State Board of Embalmers and Funeral Directors

September 22, 2017

Missouri Council of School Administrators
3550 Amazonas Drive
Jefferson City, Missouri 65109

OPEN MINUTES

The meeting of the State Board of Embalmers and Funeral Directors was called to order by Kenneth McGhee at 6:49 a.m.

Roll Call
Board Members Present
Kenneth McGhee, Board Member
Jerald Dickey, Board Member – Attended intermittently – minutes reflect when present.
Gary Fraker, Board Member
Scott Meierhoffer, Board Member
James Reinhard, Board Member

Board Members Absent
Vacant, Public Member

Staff Present
Sandy Sebastian, Executive Director
Lori Hayes, Inspector
Sharon Euler, Division Legal Counsel
Lisa Wildhaber, Examiner Supervisor
Tiffani Stumpf, Processing Technician
Randall Jennings, Examiner
Betty Lilley, Examiner
Gary Lorts, Examiner

The order of the items reflected in these minutes is not necessarily reflective of the order in which the items were reviewed and discussed by the board.

Approval of Agenda
A motion was made by James Reinhard and seconded by Gary Fraker to amend the open agenda and move items #12 and #13 to immediately following the introduction of staff. Motion carried with Scott Meierhoffer and Kenneth McGhee voting in favor with no votes in opposition. Jerald Dickey was not present.

A motion was made by Gary Fraker and seconded by James Reinhard to approve the amended open agenda. Motion carried with Scott Meierhoffer and Kenneth McGhee voting in favor with no votes in opposition. Jerald Dickey was not present.

Welcome and Introduction of New Members
Kenneth McGhee introduced and welcomed newly appointed members Gary Fraker, Scott Meierhoffer, and Jim Reinhard.

Introduction of Board Staff
Kenneth McGhee asked staff to introduce themselves and give a brief overview of their duties/responsibilities.
Election of Officers
A motion was made by Gary Fraker and seconded by James Reinhard to nominate Kenneth McGhee as chairman. A motion was made by James Reinhard and seconded by Gary Fraker to cease nominations. Motion carried with Scott Meierhoffer voting in favor with no votes in opposition. Kenneth McGhee abstained from the vote and Jerald Dickey was not present.
A motion was made by James Reinhard and seconded by Kenneth McGhee to nominate Gary Fraker as vice chairman. Motion carried with Gary Fraker and Scott Meierhoffer voting in favor with no votes in opposition. Jerald Dickey was not present.
A motion was made by Kenneth McGhee to nominate Scott Meierhoffer as secretary. Mr. Meierhoffer declined.
A motion was made by Scott Meierhoffer and seconded by Gary Fraker to nominate Jerald Dickey as secretary. Motion carried with James Reinhard and Kenneth McGhee voting in favor with no votes in opposition. Jerald Dickey was not present.

Discussion of Future Meeting Date
The board discussed when to hold its next meeting to work on pending matters that had been awaiting a meeting to be reviewed during the time the board lacked quorum

Move to Closed
A motion was made by James Reinhard and seconded by Gary Fraker to move into closed session pursuant to numbers 1, 2, 7, 8, and 9 of the attached motions to close. Motion carried with Scott Meierhoffer and Kenneth McGhee voting in favor with no votes in opposition. Jerald Dickey was not present.

Discussion of Future Meeting Date - continued
Following discussion regarding dates, locations of future meetings being around the state, and the agenda for the upcoming meeting a motion was made by James Reinhard and seconded by Gary Fraker to schedule a meeting on October 18, 2017 with no open session and to hold the December meeting based on any prior dates that were set; and to plan to set the 2018 dates/locations during the December meeting. Motion carried with Scott Meierhoffer, Jerald Dickey and Kenneth McGhee voting in favor with no votes in opposition.

Executive Director Report
- Legislative Update
  Sandy reported that following discussion with Collin Follis, who was chair at the time, and due to the board lacking quorum during the process timeline, the board did not submit any proposed legislative changes based on Mr. Follis directive.
- Executive Order 17-03 Discussion/Update
  Sandy reported that Governor Greitens had issued an executive order that included each agency holding two hearings to allow for public comments and have accessibility outside the hearing to accept public comments for a period of 60 days minimum. Sandy reported that the board's website had information relating to how public comments could be made and that the board held two hearings, August 14 and 15, 2017, and that there were some individuals in attendance and there were some verbal comments made however written comments, as required, had not been received following the hearing. Sandy stated that the board would need to review any comments received and made decisions relating to each comment on whether any action would be taken and that by December 31, 2017 a plan must be submitted relating to such. There was discussion about those comments being reviewed on an upcoming meeting of the board.
- Red Tape Reduction Discussion
  Sandy shared with the board that staff had been working on reviewing all current regulations and noting proposed changes to reduce words such as "shall", "required", and "must" at the Governor's direction and that the board would need to review those proposed changes at an upcoming meeting.
- 42nd Annual FARF Forum – January 25-28, 2018
  Sandy noted that the brochure for the upcoming conference was included in the board's materials and asked that if any members were interested in attending that they let her know as soon as possible.
• The International Conference of Funeral Service Examining Boards
Sandy noted that a September 5, 2017 Press Release Regarding 2017 National/State Board Exam Content Outline and a copy of Model Practice Act for Funeral Service – Amended 2017 were both included in the materials.
Sandy stated that the board office had distributed information to our subscribers seeking participants to complete the job task analysis survey that was conducted by The Conference relating to the examinations and that there were 14 individuals from Missouri that participated in the survey.
Sandy also shared that in February, 2017 she was elected to serve as Vice President of The Conference and that she was currently fulfilling that term.

• Task Force on Boards and Commissions
Sandy gave the board an overview of the task force including that it was appointed to review all boards/commissions particularly those with gubernatorial appointed members and that the task force had met several times over the summer. At its last meeting there were discussions relating to mandated fee reductions; merging several health care boards into one overall board; merging several of the mental health boards into one structured group, consolidate some and leave some as is. Sandy stated that while the task force did not specifically discuss the State Board of Embalmers and Funeral Directors at its last meeting the meeting prior to that there was discussion about leaving the structure as it currently is. It is anticipated there will be another meeting in October and that at that time it will have some firm recommendations.

• Renewals - FYI
Sandy stated the board is currently processing seller, provider and agent renewals and reminded the board that the renewal fees were reduced to $5 for this renewal period to include sellers, agents, funeral establishments, funeral directors and embalmers. She further reported that as of September 17, 2017 the board was at 8.56% renewed for sellers and providers and 38.75% for agents.

Legal Counsel Report
Sharon reported that the National Prearranged Services appellant court decision came out in August and that on September 14, 2016 the special deputy receiver filed a petition for a rehearing in the matter. Sharon also reported that the Attorney General’s Office had filed criminal charges against Toby Polley and that he had been sentenced to 9 years incarceration; and that the Attorney General’s Office had filed criminal charges against Herbert Miller and that the matter had been set for trial.

Approval of Open Minutes
Kenneth McGhee asked that all of the chairman’s advisory committee minutes include the notation that the committee was acting pursuant to counsel’s advice. A motion was made by James Reinhard and seconded by Gary Fraker to approve the minutes with the addition noted by Kenneth McGhee.
• July 14, 2016 Financial Examination Committee Minutes
• December 7-8, 2016 Board Meeting Minutes
• January 12, 2017 Financial Examination Committee Minutes
• January 26, 2017 Financial Examination Committee Minutes
• January 31, 2017 Mail Ballot Minutes
• March 24, 2017 Chairman’s Advisory Committee Minutes
• March 30, 2017 Financial Examination Committee Minutes
• May 17, 2017 Chairman’s Advisory Committee Minutes
• June 1, 2017 Chairman’s Advisory Committee Minutes
• June 14, 2017 Chairman’s Advisory Committee Minutes
• June 16, 2017 Chairman’s Advisory Committee Minutes
• July 21, 2017 Chairman’s Advisory Committee Minutes
• September 1, 2017 Chairman’s Advisory Committee Minutes

Motion carried with Scott Meierhoffer, Jerald Dickey and Kenneth McGhee voting in favor with no votes in opposition.
Discussion regarding recognition of the State Board Arts Examinations administered by The Conference
Sandy discussed with the board the state board arts examinations administered by The Conference and how the tests were derived from the same set of data and asked the board if they would consider establishing acceptance of a state board arts examination administered by The Conference as comparable to Missouri’s State Board Arts and accept the test results. She shared that The Conference administered the state board arts examinations for 18 states. Following discussions, a motion was made by James Reinhard and seconded by Scott Meierhoffer to accept a state board arts examination administered by The Conference to be comparable and fulfilling of the requirement for the Missouri state board arts examination. Motion carried with Gary Fraker and Kenneth McGhee voting in favor with no votes in opposition. Jerald Dickey was not present.

Open Session/Discussion
A member of the public commented that the board needed to appoint the financial examination committee now that the board had members. Kenneth McGhee acknowledged such and stated that it would be posted on a future meeting agenda.
A member of the public noted that the board’s regulations state an applicant must pass the licensure examinations with a 75% and that it should be noted that the 75 score is not a percent.
A member of the public stated they would like the open sessions of the board’s meetings to be at 1:00 p.m. to allow for them to travel to attend without having to spend the night before.

Move to Closed
A motion was made by James Reinhard and seconded by Gary Fraker to move into closed session pursuant to numbers 1, 2, 7, 8, and 9 of the attached motions to close. Motion carried with Scott Meierhoffer, Jerald Dickey and Kenneth McGhee voting in favor with no votes in opposition.

Adjournment
A motion was made by James Reinhard and seconded by Gary Fraker to adjourn at 2:31 p.m. Motion carried with Scott Meierhoffer and Kenneth McGhee voting in favor with no votes in opposition. Jerald Dickey was not present.

Executive Director

Approved by the board on 10/18/19/2017
1. **DISCIPLINE**
   I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (1) RSMo and 324.001.9 RSMo for deliberation on discipline.

2. **LEGAL ACTIONS/LITIGATIONS/PRIVILEGED COMMUNICATIONS**
   I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under 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.

3. **PROMOTING/HIRING/DISCIPLINING/FIRING EMPLOYEES**
   I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (3) RSMo discussing hiring, firing, disciplining or promoting an employee of this agency.

4. **DIAGNOSIS/TREATMENT OF DISCIPLINED LICENSEES**
   I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (5) and Section 324.001.8 RSMo. for proceedings required pursuant to a disciplinary order concerning medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment of specific licensees.

5. **EXAMINATION MATERIALS**
   I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (7) RSMo for reviewing testing and examination materials.

6. **EMPLOYEE PERFORMANCE RATINGS**
   I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (13) RSMo for making performance ratings pertaining to individual employees.

7. **APPLICATIONS**
   I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (14) and Section 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.

8. **CLOSED MINUTES**
   I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (14) and 324.017 RSMo for the purpose of reviewing and approving the closed minutes of previous meetings.

9. **COMPLAINTS/INVESTIGATIVE REPORTS/AUDITS**
   I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021 subsection (14) and section 620.010.14 subsection (7) RSMo for the purpose of discussing investigative reports and/or complaints and/or audits and/or other information pertaining to a licensee or applicant.

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State Board of Embalmers and Funeral Directors
Open Minutes
September 22, 2017
Page 5