into consideration,

obviously, Becky, for your planning on knowing
the size of your -- the entities and your
sellers that will be submitting fees. So, you
know, we can look at some areas, obviously,
with Sherri, but just be aware that's going to
take some additional considerations for the
Board.

MS. DUNN: And we'll get into that
next week to just kind of provide an overview
of how we decide and we project what we're
taking in and how we're going to pay our bills
for the next year, and where we look to have
a fee increase, because this Board, for
funeral directors, embalmers, and
establishments, has not had a fee increase
since, I believe, possibly early 2002. It
wasn't during my tenure with the Board. So,
we try to keep that -- we try to watch our
expenses very, very closely, and watch what
we're spending versus what we're taking in and
what we're going to project out. So, that's
what Connie is stating, that when you do those
variances, that's going to be a little bit
harder to project. And, of course, everyone
knows that our money intake dropped last year,
and will again, because of this transition,
and also with NPS.

MS. CLARKSTON: And, additionally, I think it's important to note that this Board was, prior to Senate Bill 1 and the fall of NPS and all of that, was getting close to having to consider a fee increase for its licensees. So, that factoring in with the events of the last year and a half puts you in a different position. But I think once, if Becky and I can visit with Sherri, and kind of look at scenarios, maybe we can bring something forth to next week's meeting.

MS. EULER: Does everybody on the Board know who Sherri is?

MS. CLARKSTON: Sherri is our financial chief executive officer, so she oversees all the financial aspects for the Division and assists the Boards. She also does five-year projections, and this is getting a little bit kind of off subject, but I think it will make sense. When we look at five-year projections, we also have to make sure that your fund balance doesn't exceed statutory limits, and all of the Boards have a statutory limit of three times your
appropriation. If it's -- if we collect more
money than that, all the money from licensees' fees are swept into general revenue, so we try to protect licensees from the appearance of paying double taxes, so we try to set fees at a level to keep you at a safe balance, but also have enough reserves, should you have a big case or unexpected expenses come up, that you have the fees to cover that. So, it's a magic act, I think, sometimes, and Sherri does a wonderful job of that. It just requires a lot of input from the executive director, a lot of work on Sherri's part and her financial wizards that she works with, to come up with ideal situations and fees and fee structures, and we monitor those very, very closely.

CHAIRMAN: So, in hearing the bringing Sherri in and explaining those issues, who is it -- Sherri, you -- that with Becky's assistance that could at least -- and like Earl mentioned, we could do it this way, we could do it that way -- can we get some possible avenues to accomplish this?

MS. CLARKSTON: I think that we can present a couple of options for the Board to
look at, obviously. I think that the way we
looked at the fiscal note was we tried to look
at different scenarios of implementation, and
figuring the expenses for that and projecting
revenue to cover those expenses. That's the
bottom line. We need to bring in enough
revenue to cover your expenses, and how we
come up with that revenue is up to the
discretion of the Board. The only thing I
cautions, and I just say it publicly because it
is an option for the Board to put forth a
sliding scale. But if we do that, there's
consequences for your staff to do that, so I
just want you to be aware of that. But it is
options, I think, that we can present next
week and work with Sherri. Sherri is out next
week. Becky, we may need to do it the
following week.

MS. DUNN: Okay.

CHAIRMAN: Whatever works.

MS. CLARKSTON: Okay.

MS. GERSTEIN: I would like to make a
motion that Sherri and you and Becky get
together, work on three different options, and
number them by the best option, the second,
and the third, it would be best for us to work with, with the effect that it would have on the Board. So, like, option third is, in fact, the worst scenario. And because Sherri is out, to bring it back in two weeks.

MS. CLARKSTON: She'll be gone next week, she'll be back the following week.

MS. GERSTEIN: Okay. So, you need three weeks.

MS. CLARKSTON: Becky and I can do a lot of the preliminary work and work on that and get with Sherri. If it's not available next week, I think Becky can communicate to the Board we need a little more time, but we will certainly try to meet those deadlines.


CHAIRMAN: Or at least an update by next week. So, motion on the floor. Somebody second.

MR. FRAKER: I'll second it.

CHAIRMAN: Gary seconds. John?

MR. McCULLOCH: (Mr. McCulloch nods head affirmatively.)

CHAIRMAN: Jim?
MR. REINHARD: Yes.

CHAIRMAN: Okay.

MS. CLARKSTON: If I could add one more thing. One thing to remember about fees is just -- because this is unknown. We're still not certain how many agents you're going to have coming in to register. We're still not real sure about the number of sellers, providers, and how those numbers are going to play out, what the actual decrease will be for NPS fees. Because a fee is set at this time does not mean the Board cannot revisit it after we get a better handle or you get a better handle on where things are at and adjust fees accordingly. So, I guess, just for the record, I want that said, that just because we set something now doesn't mean it's that way eternally.

CHAIRMAN: Locked in stone. Okay.

MR. KRAUS: And I assume, Connie, that's also true that all of the revenue projections are then -- the projected revenue needed is, of course, a projection.

MS. CLARKSTON: It is a projection.

MR. KRAUS: And it may turn out to be
high, it may turn out to be low, but it's a
projection, and so, with that, as we discover
what is really going to happen.

MS. GERSTEIN: So, we can revisit this
in a year. I mean, if we see that, oh, okay,
you know, we can actually lower this in
another year or two years.

MS. CLARKSTON: Uh-huh. And I believe
--

MS. DUNN: Now, there's a rule-making
process with that.

MS. CLARKSTON: There is a rule-making
process.

MR. KRAUS: Every time you change a
fee, you have to change the rule.

MS. CLARKSTON: It would go through
the same six- to nine-month period. But I
believe that, Becky -- I think that you do
financial updates, if not all meetings,
periodically at a meeting?

MS. DUNN: Uh-huh.

MS. CLARKSTON: And that's a good time
to visit about these. Additionally, because
of the way that we do the financial
projections within the Division, that's an
ongoing communication between Sherri and Becky, and so, those are monitored very, very closely. So, if, at any time, it looks like we're going to get you into a sweep, Becky is alerted and then things start taking place.

MS. DUNN: We haven't been in that position.

MS. CLARKSTON: Last year -- no. Another good thing that's happened through the general assembly that they have granted us was last year they allowed us the ability to lower fees via an emergency rule, which has never been an authority that this Division has had. So, if we were going to lower fees, we had to go through the six- to nine-month process which put us in a potential to collect more licensing fees or renewal fees than what we actually needed. So, we worked really hard last year with senate appropriation leadership to say we don't want to collect any more than what we have, but sometimes we get in a situation, due to the economy -- when real estate is good, real estate commission just booms and we can't project. It's just unbelievable. Massage therapy is the exact
same way. When economy starts declining, licensee accounts decline, then we need to raise fees, so it's kind of a ping-pong effect for some of our boards. So, one of the authorities that we sought was be able to lower fees via the emergency rule. We've been granted that. So, if we get in the situation where we're taking in too much money, within ten days we can turn that around, as well. So, you have some options here, so I just really want to emphasize that just because you set a fee within the next couple of weeks and we file that on August 28th, it's not set in stone. So, we have some parameters we have to work within. I know your Board is concerned about the licensee -- the effects on licensees. We're all on the same page with that. And so, I think we have the tools in place to address those issues.

CHAIRMAN: Okay. That sounds good.

MR. KRAUS: Along those lines, a year or two down the road, there could be an issue if, let's say, you determine you have to raise fees. And if we're still under the four-year moratorium regarding new rules, particularly
with regard to raising fees, that could be an
issue.

MS. CLARKSTON: It could be, but it
may be --

MR. KRAUS: It may fall within one of
the exceptions in that moratorium, but there
is -- it's under the big government
get-off-my-back act that was just passed this
last session, and you have to fall under
certain exceptions to be able to promulgate
rules that affect small business, particularly
if you're raising fees.

MS. CLARKSTON: But if a Board is
unable to meet their obligations to pay their
expenses, there may be reason to file an
emergency which allows the same effect;
correct?

MR. KRAUS: We would need to look at
that.

MS. CLARKSTON: We would need to look
at that.

MR. KRAUS: Yeah.

MS. CLARKSTON: But that is something
to consider.

MS. DUNN: Now, Earl and Sharon, do
you need a directive for rule-making on
anything with regard to the fees or anything
at this time? No. I just wanted to get back
on track.

MR. KRAUS: I don't think so.

CHAIRMAN: Okay. So far, it's you
guys are just going to look at it, come back
with some thoughts, and then we'll go into the
rule-making thought, I guess. Okay. All
right. I'm going to break again, as in
stride. Quickly, to the point, I liked what
happened a while ago. Quick comment on fees.
Anybody?

MS. RUSSELL: I think you have to have
a fee with your application for them to
consider it serious, you know, your intent for
applying -- that you're applying.

CHAIRMAN: Okay.

MS. BATTAGLER: As far as structuring
how you are going to come up with an amount
for fees, we go back to the customer to
collect the State premium contract fees. So,
if you do, say, 1 through 20 contracts or 1
through 40 contracts, it's this dollar amount,
we don't know how much to charge the customer.
CHAIRMAN: Good point.

MR. LINDLEY: There's -- you know, there's going -- there is not going to be any resources in this operations, basically, anymore once these, you know, rules hit -- very little; okay? And so, you're going to have to take into consideration that this is -- a lot of these fees and everything are going to have to come out of operation expenses of the funeral home; okay? So, I would be very gingerly going about that kind of in the beginning. And I think you're going to have a huge push back when these joint-account owners find out that they've got to register and do all that kind of stuff and everything else, and you need to prepare yourself for that.

CHAIRMAN: Guys, anything?

MR. LAXIN: I just remember when we lowered the fees one time. Lowered them by $25, $50 back several years ago. I don't know why we can't look at that again.

MR. STUART: (Inaudible.)

MS. DUNN: Thank you, Don.

CHAIRMAN: We'll be here next week and
hear the proposals of what it takes to keep
this Board floating, so -- and I'll even add,
other than Joy, but she can relate because of
her personal family business and all that, but
everybody around this table, it's affecting
them, too, so it's -- what we're talking about
is coming home, so -- okay. Next and most
needed to talk about subject?

MR. KRAUS: Well, this will be
changing gears a little bit, but we can have a
discussion as to how the Board would like to,
how the Board has time to, how the Board would
prefer to and to what extent to educate
licensees and the public. Some of the things
that could potentially include would be, of
course, open meetings like this, potentially
separate meetings, essentially public
hearings, where it would just be a forum for
the public. There's Web site postings,
there's publications, there's taking it on the
road, you know, going around the state, either
the Board or certain people, and there's a lot
of different options there. And, of course,
different ones involve different amounts of
time and cost. So, that's something to --
CHAIRMAN: Okay.

MR. KRAUS: But I think if that
discussion is to be had, the earlier you have
that discussion, the better, so whatever you
want to do to get started with that.

MS. EULER: Uh-huh. So people know
what to expect.

CHAIRMAN: Board, any comments? Well,
obviously, computer and e-mail and that, just
checking the Web site of the Board is probably
-going to expedite, even to the licensees, just
you check your own e-mail on a daily basis.
Maybe it's time to start checking the Board's
notices on a daily basis.

MS. EULER: Does the Board want Earl
and I and staff to prepare some informational
brochures this weekend?

UNIDENTIFIED: Yes.

CHAIRMAN: Board?

MR. FRAKER: I think that's a good
idea, certainly.

MS. GERSTEIN: If we -- and you do a
mass mailing, is what you're talking about?

MS. DUNN: No.

CHAIRMAN: That affects fees.
MR. KRAUS: How that's distributed, I think, can be another --

MS. EULER: Yeah.

MS. DUNN: I mean, if they don't have Internet -- we're trying to save money through this process.

MS. GERSTEIN: Right. That's why I was wondering why we're going to do a brochure.

MS. DUNN: And mailings are -- there's going to be some new postal restrictions that are going to cause postal increases for us. So, anything we can prepare and post on our Web site and encourage individuals to download is going to be --

MS. GERSTEIN: Okay. Then let's clarify this. You're talking about a brochure for -- to put on the Web site?

MS. EULER: Right.

MS. GERSTEIN: Okay. I think that's a good idea.

MS. DUNN: Yes.

MS. GERSTEIN: I was -- wouldn't think the mailing, no.

CHAIRMAN: So, why don't you make a motion that they do that?
MS. GERSTEIN: Okay. I so make the motion as to what we just talked about.

MS. EULER: What would you like us -- okay.

MR. STALTER: Can we make suggestions?

CHAIRMAN: We'll go there. Let's finish the motion that we do it. Joy made a motion. Somebody second.

MS. GERSTEIN: But if he has a suggestion, I don't mind waiting for my motion. Does your suggestion have to do with my motion?

CHAIRMAN: Does the suggestion have to do with the motion that she made?

MR. STALTER: I think it's just to elaborate on what Sharon was suggesting.

CHAIRMAN: Okay. But it's not going to affect her motion to --

MR. STALTER: No.

CHAIRMAN: Okay. Go ahead.

MS. GERSTEIN: Okay. I still make --

MR. KRAUS: It would be my understanding that something like that prepared by Sharon and I would describe, basically, what's in the statute. I think it
would be difficult for -- I don't know that we would be able to include specific legal advise as to we think this section means this.

MS. EULER: Right. Right.

MR. KRAUS: That's not what this kind of document would say, but it could say, you know, here's what you have to do -- here's what's set out in the statute, bullet point, bullet point, bullet point, bullet point, as kind of a shorthand for people to look at.

CHAIRMAN: And that could be a work in progress as opposed to -- couldn't it -- as opposed to being here's the whole ball of wax in one throw?

MS. EULER: Here's an alert.

MR. KRAUS: Yeah. Oh, yeah.

CHAIRMAN: Because if we have to wait till it's all finished before we do that, then -- okay. So, still a motion on the floor. Did you second?

MS. GERSTEIN: Okay. Wait. Before I continue, is there a second yet?

CHAIRMAN: Was there?

MS. GERSTEIN: I have a question on my own motion.
CHAIRMAN: Okay.

MS. GERSTEIN: Now, who is going to work on this brochure?

MR. KRAUS: I will.

MS. GERSTEIN: And you'll pass it through Becky or --

MS. EULER: We'll bring it back to the Board.

MS. GERSTEIN: Okay. Okay. Then I stand with my motion.

CHAIRMAN: Okay.

MS. GERSTEIN: Okay. I need a second.

CHAIRMAN: Need a second.

MR. McCULLOCH: Tell me what the motion is again.

CHAIRMAN: Basically, that Earl and Sharon would create -- basically, to notify licensees of what's going on with it. I mentioned the thing about work in progress. I visually see that myself as maybe here are a few things about where we're at today. Next week, maybe some other things could be added to it. I may not have that exactly right, but where -- this is -- you guys are working on it.
MR. McCULLOCH: And this is going out
over the Internet.

MR. KRAUS: Over the Internet.

CHAIRMAN: On the Board Web site.

MR. KRAUS: If we're getting a lot of
questions on a certain topic, we can put
something up about that.

MR. McCULLOCH: I'll second that.

CHAIRMAN: All right. So, John
seconded. Gary?

MR. FRAKER: Yes.

CHAIRMAN: Jim?

MR. REINHARD: Yes.

CHAIRMAN: There you have it. Okay.

Now, again, I like what happened. We keep it
short. We keep it -- any comments? Scott?

MR. LINDLEY: I think that's great. I
think we need a lot of industry application to
that process, and not -- and I think you need
to be open to accepting a lot of that industry
application to make it a balanced situation
for not only the profession, but for the
consumer, too, because, you know, what Earl
and Sharon deem to be great, you know, you've
got to be out there and practicing and knowing
what these people are doing and thinking and
everything else, because something that we can
come up with doesn't sometimes always work
very well. And, you know, I --

MS. GERSTEIN: But I think, if I can
answer that, with our motion, that's what
we're saying, and it will come back to the
Board. And those that are sitting here within
the field will certainly have a lot of input.

CHAIRMAN: Well, I like the words "the
work in progress," because I don't see it
being a solidified deal, just boom and it's
done, so -- anybody else?

MR. STALTER: I mean, there's a ton of
that. I mean, basically, what we're trying to
do is we're not trying to educate the Board of
what's going on in the industry. It's really
to educate the industry about what goes on
with this Board.

MS. EULER: Right.

MS. GERSTEIN: Right.

CHAIRMAN: Good point.

MR. LINDLEY: As long as it works that
way.

MR. STALTER: Well, they have to -- I
mean, this is how it does work.

MR. LINDLEY: I understand.

MR. STALTER: Okay.

MR. REINHARD: Well, but, you know, if you want to make a comment on this. Here's a bill that we passed. How many people are here from the industry? You're one, I'm one, he's one, Bill is one. That's five.

MR. LINDLEY: And my point is --

CHAIRMAN: Well, there's four others around this table.

MR. STUART: (Inaudible) -- there's eight of us.

MR. REINHARD: That's what I'm saying, that there's, like, four guys here that are from the industry here.

MR. LAKIN: Hey, there's people in the funeral industry who don't even know Senate Bill 1 has been passed.

CHAIRMAN: I agree with that.

MS. DUNN: I know.

MR. LINDLEY: My comment on that is, Jim, how much actual -- I know we've all got to have the input into that, but I can share one thing with you right now. Our group
wasn't at that table last summer and got to
speak, and the things that we asked and wanted
in that stuff, it didn't hit over there in the
legislature; okay? And I wanted to make sure
that when we get into this rule process, that
what we do ask for and try and negotiate here,
it does get done, because if we don't, then
we're going to have pure hell going forward
for everybody. I mean, because it's going to
be hard to comply. The environment for this
out there is not very good right now. Bill
knows that, I know that, Amy knows that. It's
tough out there and, you know -- you know,
there's not a whole lot of sales going on,
and, you know, it's all got to be rebuilt
again and it's -- you know, we want to make
sure that, you know, we have the ability to
get that done.

CHAIRMAN: Sure. And I would even
follow your comment with everything you just
spoke of that's happening at your funeral home
is happening at mine.

MR. LINDLEY: I understand that.

CHAIRMAN: So -- Darlene?

MS. RUSSELL: Way back when Senate
Bill 544 passed -- and, Bill, I think you can remember this -- we sent out notices, we did all of the appropriate things. The State Board did everything that they could to notify people. Two years later, people said I didn't know anything about that bill, and the Board actually hired people to go out to register people that thought they didn't need to. So, ignorance of the law is no excuse, and you're going to always have that. No matter how hard you try, you're just going to have people that aren't going to be paying attention. You know, you'll do your best.

MR. LAKIN: This bill is going to make everybody honest.

MS. BATTAGLER: We hope so.

MR. KRAUS: It's in the record.

CHAIRMAN: That's right. It's in the record. It's in the record.

MR. LICKLIDER: It's been this way for years.

CHAIRMAN: Okay. Next? Have you guys got --

MR. KRAUS: Well, we talked about putting a few things together. I didn't know
if there was any other discussion as for or
against doing other things.

MS. EULER: Does the Board want to
consider sending speakers out to various parts
of the state? Do we want to do anything like
that? Do you want to think about doing things
like that?

MR. KRAUS: And I don't want to appear
as if I'm promoting any of those.

MS. EULER: Right. We're just throwing
options out.

MR. KRAUS: We're just throwing
options out for discussion.

MS. RUSSELL: Are there other ways
that you want to try to educate licensees?

MS. GERSTEIN: May I ask a question at
this point? You all tell us what you think.
If we send speakers out there, are people
going to attend?

MR. STUART: No.

MR. STALTER: How much time -- it
takes a lot of time just to come in to attend
that meeting.

MR. McCULLOCH: They don't go to the
district meetings now.
MS. EULER: No.

MR. McCULLOCH: I travel around.

There's nobody there. The salespeople are up on it, though. They know what's going on.

MS. EULER: Should we develop something to send out with our inspectors so they know what to expect?

MR. McCULLOCH: I'm telling you:

Salespeople know.

MR. LAKIN: I think that would be a good idea. Send something with the inspectors.

MS. DUNN: Sharon suggested possibly some information with the inspection process.

CHAIRMAN: That's a good one.

MS. DUNN: So, then do we want a motion on the attorneys --

MR. LAKIN: I think it's your responsibility. It's not a motion. It's the Board's responsibility to get this out to the licensees. However, when you look down at it, your responsibility is to the consumers and to get their right law to the --

MS. DUNN: Well, and Don, we put -- we are putting things on our Web site and, you know, why can't licensees look at --
MR. LAKIN: Well, I haven't got a computer. We can't afford one.

MS. DUNN: Oh. Because of your backflow.

UNIDENTIFIED: It's a decision, plumbing or a computer.

MS. GERSTEIN: Do I need to make that a motion?

MS. DUNN: Well, the only thing I thought about is in having -- instead of having -- possibly when you hand it to them at the time of inspection, maybe they'll look at it, but we're going to have the same thing on our Web site, too.

MS. EULER: Uh-huh.

MS. DUNN: And I'm just trying to cut down on copying and costs that will impact you eventually.

MR. LAKIN: Don't you think, though, when the inspector gives it to a -- whoever is in charge of running the inspection, showing inspection, don't you think that they'll probably pay a little more attention to it, Becky?

MS. DUNN: Sure.
MR. LAKIN: I don't think funeral
directors get up in the morning and say I'm
going to go to the Web site. (Inaudible) --
Web site right away this morning. I think,
generally, they have more things to do than
that. But if the inspector handed them a
piece of paper at the time of inspection, I
think they would be impressive to -- I think
they would come closer to reading it.

MS. DUNN: Okay.

MR. LAKIN: I don't know. I might be
wrong.

CHAIRMAN: I agree with that.

MS. DUNN: That occurs throughout the
entire year, though?

CHAIRMAN: Do what?

MS. DUNN: That starts July 1 and we
do it through the whole year. So, they may
not get it until May of next year. I'm just
making --

(Several people talking simultaneously.)

CHAIRMAN: Just a comment of my own in
the thought of notifying. You know, we can't
just have massive mailings all the time and
whatever, but in the list of possibilities,
you know, it might be worth one mailout from
the Board or something that says, look, you
all better start looking for this stuff and
see what's going on. Just, you know, giant
print on one piece of paper or something.

MS. BATAGLIER: I was going to suggest
a postcard that goes out to the operators that
says this is going to be on our Web site.
Please continually look on there. If you
don't have access, you can write to us or call
us and then we'll send you the --

CHAIRMAN: Yeah. Something like that.
Something like that.

MS. GERSTEIN: Over and above having
this go out with the inspectors?

CHAIRMAN: Yes. I think it's fine.
The inspectors maybe could carry a broader
version or something that really --

MS. EULER: And the application forms.

MS. GERSTEIN: I'll be honest with
you. I get a lot of mail. I get a little
postcard in the mail. Unless it's from
something I'm waiting for, I lay it to one
side. I'm lucky if I look at that postcard
in a week.
CHAIRMAN: But if it gets your interest, you know.

MS. EULER: But if I get a postcard from the Missouri Bar, I open it. And I would think funeral directors would be the same way if you get something from the State.

MS. GERSTEIN: Are you guys the same way?

UNIDENTIFIED: Yeah.

MS. GERSTEIN: Okay.

CHAIRMAN: Any other just thoughts, suggestions, Board? Okay. Do you guys have the next subject or --

MS. HAYES: Is there a motion or is it just directive. Sending out to the inspectors and postcard thing, is that a motion or is that a directive?

CHAIRMAN: Can we do a directive? So, need a motion then?

MR. KRAUS: To put one together.

MS. EULER: Yes.

CHAIRMAN: Motion then to put one together that the inspectors or whatever would use.

MR. FRAKER: So moved.
CHAIRMAN: Gary makes that motion.

MR. MCCULLOCH: Second.

CHAIRMAN: John seconds it. Joy?

Yes. Jim? Yes. Okay. So, that sounds good. All right. Do you all have the next subject to isolate?

MR. KRAUS: And we're going to have something put together to go with the inspectors or we're not?

CHAIRMAN: We are.

MR. KRAUS: We are.

CHAIRMAN: But that's later, obviously.

MR. LICKLIDER: When do you think you might have the first draft of that?

CHAIRMAN: Well, I think the thought was you guys will bring something back.

MR. KRAUS: We'll try to bring something to the next meeting.

CHAIRMAN: Try something for the next meeting? Okay. Hopefully, we will try for next meeting.

MS. GERSTEIN: To at least alert them that this is happening.

CHAIRMAN: Okay.

MS. DUNN: And if the information that
we're going to distribute for the agendas, if everyone is okay with it, we'll just send it on the e-mail like we have been because we have short time frames. And, Don, I'm sorry.

MR. LAKIN: That's all right. Just send it and I'll try to get it open.

MR. LINDLEY: Do we have faxes?

MS. DUNN: Do we have faxes? Well, we attempted to do faxes one time and we got in a lot of trouble because we did a mass fax and it went to people's phone lines. The funeral directors got really mad at us because they -- it kept ringing all weekend.

CHAIRMAN: Yeah.

MS. EULER: Yeah.

MS. DUNN: So, I mean, if you prefer us to fax something, sometimes it's going to be more. So, do you want it to be faxed, Don?

MR. LAKIN: No. You can just go ahead and send it to my e-mail.

MS. DUNN: To your e-mail. Did you get the e-mail on this meeting?

MR. LAKIN: Yes.

MS. DUNN: Okay.

MR. LAKIN: And you got the e-mail on
my water pipe.


(Several people talking simultaneously.)

CHAIRMAN: Okay. Board members, is there something that you are viewing that needs identified as could need an emergency rule or is really an important issue that you see that we just really need to get to quick before we get into the later meetings of isolating every microscopic aspect of it? Is there something that you're seeing that we have not touched on at the moment that you want to hear about? Don't see any hands, don't hear anything. Taking that as none at the moment?

MR. STALTER: Can I ask a question? I thought -- one of those issues that we talked about in the grandfather rulings -- (inaudible) -- I've got to start implementing -- (inaudible) -- and it's going to take a while, you know. The way I look at the July 10th date, we've got -- okay -- how far does that apply? Is it just -- (inaudible.) Are there other issues that affect them that --
(inaudible) -- how they administer these contracts, because it's big changes. And, you know, one of the -- (inaudible) -- I'll be meeting on Tuesday is saying what do we have to do on August 28th. I mean, that's -- you know, I think, what my advice was, we know, I think with -- (inaudible) -- we're off till July 10th because we don't want to force people to sell out just under this market.

MS. EULER: Right.

MR. STALTER: But what do we have to do -- (inaudible) -- when we receive payments on October 29th -- I mean, August 29th.

MS. EULER: October 29th would be my birthday, so just sign them over to me.

UNIDENTIFIED: That's on the record.

MS. EULER: So, you're talking about trust currently in existence.

MR. STALTER: No. I'm talking about -- you know, I can pretty well figure out what to do with -- (inaudible) -- all payments go in through the trust.

MS. EULER: Okay. Can you say it again?

MR. STALTER: Okay. What -- you know,
for the fiduciary now who has a much broader responsibility under SB 1 --

MS. EULER: Yes.

MR. STALTER: -- and he's supposed to receive all those payments.

MS. EULER: Yes.

MR. STALTER: Okay. You know, their question is, you know, do I have to implement, you know, these new administrative requirements on August 29th.

MS. EULER: Define for me what administrative requirements you're --

MR. STALTER: (Inaudible) -- that come through. In other words, now, you're going to put the trustee -- you know, he's got to receive all the payments and then start -- we'll get requests for that 15 percent -- (inaudible) -- so it's a whole new procedure.

MS. EULER: Right.

MR. STALTER: And that's a totally different, you know, computer program than what we've got under the old law.

MS. EULER: Right. And I think that those are questions that the Board is going to have to look at when they look at those
provisions of the statute. So, come back next week.

MR. STALTER: And the week after and the week after.

MS. EULER: Or two weeks. Yeah. Because there are a lot of questions. I mean, that was one of John's questions, too. There are a lot of questions surrounding the transition and the trustee duties and the trustee's investments, and we need to look very carefully at those because, one, there was never any intent, that I know of, in Senate Bill 1 to require trustees to sell off investments right now. That's why that provision is in there giving people until July of next year to get in compliance with that part. As to the other things, this Board is going to need to look at those, and we may need to do some emergency rules on those, but I don't have the answer for you right now. But send us those types of questions to Becky so we can incorporate them into our document that we're going to hand out at every meeting because it's those sorts of things that other people have those questions, too, or they
will, and it's good for the Board to know what people are looking at and what people have concerns or questions about interpretations because that helps tell the Board we need a rule on that.

CHAIRMAN: Does that work?

MR. STUART: Who will be directing the education to the Department of Finance so that they can tell their banks that our fiduciary charge with these new trustee laws? How are you going to get this word to them?

MS. EULER: The Division of Finance has their legal counsel. Her name is Christie Kincannon, she used to be in our office, and Christie has a copy of Senate Bill 1, and she and I have talked.

MR. STUART: Okay.

MS. EULER: So, I think that that's going to happen.

MR. STUART: The same with the Department of Insurance?

MS. EULER: The Department of Insurance also has legal counsel, and, yes, they have a copy of Senate Bill 1, as well.

MR. STUART: And they do now have
authority over these issues?

    MS. EULER: The authorities haven't changed. Division of Finance still has authority over the banks, the Division of Insurance still has authority over insurance, and this Board has authority over the preneed sales.

    MS. DUNN: And they can work cooperatively.

    MS. EULER: And we -- and the three Divisions are to work cooperatively together.

    MR. STALTER: Okay. But to take that a further step, the Division of Finance has already started working towards this and one of their -- they've got this what I call a cheat sheet that they've started to circulate to these fiduciaries, and one of the questions is: Does this trustee have a copy of every preneed contract? You know, somebody has got to talk with the Division of Finance about what the requirements are. And that's why some of these fiduciaries have already put out notices that they're going to terminate all their -- (inaudible) -- trusts.

    MS. EULER: Well, we can talk to
Division of Finance.

MR. STALTER: I know. But they've also sent it out. We got it through an FDIC examiner.

MS. EULER: Really? Okay.

CHAIRMAN: Actually, just around the room. Do you guys see any topics that we haven't touched on here? I mean, I know there's lots of topics, but I mean really important ones, the big ones, the ones that we've got to address right now.

MR. STALTER: Really, a priority -- (inaudible) -- I thought those were the ones, the licensing, you know, being educated, and then starting to address the fiduciary thing, because a lot of these guys are panicking -- the banks are -- which would then, you know -- these -- you know -- (inaudible) -- somewhere to go.

CHAIRMAN: Okay. Anybody else?

MR. STUART: In regards to renewing their license -- their provider license, if you're not going to be a seller and you're not going to have anybody sell for you, but you're honoring the old NPS, American Prearranged, or
Missouri Funeral Trust Plans, do we re-up as a provider? And that's all you do, just list them as your sellers that are no longer selling for you and state it that way? That's all you have to do?

MS. EULER: I think so.

MS. STUART: You think so?

MS. EULER: We'll just -- we'll talk about that when we get to that part.

MS. STUART: Okay. (Inaudible.)

MS. EULER: Put that in writing and send it to Becky so we make sure we have that.

MR. LAKIN: (Inaudible) -- because you've got four people here that she should be writing you -- (inaudible.)

MS. EULER: Put it all on one page.

MR. LAKIN: The other 7,000 funeral directors out there don't know about this. And if we tell them --

MS. EULER: You can tell them. --

MR. LAKIN: -- then you can get a lot of letters.

MS. EULER: That's okay.

MR. STUART: With all due respect, Sharon, I don't want to put it in writing. I
made it verbal. It's on the record. It's in the record here now. I don't see that it has to go any further. It's needed to be right here before you. I mean, I don't care about a formal written reply, but it will be addressed in your reply and handout, probably.

CHAIRMAN: That's the goal.

MR. STUART: Yeah.

MS. EULER: If it's submitted in writing, we will have it in front of us, so when we are putting that together, we can make sure everything is done because it takes a while for the transcript to be ready. We won't have it time when we're putting this together. So, it's up to you whether you submit it or not.

MR. STUART: Okay.

MS. EULER: But if you do submit it, there's a better shot that we'll actually get it because we'll --

MR. STUART: Well, it's going be a great concern to a lot of people.

MS. EULER: There are some blank pieces of paper right there.

MR. KRAUS: Also, as we've been going
along, there's a number of us trying to take
notes of things, too. But, of course, what we
have down in our notes may or may not directly
reflect what you meant, but we're going to try
to incorporate that into our future documents
that we'll be working off of.

MR. STUART: Well, as a follow-up
question -- I'm sorry. Sharon, as a follow-up
question, if you don't ask for a renewal of
your provider form because those companies are
no longer doing sales for you, are you in
violation?

MS. EULER: Write that down.

MR. STUART: Well, I can't remember it.

MS. GERSTEIN: We have a court
reporter. We're getting all this down.

MR. STUART: Okay. Well, that was the
other question I had. Thank you.

MR. KRAUS: And, of course, the Board
is going to be obtaining a copy of the
transcript. Of course, she is not providing
services for free; the Board is going to pay
for that. And if anyone else wants a copy of
the transcript, they can obtain that. They'll
need to pay the same cost for that.
MR. LINDLEY: Do you know what's that going to be? I'll just give you my money now.

MS. DUNN: It depends on how many pages.

MR. KRAUS: That is copyrighted information, so we can't -- the Board can't just copy it and send it to people.

MR. LINDLEY: It's her job to send it out; right?

MS. DUNN: No.

MS. EULER: You can make requests to the company she works for.

MS. DUNN: You have to make a request; okay?

MS. LINDLEY: Yeah. That's fine.

MS. DUNN: And then, Bill, I know they said that -- Joy said that this is being transcribed, but the concern we have with your questions is if you want them addressed for the next meeting, we're not -- we may not have that transcription.

MR. STUART: I hear you. I'm sorry.

MS. DUNN: So, that's why we'd like as many notes as we can.

CHAIRMAN: Okay. Yes, ma'am?
MS. BATTAGLER: I'm not sure how emergency you consider this, but, you know, the law states that you have to have a signature of both the seller and the provider on every contract. Now, we have some third-party sellers -- we have a third-party seller -- (inaudible.) We have an agreement between the third-party seller and ourselves, but we don't -- this third-party seller does not get our signature on every one of their contracts because we already have that agreement. Is that going to be something that you're going to require, however, on those contracts --

MS. EULER: Write that down. Those are the circumstances we need to know.

MR. LAKIN: But you're a real good attorney.

(Several people talking simultaneously.)

CHAIRMAN: Other hot items? Big issues?

MR. LINDLEY: A point of clarification on what I said earlier, because Jim talked about it out there, is I think the reason some of this attendance is not what you wanted is
because of the exercise we went through all summer; okay? What the working people came up with and what ended up in the statute, it was a huge difference, and that really offended people, and I think that's a little bit of your challenge here. And I think the other challenge is, you know, I think they're going to be looking to get some of their coming back at you guys on these rules and I think that's where your biggest challenge is right now; okay? And I think you probably know that, and that's why I'm trying to say, you know, you -- because I remember going through this back in the '80s. I mean, you know, the only people we couldn't get to the table were third-party sellers, and we agreed just to disagree and we went on. And, you know, then we went out and made tours all over the state and tried to give out as much information, and even involved those people in stuff that was going forward to make sure that the transition was as smooth and seamless as possible. Now, it's never going to be that way, but you're already starting off behind the eight ball because of the way that thing went all summer. I mean,
there was plenty of people here all summer. And, you know, they were giving input, but nothing showed up. And so, I think that's a little bit of your issue right here.

MR. LAKIN: And everybody is mad at the Board. Ninety percent of the funeral directors are mad at the board on account of they went along with this new Senate Bill 1, which I know better than that. But that don't stop the funeral directors out there, the little old country funeral directors, well, I don't know why the Board let something like that go through. I don't, either, but I said, well, you know --

CHAIRMAN: They don't understand the legal system then.

MS. EULER: But the legislature has passed the bill.

MR. LAKIN: That's correct.

MS. EULER: It is what it is, and this Board's charge is to enforce that law as the regulators.

MR. LAKIN: Sharon, I understand that, but the funeral directors out there don't.

MS. EULER: Well, and that's fine.
They can come to these meetings; they're not.

MR. LAKIN: They need to, but they don't.

MS. EULER: That's their choice.

CHAIRMAN: And I would even address the roundtable thought, not as in challenging it, but that that really -- even as hard as it was and as crazy as it got, that really was nothing more than informational gathering and what's your idea to give to them to pick and choose or decide to do whatever they want to do with, which we could almost say has the same effect right here because we will be the ones that decide now that we have it within reason of the law. So, you know, it's their choice as to whether they want the ear -- before the ear decides or not, I guess. So, anybody else?

MR. LINDLEY: Just trying to help out.

CHAIRMAN: Oh, and I appreciate it. I do. Anybody got comments? Are we at a point of adjournment?

MS. DUNN: You can make motion and go back and close, if you like.

CHAIRMAN: Did we make it all the way
around the room? Did anybody else -- did I
miss anybody?

MR. STUART: Are you ready for another
subject now? Public comment or a question to
you?

CHAIRMAN: I'm ready.

MS. EULER: I assume my work here is
done.

MR. STUART: A comment to the Board
regarding the implementation of this
electronic death certificate. Can we discuss
-- make a comment to you about that now, or
is that out of order today?

UNIDENTIFIED: Is that out of order at
this point?

MS. DUNN: We have other on the agenda.

MR. STUART: Oh, it is on the agenda.

CHAIRMAN: I don't think it's out of
order, but --

MS. EULER: Is it within the Board's
purview? I mean, the electronic
death-certificate filing is really a
Department of Health issue.

MR. STUART: Well, I've heard rumors
that the Board was going to have to make an
emergency rule change to allow the funeral --
the embalmer, in his own handwriting,
signature to be changed to go onto the
electronic transmittal. Is that -- did I hear
that rumor right?

MR. LAKIN: It will have to be.

MR. STUART: Okay.

CHAIRMAN: I didn't hear emergency
rule, but --

MS. DUNN: Bill, do you want this to
be an agenda -- do you want to wait till we
get finished with Senate Bill 1 today and go
-- or do you want to --

CHAIRMAN: Let's hold that. Let's
hold that. Okay. Let's just say anything
else in regard to Senate Bill 1.

UNIDENTIFIED: Anything at all?

CHAIRMAN: Anything. Whether it's --
well, we can't go --

MS. EULER: That's relevant.

CHAIRMAN: Yeah. That's relevant.

Yes. That's wide open. You know, I'm really
proud of how this has went today. We -- I
personally was -- I mean, I just had all kinds
of visions this thing could be chasing rabbits
a thousand different ways and just, no, hush, we can't talk about that. And, right now, isolating -- this has been perfect, so I'm proud. So, with that thought in mind, we're going to go on then unless anybody else wants -- okay. We'll call that the conclusion of the moment of Senate Bill 1, and we do want your comments. We want those so we can address this thing and do it right. As Sharon said, we've got to do it. It's not a choice. So -- okay. So, entertain a motion to --

MS. DUNN: No. Bill would like to bring a --

CHAIRMAN: Okay. All right. So, we'll move into just the open discussion and there you go.

MR. STUART: Well, following up on my earlier question, if I can talk to the Board or ask the Board's consideration of an important issue to me and, not only to me, but to the families that we serve, and your challenge as Board members to protect the public. The Health Department registrar regarding death and birth records, Alberta Cross, has made an alleged comment that
effective January 1st, there will no longer be
death certificates available at the local
registrar. I believe it's unlawful for her to
implement that because the law clearly states
that it has to be done, and they haven't
changed that law, to my knowledge. The law
currently is not being complied with regarding
the death certificate staying in that local
registrar's office for 24 hours. She sent out
a mandate approximately 12 months ago saying
that every night, those death certificates are
to be transmitted to her via the mail, which
is a violation of the law, as I understand the
law. I would like for the Board to keep in
mind, as protection of the citizens of this
state, that if we are asked to change our
license to comply with this new expanded
electronic transmission of death certificates,
that we recognize that the doctors are not
being required to do anything in the form of
compliance whatsoever by Board rule, Healing
Arts Board, or any other rule at this time,
and her statement is they will not be. So,
I'd like for the Board to also consider that
-- their mission of protecting of the
citizens. This isn't about us, the funeral directors, it is "somewhat about us" because we -- many of us have to take assignments to get paid. But it's for the families we serve and for the state citizens that need these very important little pieces of paper to start their life after they've lost a loved one. And, also, for the Board's edification or knowledge, Oklahoma has pilot projects on this electronic expansion of the death certificate. It is already currently being electronically transmitted from Jeff City out to the local county registrars after they get it on file. But, anyhow, in Oklahoma, they're trying to go further with the expansion of that. And as they are piloting the project, they have not changed their laws, their rules. I mean, in other words, everything stays the same. And in Illinois, they are piloting there, but everything is originated at the local county registrar. In other words, if you are a pilot project, you still get to work with your desk doctor and you do it with your registrar, and you get your certifieds that same day right there. Nothing going through the capital.
And she wants to shut us off of that January 1st where we have to send or carry our hand-delivered death certificate down to her, get in line behind the 250 that come in every day, and then wait. And that is just a terrible, terrible situation for our consumers and for our charge as citizens -- I mean, protectors of the citizens as your Board members have to be. And I appreciate you letting me say that to you because this is a catastrophe coming if we can't get input. And I have tried for a year and a half to have input with her, have compromise with her. It's set up at the local level to do it, it's in the law to do it, and why we can't get any help on this is just beyond me, but I hope that the Board can try to help the citizens of the state.

MS. GERSTEIN: People who deal with that at the registrar's, is there a Board? Do they have a Board?

MR. LAKIN: The Health Department.

MS. CLARKSTON: The Health Department.

MR. STUART: But the problem is -- yeah. It's the Health -- the county registrar
-- I found this out by accident. I didn't realize this. I thought they worked -- the county worked -- he's the -- what do you call it, the local county health director in our city, and I thought he was -- worked for our county. But under the registrar system, he's an appointed deputy registrar of the State of Missouri Health Department. That's how they have authority over this county registrar, and that's how she's going to pull this away from him. But I think the statute is -- she's violating the statute right now. She's -- (inaudible) -- she's taking the death certificate out of the county in 24 hours, sooner than that. She is also not returning it electronically back to them in 24 hours as mandated by law. And I don't know, but that's where we are.

MR. LAKIN: Has this Board been contacted by the Department of Health to change their rule or statute in regard to an embalmer's signature?

MS. DUNN: No.

MR. LAKIN: You've had no contact.

MS. DUNN: No.
MR. LAKIN: Okay. That's --

MS. DUNN: But I will tell you that
Connie has been working with the Department of
Health, at the request of the Board, and I
understand that the Board of Healing Arts is
going to put this matter on their October
agenda. I'm assuming it would be an open,
but, Connie -- I know that we've been --

MS. CLARKSTON: And I can follow up
with Tina possibly next week and update and
see if we can get a time and find out.

MS. DUNN: We can certainly
communicate that open meeting to -- because we
knew how important that was to the profession,
so Connie has been working on that. And as
far as I know, they have it on the October
agenda -- the Board of Healing Arts.

MS. CLARKSTON: I'm sorry to interrupt.
They've also been discussing ways to educate
their physicians. I know Tina had lengthy
conversations with Department of Health. I
don't know the outcomes of that.

MR. STUART: Well, we'd like to
educate them, Connie, but they won't educate.
They did take -- for 40 minutes, all she
talked about -- and this was a great deal last week when we got to go. For 40 minutes, she told us the government's problems, the government's needs, and government's ways to do this. She not one second talked about the bereaved family that is not going to get their death certificate in a timely manner. That's not her concern. And now that I know her trouble, my compromise is very workable for her, but they didn't tell us that for a year and a half. They just kept saying fabrications, Homeland Security. Homeland Security went like this, federal, and then the state man called Ms. Cross and talked to her. She doesn't use his name in -- Homeland Security name anymore. He put a stop to that. And that's all I'm saying. Nobody mentions who we're all about here. We're about -- I know you and government have headaches, more headaches than I could ever imagine right in a little -- you know, in a small country town. But -- and her problems are immense, too, and there's 60,000 deaths a year she has to worry with. But we're willing to work, but we couldn't get that across for a year and a
half, and that's all I'm hoping, that maybe
the Board could get some compromise because
the situation is sitting in the county right
there, and we'll help her. I volunteered to
help if we could get a small compromise.

CHAIRMAN: Expand on your Oklahoma --
and you're next -- on your Oklahoma thought,
the pilot part. You --

MR. STUART: In Oklahoma, they're
doing pilot projects, and while they do pilot
projects, nobody is being denied the working
way it's going.

CHAIRMAN: Just the way it's typical
happening.

MR. STUART: Nobody is being --

CHAIRMAN: Okay. Okay.

MR. STUART: -- banged -- arbitrarily
banged. No, they're not doing that. In
Illinois, it's the same way. However, Illiniois is what we patterned our law change
in '83 to get our local death certificates
locally instead of going, like they're wanting
to do January 1st, where you have to send
everything over here to Jeff City and wait for
you to get the release back to your county to
go get your death certificate.

CHAIRMAN: Sure.

MR. STUART: And that would be turning
the clock back 35 years or whatever.

CHAIRMAN: So -- okay. Do you see --
because here's what -- this is perfect-world
scenario. I understand that. But, you know,
she kept using those words the other day of,
you know, encourage your doctor to participate
and all of that. And, actually, even though I
know how crazy that is, I can sit here and,
verbatim, talk through -- and you can, too,
I'm sure -- to how you had a special issue
one time and you called your doctor and he did
jump on board with you. And I processed a
paper death certificate in two days once. I
took it the same day I typed it, and filed it
the next day and had my certifieds because the
doctor and their staff person understood that
these people had really a bad problem and they
helped me. Now, I'm not -- that's not the
typical world and we all know that, but it can
happen. So --

MR. STUART: What do you mean, it's not
typical?
CHAIRMAN: Well, you know what I mean. What you're -- the --

MR. STUART: I do it in one day.

CHAIRMAN: Okay.

MR. STUART: Many of us out there are doing it the same day. I mean, that's why we got the local health departments able to serve any --

CHAIRMAN: Okay. Okay. Well, if that's true then and you can get that accomplished, as long -- from what I remember hearing, from what -- in the processing of that death certificate, as long as the computer system does not isolate a problem with it, it should just flow on through. They'll never even look at it.

MR. STUART: It should. It should, and I agree with it should.

CHAIRMAN: And you would have your death certificates the next day.

MR. STUART: But why do you need to take it through Jeff City to be the scorer? Leave the scorer right there at your local health department so you all can -- you, your input. Oh, it's Dr. Joe Blow. The computer
says Dr. Joe Blow, filed back, gone to
Australia for three weeks. Oh. Now, what is
the computer going to do with that? Discard
it and sit there. But if I'm on the local
level, finding out Dr. Joe Blow is gone to
Australia, I go get the other physician in the
building that signs off on the death that
occurred in the hospital or the nursing home,
and puts down at the bottom attending
physician's name, Dr. Joe Blow, Australia for
three weeks. No. I mean, that's how you do
these things that the computer cannot at all
-- electronically, you cannot -- you have to
have human input. Jeff City will not be able
to understand that because they're gone for
the day or their man is sick or their lady is
sick or whatever. And we, at the local level,
can solve these things with our people
instantly. And that's all I'm saying, is a
compromise could be worked out. It's on
board. It is not a complicated mess. Now
that she told us her issues, her government
problems, she needs to score -- get the doctor
-- it's not only getting him to sign it, it's
educating him the way they want him to sign it.
CHAIRMAN: Sure.

MR. STUART: And we didn't know this for a year and a half. They wanted perfectly record-keeping for all the -- she told us all these bizarre people that want all these causes of death to be defined down to about, what, 12 or 16, Scott?

MR. LINDLEY: Yeah.

MR. STUART: Yeah. She wants it boxed in that category, and I guess it all goes back to how much funding our state probably gets back from federal or whatever. And so, it's a complicated matter for her, as government goes in her job.

CHAIRMAN: Well, I had said you were next.

MR. LAKIN: No. You -- (inaudible.)

CHAIRMAN: Okay. All right. Scott?

MR. LINDLEY: Yeah. And what her problem is, is that -- and it's the same problem in '83 that she's got today. They have categories; okay? And they get their death certificates scored by CDC. They get monies back based on their scoring and complying and doing things that they want, and
I perfectly understand that. But I think it's just -- I talked to the software guy and I asked him if those codes could just be put out there to the locals and if -- I think there's, like, 73 cause-of-death codes, I think he told me. I wasn't supposed to be talking to him. In fact, she admonished me for talking to him, and him, both. But there is -- they're trying to bracket these codes into, like, 73 causes of death and whatever it is. And I think the guy can send those out, you know, to the locals. And if they don't match the box, or the opposite of that would be if they send it in and it glitches, then that one has got to be done somehow. There's got to be some interaction between the locals and down there to make sure that whatever the problem is, they get it fixed, and you're going to know right then that you've got an issue when you take it out. So, in other words, when Bill walks out there, you know, it's going to be -- he's going to pretty much know if he's going to have an issue with that death certificate. And I kind of got the drift from that guy that there probably could be some of that
going on. And, you know, he even said that
they could set up a paper trial thing for guys
that wanted -- families that wanted to be
paper and that. And that was what I
suggested. Okay, let's do it this way and
that way, and then let's just run the
statistical data to see who actually performs
the best.

    MR. STUART: And then quality of
service to your consumers, the State assists.
That's all we're saying. We hear her problem
now, but she won't allow our problem to come
through.

    CHAIRMAN: But how do we fix that
because we have no authority in any of that?

    MR. STUART: Well, you fix it when she
-- if she asks you for emergency change of our
licensing law, you say, whoa, stop. You
haven't shown good faith to our licensees who
are trying to work out a reasonable
compromise. The Department of Revenue does
this every night at the local license bureau,
but the people get their license plate. They
go home with their license plate. If they
come in with their five documents, they walk
out -- (inaudible) -- they walk out with that plate. All I'm saying is, at the local level, I won't hold up the family. They'll get their certified and if we want to play games over this 74 problems that they're having in the computer to accept the cause of death that Dr. Joe Blow signed wrong, in the meantime, the families could care less. The banker gets his CD -- I mean, cashes the CD so you can buy grocers when they lost their loved one.

CHAIRMAN: Because all they're looking for is the seal.

MR. STUART: That -- yeah. Well, unfortunately, only two people recognize the death: the family and the funeral director. But the insurance company that has the money, uh-uh, we don't recognize that death. The banker, uh-uh, we don't recognize that death unless we have this little piece of paper with a seal on it.

CHAIRMAN: Right.

MR. STUART: And that is instrumental in many people's lives, sometimes to buy groceries, because people have in their head to do certain things certain ways. And their
checking accounts are tied up because it's
transfer on death. And, well, we've got to
get -- we don't have that piece of paper.
So, that's the crucial part of this whole mess
is we're willing to work with her now. I
mean, I always was. But it can be
accomplished easily without an upside-down
mess. And the Board, if they're asked to do
anything emergencywise on this signature,
unless you have heard that they categorically
will demand doctors to sign these certificates
within the 72-hour law that is there in place,
I would say the Board ought to say unless you
get equalization, why should we be the
whipping boys. We're doing this for them for
free.

CHAIRMAN: Sure.

MR. REINHARD: I make a motion not to
be the whipping boy. Come on, John, second it.

MR. MCCULLOCH: I would second that.

CHAIRMAN: All right. Got a second.

Joy?

MS. GERSTEIN: I'm not sure what I'm
voting on, but --

CHAIRMAN: That we're not the whipping
boy.

MR. REINHARD: I agree with you, Bill. And if it comes to that point, I think the Board needs to stand up.

MR. STUART: And you're doing it for not your licensees, you're doing it for your citizens. That's who you're here to protect, the citizens.

MS. GERSTEIN: Okay. I vote yes.

CHAIRMAN: You already did.

MS. DUNN: That's not a -- she's taking it down directly, so tell her.

CHAIRMAN: That was silly. Ms. Court Reporter, that was silly. Even though it's on the recorded record. Me even saying it was silly is on the recorded record.

UNIDENTIFIED: That's ruled silly.

CHAIRMAN: That's ruled silly. That's right.

MS. GERSTEIN: Well, she'll get a kick out of it when she has to listen to it.

CHAIRMAN: Any other open thoughts, discussion? Guys? Guys? Guys? Close it down? Well, that will then conclude the Senate Bill 1 discussion. Open discussion is
concluded, and I'm being directed that we need
a motion to go back into closed.

MS. GERSTEIN: I so make that motion.

MR. McCULLOCH: Second.

CHAIRMAN: For the purpose of
consulting with attorneys for legal advice.

So, Joy made the motion, John seconded. Jim
says yes; Gary says yes. All right. Thank
you, guys, for coming, and, again, I

appreciate how this has went.

(Off the record)
I, Kristy B. Bradshaw, a Certified Court Reporter in the State of Missouri, do hereby certify that the foregoing transcript constitutes a full, true and correct record of said proceedings that were held on July 30, 2009; that said proceedings were recorded by me and afterwards transcribed under my direct supervision.

Given at my office this 12th day of August, 2009.

[Signature]

KRISTY B. BRADSHAW, CCR

Poe & Company Reporting and Videoconferencing
(573) 875-7027
Hayes, Lori

Subject: FW: Request

From: Brad Speaks [ ]
Sent: Friday, July 24, 2009 5:09 PM
To: PR, Embalm
Cc: Euler, Sharon; Dunn, Becky; lindleyfh@gmail.com
Subject: Request

To the State Board of Funeral Directors and Embalmers:

I would like to formally ask that the Missouri State Board of Funeral Directors and Embalmers request that the Attorney General for the State of Missouri file a motion for hearing in the Texas court before Mr. Collins (the Special Master that has been appointed in the NPS debacle), in regards to the 7 items listed below:

1. Payment of claims from NPS
2. Timing of claims payment
3. Ongoing consumer payments on contracts
4. Missouri banks and their liability, and the class action lawsuits on behalf of Missouri funeral homes
5. Expenses of the CFA in pursuing this matter
6. Access to teleconference report conferences with the SDR
7. The SDR’s intent to send a letter to all consumers re: claims against NPS.

I further request that the state board hire Mr. Robert Cowherd as the board’s attorney so that he can work on this ongoing issue for the consumers of Missouri and the funeral providers who have been harmed. There is much at stake and Mr. Cowherd is extremely well-versed in the matters surrounding these issues and I feel that he is ideally qualified to stand up for the interests of the harmed parties on behalf of the State Board. This move would make a lot of sense, now that the board is empowered to hire its own attorney.

Most sincerely,
Brad

Brad Speaks | President
Rule Promulgation
(Driven by Legislative Authority)

Proposed Rulemaking

- New Rule
- Amendment
- Rescission
  - Rescission/Readoptions
  - Fiscal Notes

Division of Professional Registration Review/Approval

Department of Insurance, Financial Institutions and Professional Registration Review/Approval
(Department Legal Review)

Return to the Division of Professional Registration/Board
(Deadlines Generally 1st and 15th of Month)

Filing with SOS/JCAR/Governor's Council/Small Business Regulatory Fairness Board
(JCAR and SOS 30 day review preparation period)

Proposed Rule Appears in Missouri Register
(Generally the 1st and 15th of Each Month)

30 Day Comment Period/Public Hearing
(Comments written, by fax and/or email)
(Comments review process)

90-Day Statutory Period for Filing Final Order
(Date established by statute-no flexibility)

Final Order of Rulemaking to JCAR/Governor's Council/30 day review period
(JCAR Hearing - Section 536.024 and 536.073, RSMo)
(Defend the board's statutory authority; What is the practice in other states?;
How did the board arrive at the figures? What caused the board to promulgate the rule, identify the
problem as it relates to the health, welfare and safety of the public)

Final Order of Rulemaking to SOS/30 review period

Final Order Published in Missouri Register

Publication of Rule in the Code of State Regulations

Rule Becomes Effective
(30 days after publication in Code of State of Regulations)