State Board of Embalmers and Funeral Directors

June 19-20, 2019

Drury Inn & Suites St. Louis Convention Center
711 N. Broadway
St. Louis MO 63101

OPEN AGENDA

June 19-20, 2019 – 8:30a.m.

1. Call to Order

2. Roll Call

3. Review and Approval of Agenda

4. Discipline Hearing – Sweeney-Phillips & Holdren Funeral Service, Inc 1:00p.m  
   License #2010005377

5. Discipline Hearing – Sweeney-Phillips & Holdren Funeral Service, Inc 1:00p.m  
   License #2010005378

6. Discipline Hearing - C L Holdren 1:00p.m  
   License #000246

7. Discipline Hearing – Sweeney-Phillips & Holdren Funeral Service, Inc 1:00p.m  
   License #2009039086

8. Probation Violation Hearing- Randy Sheldon dba Sheldon-Goodrich Funeral Home- Case EMB 19-001-PV (2:00p.m.)

9. Probation Violation Hearing- Austin Layne Mortuary - Case EMB –PV 19-002-PV (1:30p.m.)

10. CLOSED

June 20, 2019 9:00a.m. – The board will convene in open session

11. Acknowledgement and Recognition of Newly Licensed Embalmers and Funeral Directors

12. Approval of Open Minutes
   • August 6, 2018 Conference Call
   • April 9, 2019 Board Meeting
   • May 10, 2019 Conference Call

13. Executive Director Report
   • Financial Report
   • Legislative Update-
     o SB 282 & HB 447HB 816- Outdoor Cremation-
   • Financial Examination Update

14. Rules
   • 20 CSR 2120-2.021 Inactive License
   • 20 CSR 2120-2.070 Funeral Establishments
   • 20 CSR 2120-2.100 Fees
   • 20 CSR 2120-2.230 Non Resident Military Spouse
15. Discussion of future meeting dates
   • Future Phase 3 Committee Meeting (Discussion of dates only)
   • August 2019 Meeting Discussion
   • December 2019 Meeting Discussion

16. Open Session/Discussion

17. CLOSED

18. Adjournment
State of Missouri

Administrative Hearing Commission
U.S. Post Office Building, 3rd Floor
131 West High Street P.O. Box 1557
Jefferson City, Missouri 65102
Telephone 573/751-2422
Facsimile 573/751-5018
www.ahc.mo.gov

November 21, 2018

Ms. Sandy Sebastian
Executive Director
State Board of Embalmers and
  Funeral Directors
3605 Missouri Blvd.
P.O. Box 424
Jefferson City, MO 65102

Re: Board of Embalmers & Funeral Directors v. Sweeney-Phillips Holdren
   No. 18-0762

Dear Ms. Sebastian:

Pursuant to § 621.110, RSMo 2016, please find enclosed the record of proceedings in the
above-named cause before the Administrative Hearing Commission.

For purposes of review, the action of this Commission and your order, if any, will be
treated as one decision. (See § 621.145, RSMo.) Therefore, in the event of an appeal, these
enclosures plus your order will need to be certified by you, pursuant to § 536.130, RSMo 2016,
to the reviewing court.

Sincerely,

[Signature]

Suzanne Häger
Paralegal

Enclosure

c: Greg Mitchell
   C.L. Holdren
Before the
Administrative Hearing Commission
State of Missouri

BOARD OF EMBALMERS & FUNERAL DIRECTORS,
   Petitioner

vs.

SWEENEY-PHILLIPS HOLDREN FUNERAL SERVICE, INC.,
   Respondent

No. 18-0762

CERTIFICATION

COMES NOW Suzanne Hager, Paralegal, Administrative Hearing Commission, and certifies to this Agency that the following list of items comprises the record of proceedings before the Administrative Hearing Commission in the above-named cause:


2. Certified receipt, filed September 13, 2018.


Respectfully submitted,

Suzanne Hager
Paralegal

Enclosures
BEFORE THE
ADMINISTRATIVE HEARING COMMISSION
STATE OF MISSOURI

STATE BOARD OF EMBALMERS
AND FUNERAL DIRECTORS
3605 Missouri Blvd.
P.O. Box 423
Jefferson City, MO 65102-0423
573-751-0813
Petitioner,

v.

SWEENEY-PHILLIPS HOLDREN
FUNERAL SERVICE, INC.
Registered Agent:
CL Holdren
617 N. Maguire
Warrensburg, MO 64093
660-747-9114
Respondent.

COMPLAINT

COMES NOW Petitioner, the State Board of Embalmers and Funeral Directors
(“Petitioner” or “Board”), by and through counsel, and for its Complaint against Sweeney-
Phillips Holdren Funeral Service, Inc. (“Respondent” or “Sweeney”), states as follows:

1. The Board is an agency of the state of Missouri created and established by Section
333.151, RSMo, for the purposes of executing and enforcing the provisions of Chapter 333,
RSMo, and the portions of Chapter 436, RSMo, related to preneed funeral contracts.

2. Jurisdiction and venue are proper before this Commission pursuant to Chapter
621, RSMo, and § 333.330, RSMo.

3. Sweeney-Phillips Holdren Funeral Service, Inc. is a Missouri corporation in good
standing.

1
23. Sweeney's conduct, as set forth in this Complaint, constitutes failure to display a valid certificate or license, for which the Board has cause to take disciplinary action against its provider and seller licenses pursuant to Section 333.330.2(13).

24. Sweeney's conduct, as set forth in this Complaint, constitutes a violation of a professional trust and/or confidence for which the Board has cause to take disciplinary action against its provider and seller licenses pursuant to Section 333.330.2(14), RSMo.

25. Sweeney's conduct, as set forth in this Complaint, constitutes a violation of Section 436.460, RSMo, for which the Board has cause to take disciplinary action against its provider and seller licenses pursuant to Section 333.330.2(19), RSMo.

26. The Board has cause to discipline Sweeney's preneed provider and seller licenses pursuant to Section 333.330.2(5), (6), (13), (14), and (19), RSMo.

WHEREFORE, Petitioner respectfully requests that this Commission conduct a hearing in this matter, and thereafter, issue its findings of fact and conclusions of law determining that Petitioner may take disciplinary action against Respondent's preneed provider and seller licenses pursuant to Chapter 333, RSMo, and for such other and further relief this Commission deems just and proper under the circumstances.

Respectfully submitted,

BRYDON, SWEARENGEN & ENGLAND P.C.

By: /s/ Gregory C. Mitchell

Gregory C. Mitchell #36634
Jamie J. Cox #52777
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102-0456
Telephone: (573) 635-7166
Facsimile: (573) 635-3847
E-mail: gregbse@hrydonlaw.com
Attorneys for Petitioner
Before the
Administrative Hearing Commission
State of Missouri

BOARD OF EMBALMERS & FUNERAL
DIRECTORS,

Petitioner,

v.

SWEENEY-PHILLIPS HOLDREN FUNERAL
SERVICE, INC.

Respondent.

No. 18-0762

DEFAULT DECISION

On September 7, 2018, Petitioner filed a properly pled complaint seeking to discipline Respondent. Respondent was served with a copy of the complaint and our notice of complaint/notice of hearing by certified mail before September 13, 2018.

More than thirty days have elapsed since Respondent was served. Respondent has not filed an answer or otherwise responded to the complaint.

In accordance with § 621.100.2, RSMo 2016, we enter a default decision against Respondent establishing that Petitioner is entitled to the relief requested in the complaint. This default decision shall become final and may not be set aside unless a motion is filed with this Commission within thirty days of the date of this order establishing good cause for not responding to the complaint and stating facts constituting a meritorious defense.

SO ORDERED on October 17, 2018.

RENEE T. SLUSHER
Commissioner
State of Missouri

Administrative Hearing Commission
U.S. Post Office Building, 3rd Floor
131 West High Street P.O. Box 1557
Jefferson City, Missouri 65102-1557
Telephone 573/751-2222
Facsimile 573/751-5018
www.oa.mo.gov/ahc

September 7, 2018

Gregory C. Mitchell
Brydon, Swearengen & England, P.C.
P.O. Box 456
Jefferson City, MO 65102-0456 Mailed

Sweeney-Phillips Holdren Funeral Service, Inc.
Attn: C.L. Holdren
617 N. Maguire
Warrensburg, MO 64093 Certified 9414 7266 9904 2100 69751 38

No. 18-0762

NOTICE OF COMPLAINT/NOTICE OF HEARING

TO THE RESPONDENT:

Petitioner has filed a complaint against you before this Commission. A copy of that complaint is attached. This complaint charges that you have violated certain statutes or regulations governing your licensed profession. If this Commission finds the charges to be true, Petitioner could revoke or otherwise discipline your license.

You must send this Commission an answer or other responsive pleading to the complaint not later than 30 days after you receive this notice. Your answer should state that you admit, deny, or have insufficient knowledge to admit or deny each statement of fact in the complaint. You or an attorney must sign the answer. If you do not respond to the complaint, this Commission may take it that you agree that the facts stated in the complaint are true. You must send a copy of whatever you file to the attorney who signed the complaint against you.
Individual parties may either be represented by an attorney at the party’s own expense or may proceed on their own without an attorney. Corporations or other legal entities must have an attorney.

The procedures governing this case are found in chapters 536 and 621 of the Revised Statutes of Missouri, and in the Code of State Regulations, 1 CSR 15-3.200 through 3.510. A copy of our regulations, which include discovery rules, and information on how you may represent yourself (or a business which you own and which is not a legal entity such as a corporation or LLC) may be found on our website: http://ahe.mo.gov/publications.html Parties are expected to consult the regulations. FAQ’s may also be found on our website. If you do not have access to the internet, you may contact our office at 573/751-2422, and a copy of the regulations will be mailed to you.

TO BOTH PARTIES:

A hearing has been scheduled on a docket beginning at 9:00 AM, Thursday, March 7, 2019, at the Administrative Hearing Commission, U.S. Post Office building, 131 West High Street, Third Floor, Jefferson City, Missouri. Each case will be called from a docket and each party given ample time to present its case. If you feel that two or more hours are needed to present your case, please contact this Commission.

The Administrative Hearing Commission also has the following locations available in Missouri that parties may appear for hearing: St. Louis, Kansas City, Springfield, and Poplar Bluff. Any motions to appear at a hearing by videoconference must be filed in writing, as soon as possible. The availability of this technology is limited, so requests will be processed on a first-come, first-serve basis.

Sincerely,

Carol Burgess
Hearings Secretary

CB/cb

Enclosure (Complaint to Respondent)
BEFORE THE
ADMINISTRATIVE HEARING COMMISSION
STATE OF MISSOURI

STATE BOARD OF EMBALMERS
AND FUNERAL DIRECTORS
3605 Missouri Blvd.
P.O. Box 423
Jefferson City, MO 65102-0423
573-751-0813
Petitioner,

v.

SWEENEY-PHILLIPS HOLDREN
FUNERAL SERVICE, INC.
Registered Agent:
Cl. Holdren
617 N. Maguire
Warrensburg, MO 64093
660-747-9114
Respondent.

Case No.

COMPLAINT

COMES NOW Petitioner, the State Board of Embalmers and Funeral Directors ("Petitioner" or "Board"), by and through counsel, and for its Complaint against Sweeney-Phillips Holdren Funeral Service, Inc. ("Respondent" or "Sweeney"), states as follows:

1. The Board is an agency of the state of Missouri created and established by Section 333.151, RSMo, for the purposes of executing and enforcing the provisions of Chapter 333, RSMo, and the portions of Chapter 436, RSMo, related to preneed funeral contracts.

2. Jurisdiction and venue are proper before this Commission pursuant to Chapter 621, RSMo, and § 333.330, RSMo.

3. Sweeney-Phillips Holdren Funeral Service, Inc. is a Missouri corporation in good standing.
4. The Missouri Secretary of State’s website indicates that the registered agent of Sweeney is CL Holdren, 617 N. Maguire, Warrensburg, Missouri 64093.

5. Sweeney operates in Missouri under the fictitious names of Moore Funeral Home and Sweeney-Phillips & Holdren Funeral Home.¹

6. Sweeney-Phillips Holdren Funeral Service, Inc. d/b/a Moore Funeral Home holds preneed provider license number 2010005378 for a location at 812 S. Main, La Monte, MO 65337. License number 2010005378 expired on October 31, 2016.

7. Sweeney-Phillips Holdren Funeral Service, Inc. d/b/a Sweeney-Phillips & Holdren Funeral Home holds preneed provider license number 2010005377 for a location at 617 N. Maguire, Warrensburg, MO 64093. License number 2010005377 expired on October 31, 2016.

8. Sweeney-Phillips Holdren Funeral Service, Inc. d/b/a Sweeney-Phillips & Holdren Funeral Home/Moore Funeral Home holds preneed seller license number 2009039086 for a location at 617 N. Maguire, Warrensburg, MO 64093. This license expired on October 31, 2016.

9. Sweeney’s preneed seller license was also automatically suspended pursuant to Section 436.460.7, RSMo, for failure to file its preneed seller annual report by the deadline of October 31, 2016.

10. The Board conducted an investigation to determine whether Sweeney acted as a seller and/or provider during the time when its licenses were expired and/or suspended.

11. Sweeney sold nine preneed funeral contracts while its seller license was expired and/or suspended.

¹ According to the MO SOS website, the fictitious name Moore Funeral Home is active. The fictitious name Sweeney-Phillips & Holdren Funeral Home expired on or about January 6, 2015.
12. Sweeney acted as a preneed provider and serviced two preneed contracts at the 812 S. Main, La Monte, MO location while its provider license was expired.

13. Sweeney acted as a preneed provider and serviced twenty-two preneed contracts at the 617 N. Maguire, Warrensburg, MO location while its provider license was expired.

14. Sweeney practiced as a preneed seller and held out to the public that it was licensed as a seller during a period when it held no valid license to do so.

15. Sweeney practiced as a preneed provider and held out to the public that it was licensed as a provider during a period when it held no valid license to do so.

16. Section 333.011.1, RSMo, states, in relevant part:

   * * *

   (10) "Provider", the person designated or obligated to provide the final disposition, funeral, or burial services or facilities, or funeral merchandise described in a preneed contract;
   (11) "Seller", the person who executes a preneed contract with a purchaser and who is obligated under such preneed contract to remit payment to the provider.

17. Section 333.320, RSMo, requires a seller license and states, in relevant part:

   1. No person shall sell, perform, or agree to perform the seller's obligations under, or be designated as the seller of, any preneed contract unless, at the time of the sale, performance, agreement, or designation, such person is licensed by the board as a seller and authorized and registered with the Missouri secretary of state to conduct business in Missouri.

   * * *

   3. Each seller shall apply to renew his or her license on or before October thirty-first of each year or a date established by the division of professional registration pursuant to section 324.001...

   * * *

   4. Any license which has not been renewed as provided by this section shall expire[.]
18. Section 436.460, RSMo, requires each seller to file an annual report with the 
Board and states, in relevant part:

1. Each seller shall file an annual report with the board...

* * *

6. All reports required by this section shall be filed by the thirty-first day 
of October of each year or by the date established by the board by rule. Annual 
reports filed after the date provided herein shall be subject to a late fee in an 
amount established by rule of the board.

7. If a seller fails to file the annual report on or before its due date, his or 
her preneed seller license shall automatically be suspended until such time as the 
anual report is filed and all applicable fees have been paid[.] 

19. Section 333.315, RSMo, states, in relevant part:

1. No person shall be designated as a provider or agree to perform the 
obligations of a provider under a preneed contract unless, at the time of such 
agreement or designation, such person is licensed as a preneed provider by the 
board. Nothing in this section shall exempt any person from meeting the 
licensure requirements for a funeral establishment as provided in this chapter.

* * *

3. Each preneed provider shall apply to renew his or her license on or 
before October thirty-first of each year or a date established by the division of 
professional registration pursuant to section 324.001...

* * *

4. A license which has not been renewed as provided by this section shall 
expire[.] 

20. Section 333.330.2, RSMo, authorizes discipline against seller and provider 
licenses and states, in relevant part:
2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate of registration or authority, permit, or license required by this chapter, or any person who has failed to renew or has surrendered his or her certificate of registration or authority, permit, or license for any one or any combination of the following causes:

* * *

(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation, or dishonesty in the performance of the functions or duties of any profession licensed or regulated by this chapter;

(6) Violation of, or assisting or enabling any person to violate, any provision of this chapter, or of any lawful rule or regulation adopted pursuant thereto;

* * *

(13) Failure to display a valid certificate or license if so required by this chapter regulating preneed or any rule established thereunder;

(14) Violation of any professional trust or confidence;

* * *

(19) Violation of any of the provisions of chapter 193, 194, 407, or 436[.]

21. Sweeney’s conduct, as set forth in this Complaint, constitutes incompetency, misconduct, gross negligence, fraud, misrepresentation, and/or dishonesty in the performance of the functions or duties of a provider and seller, for which the Board has cause to take disciplinary action against its provider and seller licenses pursuant to Section 333.330.2(5), RSMo.

22. Sweeney’s conduct, as set forth in this Complaint, constitutes a violation of Sections 333.315 and 333.320, RSMo, for which the Board has cause to take disciplinary action against its provider and seller licenses pursuant to Section 333.330.2(6), RSMo.
23. Sweeney’s conduct, as set forth in this Complaint, constitutes failure to display a valid certificate or license, for which the Board has cause to take disciplinary action against its provider and seller licenses pursuant to Section 333.330.2(13).

24. Sweeney’s conduct, as set forth in this Complaint, constitutes a violation of a professional trust and/or confidence for which the Board has cause to take disciplinary action against its provider and seller licenses pursuant to Section 333.330.2(14), RSMo.

25. Sweeney’s conduct, as set forth in this Complaint, constitutes a violation of Section 436.460, RSMo, for which the Board has cause to take disciplinary action against its provider and seller licenses pursuant to Section 333.330.2(19), RSMo.

26. The Board has cause to discipline Sweeney’s preneed provider and seller licenses pursuant to Section 333.330.2(5), (6), (13), (14), and (19), RSMo.

WHEREFORE, Petitioner respectfully requests that this Commission conduct a hearing in this matter, and thereafter, issue its findings of fact and conclusions of law determining that Petitioner may take disciplinary action against Respondent’s preneed provider and seller licenses pursuant to Chapter 333, RSMo, and for such other and further relief this Commission deems just and proper under the circumstances.

Respectfully submitted,

BRYDON, SWEARENGEN & ENGLAND P.C.

By: /s/ Gregory C. Mitchell

Gregory C. Mitchell #36634
Jamie J. Cox #52777
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102-0456
Telephone: (573) 635-7166
Facsimile: (573) 635-3847
E-mail: gregbse@brydonlaw.com
Attorneys for Petitioner
BEFORE THE
ADMINISTRATIVE HEARING COMMISSION
STATE OF MISSOURI

STATE BOARD OF EMBALMERS
AND FUNERAL DIRECTORS
Petitioner,

v.

SWEENEY-PHILLIPS HOLDREN
FUNERAL SERVICE, INC.
Respondent.

Case No. 18-0762

PETITIONER'S MOTION FOR DEFAULT DECISION

COMES NOW Petitioner, State Board of Embalmers and Funeral Directors ("Petitioner"), and moves this Commission to enter its Default Decision, pursuant to § 621.100, RSMo, finding in favor of Petitioner on all issues raised in its Complaint filed in the above case based upon the failure of Respondent, Sweeney-Phillips Holdren Funeral Service, Inc. ("Respondent"), to file an answer or other responsive pleading to Petitioner’s Complaint. In support of this Motion for Default Decision, Petitioner submits the following suggestions:

1. On September 7, 2018, Petitioner filed its properly pled Complaint against Respondent with this Commission alleging that Respondent’s preneed seller license, number 2009039086, and preneed provider licenses, number 2010005378 and number 2010005377, are subject to discipline.

2. Respondent, through its registered agent, C.L. Holdren, was served with the Complaint and the Commission’s “Notice of Complaint/Notice of Hearing” (“Notice”) before September 13, 2018.

3. The Notice advised Respondent of the Complaint and advised Respondent that it was required to file an answer or other responsive pleading to the Complaint not later than thirty (30) days after its receipt of the Notice. The Notice also warned Respondent that its failure to respond to the
Complaint could be deemed by the Commission to be an admission to the truth of Petitioner’s allegations.

4. Respondent’s Answer or other responsive pleading was due at least no later than October 12, 2018.

5. Respondent has failed to answer or otherwise respond to Petitioner’s Complaint, and it is in default.

6. Section 621.100.2, RSMo, provides in relevant part as follows:

When a holder of a license, registration, permit, or certificate of authority issued by the division of professional registration or a board, commission, or committee of the division of professional registration against whom an affirmative decision is sought has failed to plead or otherwise respond in the contested case and adequate notice has been given under this section and section 536.067 upon a properly pled writing filed to initiate the contested case under this chapter or chapter 536, a default decision shall be entered against the licensee without further proceedings. The default decision shall grant such relief as requested by the division of professional registration, board, committee, commission, or office in the writing initiating the contested case as allowed by law[.] (Emphasis added).

7. In light of the above, Petitioner is entitled to a default decision pursuant to § 621.100.2, RSMo.

WHEREFORE, Petitioner requests that this Commission enter its Default Decision, finding that the facts alleged in Petitioner’s Complaint are deemed true as a matter of law; that such facts establish cause to discipline the preneed seller and provider licenses of Respondent; that Respondent has waived any defenses to the allegations set forth in the Complaint; and, that Respondent has accordingly defaulted. Petitioner further respectfully requests any other relief which may be just and appropriate in the circumstances.

Respectfully submitted,

BRYDON, SWEARENGEN & ENGLAND P.C.

By: [Signature]

[Name and Bar Number]

[Name and Bar Number]
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102-0456
Telephone: (573) 635-7166
Facsimile: (573) 635-3847
E-mail: jeox@brydonlaw.com

Attorneys for Petitioner

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was mailed via U.S. Mail on this 10th day of October, 2018 to:

Sweeney-Phillips Holdren Funeral Service, Inc.
Registered Agent:
C.L. Holdren
617 N. Maguire
Warrensburg, MO 64093

[Signature]
Before the
Administrative Hearing Commission
State of Missouri

BOARD OF EMBALMERS & FUNERAL DIRECTORS,

Petitioner,

v.

SWEENEY-PHILLIPS HOLDREN FUNERAL SERVICE, INC.

Respondent.

No. 18-0762

DEFAULT DECISION

On September 7, 2018, Petitioner filed a properly pled complaint seeking to discipline Respondent. Respondent was served with a copy of the complaint and our notice of complaint/notice of hearing by certified mail before September 13, 2018.

More than thirty days have elapsed since Respondent was served. Respondent has not filed an answer or otherwise responded to the complaint.

In accordance with § 621.100.2, RSMo 2016, we enter a default decision against Respondent establishing that Petitioner is entitled to the relief requested in the complaint. This default decision shall become final and may not be set aside unless a motion is filed with this Commission within thirty days of the date of this order establishing good cause for not responding to the complaint and stating facts constituting a meritorious defense.

SO ORDERED on October 17, 2018.

[Signature]
RENEE T. SLUSHER
Commissioner
C.L. Holdren
Sweeney-Phillips & Holdren Funeral Service Inc
Sweeney-Phillips & Holdren Funeral Home
617 N Maguire St
Warrensburg MO 64093

Dear Mr. Holdren:

Enclosed is a copy of the Notice of Disciplinary Hearing relating to relating to Case No. EMB 18-0762 A copy of the Default Decision issued by the Administrative Hearing Commission dated October 17, 2018 is also enclosed.

This hearing is scheduled for Wednesday, March 20, 2019, at 10:00 a.m. at the Division of Professional Registration, 3605 Missouri Boulevard, Jefferson City, Missouri 65109.

Please make a note of the date, time and place of this hearing. The board has asked that I express the importance of your attendance at this hearing. It is in your best interest and the board encourages you to attend.

As with all appearances before the board, you may elect to have private legal counsel represent you at your expense. The board will be represented by the legal counsel and the hearing will be recorded. Please complete and return the enclosed post card verifying your attendance.

Please confirm your attendance by emailing embalm@pr.mo.gov or by calling (573) 751-0813.

If you have any questions, please contact our office at embalm@pr.mo.gov or (573) 751-0813.

Sincerely,

Lori Hayes
Executive Director

Enclosures

cc: Jamie Cox, Counsel, Brydon, Swearengen & England, PC

This letter was sent both regular and certified mail.
BOARD OF EMBALMERS & FUNERAL DIRECTORS,

Petitioner,

v.

SWEENEY-PHILLIPS HOLDREN FUNERAL SERVICE, INC.

Respondent.

No. 18-0762

DEFAULT DECISION

On September 7, 2018, Petitioner filed a properly pled complaint seeking to discipline Respondent. Respondent was served with a copy of the complaint and our notice of complaint notice of hearing by certified mail before September 13, 2018.

More than thirty days have elapsed since Respondent was served. Respondent has not filed an answer or otherwise responded to the complaint.

In accordance with § 621.100.2, RSMo 2016, we enter a default decision against Respondent establishing that Petitioner is entitled to the relief requested in the complaint. This default decision shall become final and may not be set aside unless a motion is filed with this Commission within thirty days of the date of this order establishing good cause for not responding to the complaint and stating facts constituting a meritorious defense.

SO ORDERED on October 17, 2018.

RENEE T. SLUSHER
Commissioner
March 14, 2019

CERTIFIED MAIL 7018 1830 0000 9131 8600

C.L. Holdren
Sweeney-Phillips & Holdren Funeral Service Inc
Sweeney-Phillips & Holdren Funeral Home
617 N Maguire St
Warrensburg MO 64093

Dear Mr. Holdren:

The State Board of Embalmers and Funeral Directors previously communicated on January 30, 2019 that it was requesting your appearance to discuss the Default Decision issued by the Administrative Hearing Commission dated October 17, 2018.

The board has canceled their March 20, 2019 meeting and will reschedule you to meet at a future meeting. You will receive information relating to that appearance request when a date has been determined.

If you have any questions, please feel free to contact our office at embalm@pr.mo.gov or (573) 751-0813.

Sincerely,

Lori Hayes
Executive Director

Enclosures

This letter was mailed certified and regular mail
March 22, 2019

CERTIFIED MAIL 7018 1830 0000 9131 8679

C.L. Holdren
Sweeney-Phillips & Holdren Funeral Service Inc
Sweeney-Phillips & Holdren Funeral Home
617 N Maguire St
Warrensburg MO 64093

Dear Mr. Holdren:

Enclosed is a copy of the Notice of Disciplinary Hearing relating to relating to Case No. EMB 18-0762 A copy of the Default Decision issued by the Administrative Hearing Commission dated October 17, 2018 is also enclosed.

This hearing is scheduled for Tuesday, April 9, 2019, at 10:00 a.m. The meeting will be held at the Holiday Inn & Suites located at 1590 Jefferson St, Jefferson City, MO 65109.

Please make a note of the date, time and place of this hearing. The board has asked that I express the importance of your attendance at this hearing. It is in your best interest and the board encourages you to attend.

As with all appearances before the board, you may elect to have private legal counsel represent you at your expense. The board will be represented by the legal counsel and the hearing will be recorded. Please complete and return the enclosed post card verifying your attendance.

Please confirm your attendance by emailing embalm@pr.mo.gov or by calling (573) 751-0813.

If you have any questions, please contact our office at embalm@pr.mo.gov or (573) 751-0813.

Sincerely,

[Signature]

Lori Hayes
Executive Director

Enclosures

cc: Jamie Cox, Counsel, Brydon, Swearengen & England, PC

This letters was sent both regular and certified mail.
November 21, 2018

Ms. Sandy Sebastian
Executive Director
State Board of Embalmers and
Funeral Directors
3605 Missouri Blvd.
P.O. Box 424
Jefferson City, MO 65102

Re: Board of Embalmers & Funeral Directors v. C.L. Holdren
No. 18-0760

Dear Ms. Sebastian:

Pursuant to § 621.110, RSMo 2016, please find enclosed the record of proceedings in the above-named cause before the Administrative Hearing Commission.

For purposes of review, the action of this Commission and your order, if any, will be treated as one decision. (See § 621.145, RSMo.) Therefore, in the event of an appeal, these enclosures plus your order will need to be certified by you, pursuant to § 536.130, RSMo 2016, to the reviewing court.

Sincerely,

Suzanne Hager
Paralegal

Enclosure

c: Greg Mitchell
   C.L. Holdren
Before the
Administrative Hearing Commission
State of Missouri

BOARD OF EMBALMERS & FUNERAL DIRECTORS,
   Petitioner

vs.

C.L. HOLDREN,
   Respondent

No. 18-0760

CERTIFICATION

COMES NOW Suzanne Hager, Paralegal, Administrative Hearing Commission, and certifies to this Agency that the following list of items comprises the record of proceedings before the Administrative Hearing Commission in the above-named cause:

2. Certified receipt, filed September 13, 2018

Respectfully submitted,

[Signature]
Suzanne Hager
Paralegal

Enclosures
BEFORE THE
ADMINISTRATIVE HEARING COMMISSION
STATE OF MISSOURI

STATE BOARD OF EMBALMERS
AND FUNERAL DIRECTORS
3605 Missouri Blvc.
P.O. Box 423
Jefferson City, MO 65102-0423
Petitioner,

v.

C.L. HOLDREN
617 N. Maguire
Warrensburg, MO 64093
Respondent.

Case No.

COMPLAINT

COMES NOW Petitioner, the State Board of Embalmers and Funeral Directors ("Petitioner" or "Board"), by and through counsel, and for its Complaint against Respondent, C.L. Holdren ("Respondent" or "Holdren"), states as follows:

1. The Board is an agency of the state of Missouri created and established by Section 333.151, RSMo, for the purposes of executing and enforcing the provisions of Chapter 333, RSMo, and the portions of Chapter 436, RSMo, related to preneed funeral contracts.

2. Jurisdiction and venue are proper before this Commission pursuant to Chapter 621, RSMo, and § 333.330, RSMo.

3. Holdren is an individual who holds funeral director license number 000246, which was issued by the Board. Holdren’s funeral director license is current and active and was so at all times relevant herein.
4. Holdren is the President of Sweeney-Phillips & Holdren Funeral Service Inc. ("Sweeney"), an establishment located at 617 N. Maguire, Warrensburg, Missouri. Sweeney operates in Missouri under the fictitious names of Moore Funeral Home and Sweeney-Phillips & Holdren Funeral Home.¹

5. Sweeney-Phillips Holdren Funeral Service, Inc. d/b/a Sweeney-Phillips & Holdren Funeral Home/Moore Funeral Home held preneed seller license number 2009039086 for a location at 617 N. Maguire, Warrensburg, MO 64093. This license expired on October 31, 2016. The preneed seller license was also automatically suspended pursuant to Section 436.460.7, RSMo, for failure to file its preneed seller annual report by the deadline of October 31, 2016.

6. Holdren had previously been registered with the Board as a preneed agent, number 2010000328, from January 5, 2010 until the registration lapsed on November 30, 2016.

7. Following November 30, 2016, Holdren engaged in the duties and practice of a preneed agent on several known occasions while his registration was expired, including, but not limited to, the following:

(a) On or about December 26, 2016, Holdren entered into a preneed contract with purchaser C.G. on the behalf of seller Sweeney-Phillips & Holdren Funeral Home, Inc., acting as preneed agent.

(b) On or about December 26, 2016, Holdren entered into a preneed contract with purchaser S.G. on the behalf of seller Sweeney-Phillips & Holdren Funeral Home, Inc., acting as preneed agent.

¹ According to the MO SOS website, the fictitious name Moore Funeral Home is active. The fictitious name Sweeney-Phillips & Holdren Funeral Home expired on or about January 6, 2015.
(c) On or about January 1, 2017, Holdren entered into a preneed contract with purchaser C.H. on the behalf of seller Sweeney-Phillips & Holdren Funeral Home, Inc., acting as preneed agent.

(d) On or about January 30, 2017, Holdren entered into a preneed contract with purchaser W.W. on the behalf of seller Sweeney-Phillips & Holdren Funeral Home, Inc., acting as preneed agent.

8. By entering into preneed contracts on the behalf of Sweeney-Phillips & Holdren Funeral Home, Inc., which was not licensed to sell preneed contracts at the time, Holdren assisted and/or enabled Sweeney-Phillips & Holdren Funeral Home, Inc. in violating 333.320. RSMo, which requires preneed contract sellers to be licensed with the Board.

9. Holdren has still not registered with the Board to serve as a preneed agent and has not cooperated with the Board’s efforts to discuss his selling preneed contracts without proper registration.

10. Section 333.011.1, RSMo, contains the following definitions, in relevant part:

(9) “Preneed agent”, any person authorized to sell a preneed contract for or on behalf of a seller;

(10) “Provider”, the person designated or obligated to provide the final disposition, funeral, or burial services or facilities, or funeral merchandise described in a preneed contract;

(11) “Seller”, the person who executes a preneed contract with a purchaser and who is obligated under such preneed contract to remit payment to the provider.

11. Section 333.325.1, RSMo, states:

No person shall sell, negotiate, or solicit the sale of preneed contracts for, or on behalf of, a seller unless registered with the board as a preneed agent except for individuals who are licensed as funeral directors under this chapter. The board shall maintain a registry of all preneed agents registered with the board. The registry shall be deemed an open record and made available on the board’s website.
12. Section 333.320, RSMo, requires a seller license and states, in relevant part:

1. No person shall sell, perform, or agree to perform the seller's obligations under, or be designated as the seller of, any preneed contract unless, at the time of the sale, performance, agreement, or designation, such person is licensed by the board as a seller and authorized and registered with the Missouri secretary of state to conduct business in Missouri.

* * *

3. Each seller shall apply to renew his or her license on or before October thirty-first of each year or a date established by the division of professional registration pursuant to section 324.001...

* * *

4. Any license which has not been renewed as provided by this section shall expire[.]

13. Section 333.330.2, RSMo, authorizes the Board to seek discipline against funeral directors and states, in relevant portion:

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate of registration or authority, permit, or license required by this chapter, or any person who has failed to renew or has surrendered his or her certificate of registration or authority, permit, or license for any one or any combination of the following causes:

* * *

(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation, or dishonesty in the performance of the functions or duties of any profession licensed or regulated by this chapter;

(6) Violation of, or assisting or enabling any person to violate, any provision of this chapter, or of any lawful rule or regulation adopted pursuant thereto;

(7) Impersonation of any person holding a certificate of registration or authority, permit, or license or allowing any person
to use his or her certificate of registration or authority, permit, license, or diploma from any school;

* * *

(14) Violation of any professional trust or confidence[.]

14. Holdren’s conduct, as set forth in this Complaint, constitutes incompetency, misconduct, gross negligence, fraud, misrepresentation, and/or dishonesty in the performance of the functions or duties of a preneed agent funeral director, for which the Board has cause to take disciplinary action against his funeral director license pursuant to Section 333.330.2(5), RSMo.

15. Holdren’s conduct, as set forth in this Complaint, constitutes assisting and/or enabling the violation of Section 333.320, RSMo, for which the Board has cause to take disciplinary action against his funeral director license pursuant to Section 333.330.2(6), RSMo.

16. Holdren’s conduct, as set forth in this Complaint, constitutes a violation of Section 333.325, RSMo, for which the Board has cause to take disciplinary action against his funeral director license pursuant to Section 333.330.2(6), RSMo.

17. Holdren’s conduct, as set forth in this Complaint, constitutes impersonation of any person holding a preneed agent license for which the Board has cause to take disciplinary action against his funeral director license pursuant to Section 333.330.2(7), RSMo.

18. Holdren’s conduct, as set forth in this Complaint, constitutes a violation of a professional trust and/or confidence for which the Board has cause to take disciplinary action against his funeral director license pursuant to Section 333.330.2(14), RSMo.

19. The Board has cause to discipline Holdren’s funeral director license pursuant to Section 333.330.2(5), (6), (7), and (14), RSMo.

WHEREFORE, Petitioner respectfully requests that this Commission conduct a hearing
in this matter, and thereafter, issue its findings of fact and conclusions of law determining that Petitioner may take disciplinary action against Respondent’s funeral director license pursuant to Chapter 333, RSMo, and for such other and further relief this Commission deems just and proper under the circumstances.

Respectfully submitted,

BRYDON, SWEARENGEN & ENGLAND P.C.

By: /s/ Gregory C. Mitchell

Gregory C. Mitchell #36634
Jamie J. Cox #52777
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102-0456
Telephone: (573) 635-7166
Facsimile: (573) 635-3847
E-mail: gregbse@brydonlaw.com
Attorneys for Petitioner
Return Receipt (Form 3811) Barcode

9414 7266 9904 2100 6751 21

1. Article Addressed to:
C.L. Holdren
617 N. Maguire
Warrensburg, MO 64093

2. Certified Mail (Form 3800) Article Number
9414 7266 9904 2100 6751 21

3. Service Type:
Certified Mail
Delivered

PS Form 3811, Facsimile, July 2015
Before the
Administrative Hearing Commission
State of Missouri

BOARD OF EMBALMERS & FUNERAL DIRECTORS

Petitioner, No. 18-0760

v.

C.L. HOLDREN

Respondent.

DEFAULT DECISION

On September 7, 2018, Petitioner filed a properly pled complaint seeking to discipline Respondent. Respondent was served with a copy of the complaint and our notice of complaint/notice of hearing by certified mail before September 13, 2018.

More than thirty days have elapsed since Respondent was served. Respondent has not filed an answer or otherwise responded to the complaint.

In accordance with § 621.100.2, RSMo 2016, we enter a default decision against Respondent establishing that Petitioner is entitled to the relief requested in the complaint. This default decision shall become final and may not be set aside unless a motion is filed with this Commission within thirty days of the date of this order establishing good cause for not responding to the complaint and stating facts constituting a meritorious defense.

SO ORDERED on October 17, 2018.

RENEE T. SLUSHER
Commissioner
BOARD OF EMBALMERS & FUNERAL DIRECTORS

Petitioner,

v.

C.L. HOLDREN

Respondent.

No. 18-0760

DEFAULT DECISION

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SO ORDERED on October 17, 2018.

RENEE T. SLUSHER
Commissioner
State of Missouri

Administrative Hearing Commission
U.S. Post Office Building, 3rd Floor
131 West High Street  P.O. Box 1557
Jefferson City, Missouri  65102-1557
Telephone 573/751-2422
Facsimile 573/751-5018
www.oa.mo.gov/ahc

September 7, 2018

Gregory C. Mitchell
Brydon, Swearngin & England, P.C.
P.O. Box 456
Jefferson City, MO 65102-0456

C.L. Holdren
617 N. Maguire
Warrensburg, MO 64093

RE:  Board of Embalmers & Funeral Directors v. C.L. Holdren
No. 18-0760

Mailed

Certified 9414 7266 9904 2100 6751 21

NOTICE OF COMPLAINT/NOTICE OF HEARING

TO THE RESPONDENT:

Petitioner has filed a complaint against you before this Commission. A copy of that complaint is attached. This complaint charges that you have violated certain statutes or regulations governing your licensed profession. If this Commission finds the charges to be true, Petitioner could revoke or otherwise discipline your license.

You must send this Commission an answer or other responsive pleading to the complaint not later than 30 days after you receive this notice. Your answer should state that you admit, deny, or have insufficient knowledge to admit or deny each statement of fact in the complaint. You or an attorney must sign the answer. If you do not respond to the complaint, this Commission may take it that you agree that the facts stated in the complaint are true. You must send a copy of whatever you file to the attorney who signed the complaint against you.

Individual parties may either be represented by an attorney at the party’s own expense or may proceed on their own without an attorney. Corporations or other legal entities must have an attorney.
The procedures governing this case are found in chapters 536 and 621 of the Revised Statutes of Missouri, and in the Code of State Regulations, 1 CSR 15-3.200 through 3.510. A copy of our regulations, which include discovery rules, and information on how you may represent yourself (or a business which you own and which is not a legal entity such as a corporation or LLC) may be found on our website: http://ahc.mo.gov/publications.html. Parties are expected to consult the regulations. FAQ’s may also be found on our website. If you do not have access to the internet, you may contact our office at 573/751-2422, and a copy of the regulations will be mailed to you.

TO BOTH PARTIES:

A hearing has been scheduled on a docket beginning at 9:00 AM, Thursday, March 7, 2019, at the Administrative Hearing Commission, U.S. Post Office building, 131 West High Street, Third Floor, Jefferson City, Missouri. Each case will be called from a docket and each party given ample time to present its case. If you feel that two or more hours are needed to present your case, please contact this Commission.

The Administrative Hearing Commission also has the following locations available in Missouri that parties may appear for hearing: St. Louis, Kansas City, Springfield, and Poplar Bluff. Any motions to appear at a hearing by videoconference must be filed in writing, as soon as possible. The availability of this technology is limited, so requests will be processed on a first-come, first-serve basis.

Sincerely,

Carol Burgess
Hearings Secretary

CB/cb

Enclosure (Complaint to Respondent)
BEFORE THE
ADMINISTRATIVE HEARING COMMISSION
STATE OF MISSOURI

STATE BOARD OF EMBALMERS  )
AND FUNERAL DIRECTORS  )
3605 Missouri Blvd.  )
P.O. Box 423  )
Jefferson City, MO 65102-0423  )
   Petitioner,  )

v.  )

C.L. HOLDREN  )
617 N. Maguire  )
Warrensburg, MO 64093  )
   Respondent.  )

COMPLAINT

COMES NOW Petitioner, the State Board of Embalmers and Funeral Directors
("Petitioner" or "Board"), by and through counsel, and for its Complaint against Respondent,
C.L. Holdren ("Respondent" or "Holdren"), states as follows:

1. The Board is an agency of the state of Missouri created and established by Section
333.151, RSMo, for the purposes of executing and enforcing the provisions of Chapter 333,
RSMo, and the portions of Chapter 436, RSMo, related to preneed funeral contracts.

2. Jurisdiction and venue are proper before this Commission pursuant to Chapter
621, RSMo, and § 333.330, RSMo.

3. Holdren is an individual who holds funeral director license number 000246,
which was issued by the Board. Holdren's funeral director license is current and active and was
so at all times relevant herein.
4. Holdren is the President of Sweeney-Phillips & Holdren Funeral Service Inc. ("Sweeney"), an establishment located at 617 N. Maguire, Warrensburg, Missouri. Sweeney operates in Missouri under the fictitious names of Moore Funeral Home and Sweeney-Phillips & Holdren Funeral Home.¹

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6. Holdren had previously been registered with the Board as a preneed agent, number 2010000328, from January 5, 2010 until the registration lapsed on November 30, 2016.

7. Following November 30, 2016, Holdren engaged in the duties and practice of a preneed agent on several known occasions while his registration was expired, including, but not limited to, the following:

   (a) On or about December 26, 2016, Holdren entered into a preneed contract with purchaser C.G. on the behalf of seller Sweeney-Phillips & Holdren Funeral Home, Inc., acting as preneed agent.

   (b) On or about December 26, 2016, Holdren entered into a preneed contract with purchaser S.G. on the behalf of seller Sweeney-Phillips & Holdren Funeral Home, Inc., acting as preneed agent.

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(d) On or about January 30, 2017, Holdren entered into a preneed contract with purchaser W.W. on the behalf of seller Sweeney-Phillips & Holdren Funeral Home, Inc., acting as preneed agent.

8. By entering into preneed contracts on the behalf of Sweeney-Phillips & Holdren Funeral Home, Inc., which was not licensed to sell preneed contracts at the time, Holdren assisted and/or enabled Sweeney-Phillips & Holdren Funeral Home, Inc. in violating 333.320, RSMo, which requires preneed contract sellers to be licensed with the Board.

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(9) “Preneed agent”, any person authorized to sell a preneed contract for or on behalf of a seller;

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(11) “Seller”, the person who executes a preneed contract with a purchaser and who is obligated under such preneed contract to remit payment to the provider.

11. Section 333.325.1, RSMo, states:

No person shall sell, negotiate, or solicit the sale of preneed contracts for, or on behalf of, a seller unless registered with the board as a preneed agent except for individuals who are licensed as funeral directors under this chapter. The board shall maintain a registry of all preneed agents registered with the board. The registry shall be deemed an open record and made available on the board's website.
12. Section 333.320, RSMo, requires a seller license and states, in relevant part:

1. No person shall sell, perform, or agree to perform the seller's obligations under, or be designated as the seller of, any preneed contract unless, at the time of the sale, performance, agreement, or designation, such person is licensed by the board as a seller and authorized and registered with the Missouri secretary of state to conduct business in Missouri.

* * *

3. Each seller shall apply to renew his or her license on or before October thirty-first of each year or a date established by the division of professional registration pursuant to section 324.001...

* * *

4. Any license which has not been renewed as provided by this section shall expire[.]

13. Section 333.330.2, RSMo, authorizes the Board to seek discipline against funeral directors and states, in relevant portion:

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate of registration or authority, permit, or license required by this chapter, or any person who has failed to renew or has surrendered his or her certificate of registration or authority, permit, or license for any one or any combination of the following causes:

* * *

(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation, or dishonesty in the performance of the functions or duties of any profession licensed or regulated by this chapter;

(6) Violation of, or assisting or enabling any person to violate, any provision of this chapter, or of any lawful rule or regulation adopted pursuant thereto;

(7) Impersonation of any person holding a certificate of registration or authority, permit, or license or allowing any person
to use his or her certificate of registration or authority, permit, license, or diploma from any school.

* * *

(14) Violation of any professional trust or confidence.[*]

14. Holdren's conduct, as set forth in this Complaint, constitutes incompetency, misconduct, gross negligence, fraud, misrepresentation, and/or dishonesty in the performance of the functions or duties of a preneed agent funeral director, for which the Board has cause to take disciplinary action against his funeral director license pursuant to Section 333.330.2(5), RSMo.

15. Holdren's conduct, as set forth in this Complaint, constitutes assisting and/or enabling the violation of Section 333.320, RSMo, for which the Board has cause to take disciplinary action against his funeral director license pursuant to Section 333.330.2(6), RSMo.

16. Holdren's conduct, as set forth in this Complaint, constitutes a violation of Section 333.325, RSMo, for which the Board has cause to take disciplinary action against his funeral director license pursuant to Section 333.330.2(6), RSMo.

17. Holdren's conduct, as set forth in this Complaint, constitutes impersonation of any person holding a preneed agent license for which the Board has cause to take disciplinary action against his funeral director license pursuant to Section 333.330.2(7), RSMo.

18. Holdren's conduct, as set forth in this Complaint, constitutes a violation of a professional trust and/or confidence for which the Board has cause to take disciplinary action against his funeral director license pursuant to Section 333.330.2(14), RSMo.

19. The Board has cause to discipline Holdren's funeral director license pursuant to Section 333.330.2(5), (6), (7), and (14), RSMo.

WHEREFORE, Petitioner respectfully requests that this Commission conduct a hearing
in this matter, and thereafter, issue its findings of fact and conclusions of law determining that Petitioner may take disciplinary action against Respondent's funeral director license pursuant to Chapter 333, RSMo, and for such other and further relief this Commission deems just and proper under the circumstances.

Respectfully submitted,

BRYDON, SWEARENGEN & ENGLAND P.C.

By: /s/ Gregory C. Mitchell

Gregory C. Mitchell #36634
Jamie J. Cox #52777
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102-0456
Telephone: (573) 635-7166
Facsimile: (573) 635-3847
E-mail: gregbse@brydonlaw.com
Attorneys for Petitioner
BEFORE THE
ADMINISTRATIVE HEARING COMMISSION
STATE OF MISSOURI

STATE BOARD OF EMBALMERS
AND FUNERAL DIRECTORS
Petitioner,

v.

C.L. HOLDREN
Respondent.

Case No. 18-0760

PETITIONER’S MOTION FOR DEFAULT DECISION

COMES NOW Petitioner, State Board of Embalmers and Funeral Directors ("Petitioner"), and moves this Commission to enter its Default Decision, pursuant to § 621.100, RSMo, finding in favor of Petitioner on all issues raised in its Complaint filed in the above case based upon the failure of Respondent, C.L. Holdren ("Respondent"), to file an answer or other responsive pleading to Petitioner’s Complaint. In support of this Motion for Default Decision, Petitioner submits the following suggestions:

1. On September 7, 2018, Petitioner filed its properly pled Complaint against Respondent with this Commission alleging that Respondent’s funeral director license, number 000246, is subject to discipline.

2. Respondent was served with the Complaint and the Commission’s “Notice of Complaint/Notice of Hearing” ("Notice") before September 13, 2018.

3. The Notice advised Respondent of the Complaint and advised Respondent that he was required to file an answer or other responsive pleading to the Complaint not later than thirty (30) days after his receipt of the Notice. The Notice also warned Respondent that his failure to respond to the Complaint could be deemed by the Commission to be an admission to the truth of Petitioner’s allegations.
4. Respondee’s Answer or other responsive pleading was due at least no later than October 12, 2018.

5. Respondent has failed to answer or otherwise respond to Petitioner’s Complaint, and he is in default.

6. Section 621.100.2, RSMo, provides in relevant part as follows:

When a holder of a license, registration, permit, or certificate of authority issued by the division of professional registration or a board, commission, or committee of the division of professional registration against whom an affirmative decision is sought has failed to plead or otherwise respond in the contested case and adequate notice has been given under this section and section 536.067 upon a properly pled writing filed to initiate the contested case under this chapter or chapter 536, a default decision shall be entered against the licensee without further proceedings. The default decision shall grant such relief as requested by the division of professional registration, board, committee, commission, or office in the writing initiating the contested case as allowed by law[.] (Emphasis added).

7. In light of the above, Petitioner is entitled to a default decision pursuant to § 621.100.2, RSMo.

WHEREFORE, Petitioner requests that this Commission enter its Default Decision, finding that the facts alleged in Petitioner’s Complaint are deemed true as a matter of law; that such facts establish cause to discipline the funeral director license of Respondent; that Respondent has waived any defenses to the allegations set forth in the Complaint; and, that Respondent has accordingly defaulted. Petitioner further respectfully requests any other relief which may be just and appropriate in the circumstances.

Respectfully submitted,

BRYDON, SWEARINGEN & ENGLAND P.C.

By: [Signature]

Gregory C. Mitchell #36634
Jamie J. Cox #52777
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102-0456
Telephone: (573) 635-7166
Facsimile: (573) 635-3847
E-mail: jcox@brydonlaw.com

Attorneys for Petitioner

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was mailed via U.S. Mail on this ___ day of October, 2018 to:

C.L. Holdren
617 N. Maguire
Warrensburg, MO 64093

[Signature]

[Signature]
November 21, 2018

Ms. Sandy Sebastian  
Executive Director  
State Board of Embalmers and  
Funeral Directors  
3605 Missouri Blvd.  
P.O. Box 424  
Jefferson City, MO 65102

Re: Board of Embalmers & Funeral Directors v. C.L. Holdren  
No. 18-0760

Dear Ms. Sebastian:

Pursuant to § 521.110, RSMo 2016, please find enclosed the record of proceedings in the above-named cause before the Administrative Hearing Commission.

For purposes of review, the action of this Commission and your order, if any, will be treated as one decision. (See § 621.145, RSMo.) Therefore, in the event of an appeal, these enclosures plus your order will need to be certified by you, pursuant to § 536.130, RSMo 2016, to the reviewing court.

Sincerely,

Suzanne Hager  
Paralegal

Enclosure

c: Greg Mitchell  
C.L. Holdren
Before the
Administrative Hearing Commission
State of Missouri

BOARD OF EMBALMERS & FUNERAL DIRECTORS,
Petitioner

vs.

C.L. HOLDREN,
Respondent

No. 18-0760

CERTIFICATION

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2. Certified receipt, filed September 13, 2018

Respectfully submitted,

[Signature]
Suzanne Hager
Paralegal

Enclosures
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ADMINISTRATIVE HEARING COMMISSION
STATE OF MISSOURI

STATE BOARD OF EMBALMERS AND FUNERAL DIRECTORS
3605 Missouri Blvd.
P.O. Box 423
Jefferson City, MO 65102-0423
Petitioner,

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   (b) On or about December 26, 2016, Holdren entered into a preneed contract with purchaser S.G. on the behalf of seller Sweeney-Phillips & Holdren Funeral Home, Inc., acting as preneed agent.

¹ According to the MO SOS website, the fictitious name Moore Funeral Home is active. The fictitious name Sweeney-Phillips & Holdren Funeral Home expired on or about January 6, 2015.
(c) On or about January 1, 2017, Holdren entered into a preneed contract with purchaser C.H. on the behalf of seller Sweeney-Phillips & Holdren Funeral Home, Inc., acting as preneed agent.

(d) On or about January 30, 2017, Holdren entered into a preneed contract with purchaser W.W. on the behalf of seller Sweeney-Phillips & Holdren Funeral Home, Inc., acting as preneed agent.

8. By entering into preneed contracts on the behalf of Sweeney-Phillips & Holdren Funeral Home, Inc., which was not licensed to sell preneed contracts at the time, Holdren assisted and/or enabled Sweeney-Phillips & Holdren Funeral Home, Inc. in violating 333.320, RSMo, which requires preneed contract sellers to be licensed with the Board.

9. Holdren has still not registered with the Board to serve as a preneed agent and has not cooperated with the Board’s efforts to discuss his selling preneed contracts without proper registration.

10. Section 333.011.1, RSMo, contains the following definitions, in relevant part:

(9) “Preneed agent”, any person authorized to sell a preneed contract for or on behalf of a seller;

(10) “Provider”, the person designated or obligated to provide the final disposition, funeral, or burial services or facilities, or funeral merchandise described in a preneed contract;

(11) “Seller”, the person who executes a preneed contract with a purchaser and who is obligated under such preneed contract to remit payment to the provider.

11. Section 333.325.1, RSMo, states:

No person shall sell, negotiate, or solicit the sale of preneed contracts for, or on behalf of, a seller unless registered with the board as a preneed agent except for individuals who are licensed as funeral directors under this chapter. The board shall maintain a registry of all preneed agents registered with the board. The registry shall be deemed an open record and made available on the board’s website.
12. Section 333.320, RSMo, requires a seller license and states, in relevant part:

1. No person shall sell, perform, or agree to perform the seller's obligations under, or be designated as the seller of, any preneed contract unless, at the time of the sale, performance, agreement, or designation, such person is licensed by the board as a seller and authorized and registered with the Missouri secretary of state to conduct business in Missouri.

* * *

3. Each seller shall apply to renew his or her license on or before October thirty-first of each year or a date established by the division of professional registration pursuant to section 324.001...

* * *

4. Any license which has not been renewed as provided by this section shall expire[.]

13. Section 333.330.2, RSMo, authorizes the Board to seek discipline against funeral directors and states, in relevant portion:

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate of registration or authority, permit, or license required by this chapter, or any person who has failed to renew or has surrendered his or her certificate of registration or authority, permit, or license for any one or any combination of the following causes:

* * *

(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation, or dishonesty in the performance of the functions or duties of any profession licensed or regulated by this chapter;

(6) Violation of, or assisting or enabling any person to violate, any provision of this chapter, or of any lawful rule or regulation adopted pursuant thereto;

(7) Impersonation of any person holding a certificate of registration or authority, permit, or license or allowing any person
to use his or her certificate of registration or authority, permit, license, or diploma from any school;

* * *

(14) Violation of any professional trust or confidence[.]

14. Holdren’s conduct, as set forth in this Complaint, constitutes incompetency, misconduct, gross negligence, fraud, misrepresentation, and/or dishonesty in the performance of the functions or duties of a preneed agent funeral director, for which the Board has cause to take disciplinary action against his funeral director license pursuant to Section 333.330.2(5), RSMo.

15. Holdren’s conduct, as set forth in this Complaint, constitutes assisting and/or enabling the violation of Section 333.320, RSMo, for which the Board has cause to take disciplinary action against his funeral director license pursuant to Section 333.330.2(6), RSMo.

16. Holdren’s conduct, as set forth in this Complaint, constitutes a violation of Section 333.325, RSMo, for which the Board has cause to take disciplinary action against his funeral director license pursuant to Section 333.330.2(6), RSMo.

17. Holdren’s conduct, as set forth in this Complaint, constitutes impersonation of any person holding a preneed agent license for which the Board has cause to take disciplinary action against his funeral director license pursuant to Section 333.330.2(7), RSMo.

18. Holdren’s conduct, as set forth in this Complaint, constitutes a violation of a professional trust and/or confidence for which the Board has cause to take disciplinary action against his funeral director license pursuant to Section 333.330.2(14), RSMo.

19. The Board has cause to discipline Holdren’s funeral director license pursuant to Section 333.330.2(5), (6), (7), and (14), RSMo.

WHEREFORE, Petitioner respectfully requests that this Commission conduct a hearing
in this matter, and thereafter, issue its findings of fact and conclusions of law determining that Petitioner may take disciplinary action against Respondent’s funeral director license pursuant to Chapter 333, RSMo, and for such other and further relief this Commission deems just and proper under the circumstances.

Respectfully submitted,

BRYDON, SWEARENGEN & ENGLAND P.C.

By: /s/ Gregory C. Mitchell

 Gregory C. Mitchell #36634
 Jamie J. Cox #52777
 312 East Capitol Avenue
 P.O. Box 456
 Jefferson City, MO 65102-0456
 Telephone: (573) 635-7166
 Facsimile: (573) 635-3847
 E-mail: gregbse@brydonlaw.com
 Attorneys for Petitioner
Before the
Administrative Hearing Commission
State of Missouri

BOARD OF EMBALMERS & FUNERAL DIRECTORS

Petitioner,

v.

C.L. HOLDREN

Respondent.

No. 18-0760

DEFAULT DECISION

On September 7, 2018, Petitioner filed a properly pled complaint seeking to discipline Respondent. Respondent was served with a copy of the complaint and our notice of complaint/notice of hearing by certified mail before September 13, 2018.

More than thirty days have elapsed since Respondent was served. Respondent has not filed an answer or otherwise responded to the complaint.

In accordance with § 621.100.2, RSMo 2016, we enter a default decision against Respondent establishing that Petitioner is entitled to the relief requested in the complaint. This default decision shall become final and may not be set aside unless a motion is filed with this Commission within thirty days of the date of this order establishing good cause for not responding to the complaint and stating facts constituting a meritorious defense.

SO ORDERED on October 17, 2018.

RENEE T. SLUSHER
Commissioner
Before the  
Administrative Hearing Commission  
State of Missouri

BOARD OF EMBALMERS & FUNERAL DIRECTORS
Petitioner, 

v. 

C.L. HOLDREN
Respondent.

No. 18-0760

DEFAULT DECISION

On September 7, 2018, Petitioner filed a properly pled complaint seeking to discipline Respondent. Respondent was served with a copy of the complaint and our notice of complaint/notice of hearing by certified mail before September 13, 2018.

More than thirty days have elapsed since Respondent was served. Respondent has not filed an answer or otherwise responded to the complaint.

In accordance with § 621.100.2, RSMo 2016, we enter a default decision against Respondent establishing that Petitioner is entitled to the relief requested in the complaint. This default decision shall become final and may not be set aside unless a motion is filed with this Commission within thirty days of the date of this order establishing good cause for not responding to the complaint and stating facts constituting a meritorious defense.

SO ORDERED on October 17, 2018.

RENEE T. SLUSHER
Commissioner
C.L. Holdren  
617 N Maguire St  
Warrensburg MO 64093

Dear Mr. Holdren:

Enclosed is a copy of the Notice of Disciplinary Hearing relating to relating to Case No. EMB 18-0760 A copy of the Default Decision issued by the Administrative Hearing Commission dated October 17, 2018 is also enclosed.

This hearing is scheduled for Wednesday, March 20, 2019, at 10:00 a.m. at the Division of Professional Registration, 3605 Missouri Boulevard, Jefferson City, Missouri 65109.

Please make a note of the date, time and place of this hearing. The board has asked that I express the importance of your attendance at this hearing. It is in your best interest and the board encourages you to attend.

As with all appearances before the board, you may elect to have private legal counsel represent you at your expense. The board will be represented by the legal counsel and the hearing will be recorded. Please complete and return the enclosed post card verifying your attendance.

Please confirm your attendance by emailing embalm@pr.mo.gov or by calling (573) 751-0813.

If you have any questions, please contact our office at embalm@pr.mo.gov or (573) 751-0813.

Sincerely,

[Signature]
Lori Hayes  
Executive Director

Enclosures

cc: Jamie Cox, Counsel, Brydon, Swarengin & England, PC

This letter was sent both regular and certified mail.
Before the
Administrative Hearing Commission
State of Missouri

BOARD OF EMBALMERS & FUNERAL
DIRECTORS

Petitioner,

v.

C.L. HOLDREN

Respondent.

No. 18-0760

DEFAULT DECISION

On September 7, 2018, Petitioner filed a properly pled complaint seeking to discipline Respondent. Respondent was served with a copy of the complaint and our notice of complaint/notice of hearing by certified mail before September 13, 2018.

More than thirty days have elapsed since Respondent was served. Respondent has not filed an answer or otherwise responded to the complaint.

In accordance with § 621.100.2, RSMo 2016, we enter a default decision against Respondent establishing that Petitioner is entitled to the relief requested in the complaint. This default decision shall become final and may not be set aside unless a motion is filed with this Commission within thirty days of the date of this order establishing good cause for not responding to the complaint and stating facts constituting a meritorious defense.

SO ORDERED on October 17, 2018.

[Signature]
RENEE T. SLUSHER
Commissioner
March 14, 2019

C.L. Holdren
617 N Maguire St
Warrensburg MO 64093

Dear Mr. Holdren:

The State Board of Embalmers and Funeral Directors previously communicated on January 30, 2019 that it was requesting your appearance to discuss the Default Decision issued by the Administrative Hearing Commission dated October 17, 2018.

The board has canceled their March 20, 2019 meeting and will reschedule you to meet at a future meeting. You will receive information relating to that appearance request when a date has been determined.

If you have any questions, please feel free to contact our office at embalm@pr.mo.gov or (573) 751-0813.

Sincerely,

Lori Hayes
Executive Director

Enclosures

This letter was mailed certified and regular mail
C.L. Holdren
617 N Maguire St
Warrensburg MO 64093

Dear Mr. Holdren:

Enclosed is a copy of the Notice of Disciplinary Hearing relating to the case of Case No. EMB 18-0760. A copy of the Default Decision issued by the Administrative Hearing Commission dated October 17, 2018, is also enclosed.

This hearing is scheduled for Tuesday, April 9, 2019, at 10:00 a.m. The meeting will be held at the Holiday Inn & Suites located at 1590 Jefferson St, Jefferson City, MO 65109.

Please make a note of the date, time, and place of this hearing. The board has asked that I express the importance of your attendance at this hearing. It is in your best interest and the board encourages you to attend.

As with all appearances before the board, you may elect to have private legal counsel represent you at your expense. The board will be represented by the legal counsel, and the hearing will be recorded. Please complete and return the enclosed postcard verifying your attendance.

Please confirm your attendance by emailing embalm@pr.mo.gov or by calling (573) 751-0813.

If you have any questions, please contact our office at embalm@pr.mo.gov or (573) 751-0813.

Sincerely,

Lori Hayes
Executive Director

Enclosures

cc: Jamie Cox, Counsel, Brydon, Swearengen & England, PC

This letter was sent both regular and certified mail.
BEFORE THE STATE BOARD OF EMBALMERS AND FUNERAL DIRECTORS
STATE OF MISSOURI

STATE BOARD OF EMBALMERS AND FUNERAL DIRECTORS,

Petitioner,

VS

CASE NO. EMB 19-001-PV

Randy Sheldon dba Sheldon-Goodrich Funeral Home
3rd and Market Street
PO Box 384
Osceola MO 64776

Respondent.

NOTICE OF PROBATION VIOLATION HEARING

PLEASE TAKE NOTICE that the State Board of Embalmers and Funeral Directors shall hold a hearing for the purpose of determining the truth of the allegations set forth in the attached Probation Violation Complaint and, if the allegations are true, whether or not disciplinary action should be taken. The hearing will be held on Wednesday, June 19, 2019 at 2:00 p.m., or as soon thereafter as the matter may be heard. This hearing will be held the Drury Inn & Suites St. Louis Convention Center 711 N. Broadway, St. Louis MO 63101. Please be advised that your failure to appear at the hearing at the above-noted time and place will result in the hearing being held in your absence.

All parties have the right to be represented by legal counsel and to a full, fair and open hearing as provided for in Chapter 536, RSMo 2009 and 324.042, RSMo 2009.

STATE BOARD OF EMBALMERS AND FUNERAL DIRECTORS

By: ______________________________

Lori Hayes, Executive Director

Dated: May 15, 2019
BEFORE THE
BOARD OF EMBALMERS AND FUNERAL DIRECTORS
STATE OF MISSOURI

STATE BOARD OF EMBALMERS
AND FUNERAL DIRECTORS
P.O. Box 423
Jefferson City, MO 65102

Petitioner,

v.

RANDY SHELDON d/b/a
SHELDON-GOODRICH
FUNERAL HOME,
520 3rd Street
PO Box 384
Osceola, MO 64776

Respondent.

Case No.

PROBATION VIOLATION COMPLAINT

COMES NOW Petitioner, the Board of Embalmers and Funeral Directors ("Petitioner" or "Board"), by and through counsel, and for its Probation Violation Complaint against Respondent, Randy Sheldon d/b/a Sheldon-Goodrich Funeral Home ("Respondent" or "Sheldon"), states as follows:

1. The Board is an agency of the state of Missouri created and established by Section 333.151, RSMo, for the purposes of executing and enforcing the provisions of Chapter 333, RSMo, and the portions of Chapter 436, RSMo, related to preneed funeral contracts.

2. Sheldon is an individual doing business as Sheldon-Goodrich Funeral Home, holding preneed seller license number 2009038845, which was issued by the Board on or about December 22, 2009. At all times relevant herein, Respondent’s seller license was on probation.

3. Jurisdiction and venue are proper before the Board pursuant to § 324.042, RSMo.

4. On or about the effective date of February 17, 2016, Respondent and the Board entered into a settlement agreement and disciplinary order whereby Respondent’s seller license was placed on probation for a period of two years.
5. On or about July 19, 2018, the Board issued Findings of Fact, Conclusions of Law, and Disciplinary Order ("Order") whereby the Board placed Respondent's seller license on an additional two years of probation due to violations of the prior settlement agreement. A true and accurate copy of the Order is attached as Exhibit A and is incorporated herein by reference.

6. Pursuant to paragraph 19A of the Order, Respondent shall comply with all applicable provisions of Chapters 333 and 436, RSMo, all Board regulations, and all applicable federal and state laws.

7. Pursuant to paragraph 19F of the Order, Respondent shall renew his license(s), timely pay all fees required for licensure, and comply with all other requirements necessary to maintain licensure which is current and active.

8. Pursuant to paragraph 19H of the Order, if Respondent fails to comply with the terms of the Order during the disciplinary period, the Board may choose to conduct a hearing before it to determine whether a violation has occurred, and, if so, it may impose additional disciplinary action.

9. Respondent permitted his seller license to expire and engaged in the practice of a preneed seller while his license was expired.

10. Respondent's seller license expired on October 31, 2018, and Respondent did not renew it until on or about March 25, 2019.

11. Between October 31, 2018 and March 25, 2019, while his seller license was expired, Respondent entered into at least four preneed contracts with consumers, including the following preneed contracts:

   (a) A contract executed on or about November 20, 2018 with V.E. and P.E.;

   (b) A contract executed on or about November 20, 2018 with S.F.;

   (c) A contract executed on or about January 3, 2019 with V.W. or J.W.; and
(d) A contract executed on or about January 7, 2019 with B.C.

12. On or about January 16, 2019, Respondent’s funeral director admitted to the Board’s investigator that Respondent had written and sold four preneed contracts, while its license was expired.

13. Respondent’s conduct is a violation of his probation and the July 19, 2018 Order, including paragraphs 19A and 19F of the Order.

14. Section 333.011.1, RSMo, contains the following definition, in relevant part:

   (11) “Seller”, the person who executes a preneed contract with a purchaser and who is obligated under such preneed contract to remit payment to the provider;

15. Section 333.320, RSMo, states, in relevant part:

   1. No person shall sell, perform, or agree to perform the seller’s obligations under, or be designated as the seller of, any preneed contract unless, at the time of the sale, performance, agreement, or designation, such person is licensed by the board as a seller and authorized and registered with the Missouri secretary of state to conduct business in Missouri.

   ***

   3. Each seller shall apply to renew his or her license on or before October thirty-first of each year or a date established by the division of professional registration pursuant to section 324.001. A license which has not been renewed prior to the renewal date shall expire[.]

16. By selling preneed contracts while his license was expired, Respondent failed to comply with all applicable provisions of Chapter 333, RSMo, specifically section 333.320, RSMo.

17. Respondent’s conduct is in violation of Chapter 333, RSMo, and constitutes a violation of his probation and paragraph 19A of the Board’s Order.

18. Additionally, Respondent failed to renew all licenses in a timely manner, violating his probation and paragraph 19F of the Board’s Order.

19. Section 324.042, RSMo, states:
Any board, commission, or committee within the division of professional registration may impose additional discipline when it finds after hearing that a licensee, registrant, or permittee has violated any disciplinary terms previously imposed or agreed to pursuant to settlement. The board, commission, or committee may impose as additional discipline any discipline it would be authorized to impose in an initial disciplinary hearing.

20. Pursuant to § 324.042, RSMo, the Board may impose as additional discipline any discipline it would be authorized to impose in an initial disciplinary proceeding against Respondent’s license upon a finding that he violated the Board’s Order.

WHEREFORE, Petitioner respectfully requests that the Board of Embalmers and Funeral Directors conduct a hearing in this matter, pursuant to Chapter 536, RSMo, and § 324.042, RSMo, and thereafter, issue its findings of fact and conclusions of law determining that the Board may take further disciplinary action against Respondent’s seller license, and for such other and further relief as may be just and proper under the circumstances.

Respectfully submitted,

BRYDON, SWEARENGEN & ENGLAND P.C.

By:

Gregory E. Mitchell
#36634
Jamie J. Cox
#52777
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102-0456
Telephone: (573) 635-7166
Facsimile: (573) 635-3847
E-mail: gregbse@brydonlaw.com
Attorneys for Petitioner
BEFORE THE MISSOURI
STATE BOARD OF EMBALMERS AND FUNERAL DIRECTORS

STATE BOARD OF EMBALMERS
AND FUNERAL DIRECTORS, }
) }
) 
Petitioner, )
) 

v. } Case No. EMB-13-001-PV
) 
RANDY SHELDON d/b/a, )
SHELDON-GOODRICH FUNERAL HOME, }
) Respondent. }

FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND DISCIPLINARY ORDER

At its regularly scheduled meeting on March 28, 2018, and pursuant to notice
described in the Findings of Fact, the Missouri State Board of Embalmers and
Funeral Directors ("Board") took up the probation violation complaint alleging that
Randy Sheldon ("Respondent") failed to comply with the terms of his probation of
his preneed sellers license, license number 2009038845. The board appeared at the
March 28, 2018 hearing through its attorney Diana Carter. Respondent appeared
and was not represented by legal counsel during the March 28, 2018 hearing.
Division of Professional Registration Legal Counsel Thomas Mark Townsend was
present at March 28, 2018 hearing as the board's legal advisor, during deliberations.

Findings of Fact

1. The Missouri State Board of Embalmers and Funeral Directors
("Board") is an agency of the State of Missouri created and established pursuant to
§ 333.151, RSMo, and vested with the authority to execute and enforce the provisions of Chapter 333 and portions of Chapter 436, RSMo.

2. Respondent is an individual who operates as Sheldon-Goodrich Funeral Home and has registered his address with the Board as being 3rd and Market Street, P.O. Box 384, Osceola, Missouri 64776.

3. Respondent holds a seller license number 2009038845, issued by the Board on or about December 22, 2009. Respondent’s license is active, and was at all times relevant herein, on probation.

4. On or about the effective date of February 17, 2016, Respondent entered into a settlement agreement and disciplinary order ("Order") between the Board and Respondent, whereby Respondent’s seller license was placed on probation for a period of two (2) years.

5. Paragraph 7(B) of the Order provides that the Respondent shall comply with all applicable provisions of Chapters 194, 333, and 436, RSMo, all Board regulations, and all federal, state, and local laws and regulations related to business operations in the funeral and death industry.

6. Paragraph 7(F) of the Order provides that Respondent shall timely renew all licenses and registrations and shall meet all other requirements necessary to maintain all licenses and registrations issued by the Board current and active.

7. Respondent submitted Respondent’s renewal and filed annual report for license number 2009038845, but failed to complete the process before the expiration date. The Board provided Respondent with notice of the necessary
corrections on or about November 8, 2017, but Respondent did not complete those corrections prior to the October 31, 2017 expiration date.


9. Respondent failed to provide to the Board the requested compliance report for January of 2018.

10. Respondent’s conduct violated Chapter 333, RSMo, and the Board’s rules and regulations, and constituted a violation of Respondent’s probation and of the Board’s Order.

11. On or about February 16, 2018, the Board filed a Probation Violation Complaint against Respondent, which alleged that Respondent violated the terms of Respondent’s probation.

12. March 28, 2018, a hearing was conducted at which Respondent appeared. Respondent asserted that he wished to retain his license; that he, Randy Sheldon, was sorry for failing to renew, citing that his wife’s passing and; noted that he was anxious to comply.

Conclusions of Law

13. The Committee has jurisdiction in this proceeding, pursuant to the February 17, 2016 Order and § 324.042, RSMo, to determine whether Respondent violated the terms and conditions of the February 17, 2016 Order.

14. Section 324.042, RSMo, provides:
Any board, commission, or committee within the division of professional registration may impose additional discipline when it finds after hearing that a licensee, registrant, or permittee has violated any disciplinary terms previously imposed or agreed to pursuant to settlement. The board, commission, or committee may impose as additional discipline, any discipline it would be authorized to impose in an initial disciplinary hearing.

15. Respondent violated the terms of discipline set forth in the February 17, 2016 Order, as described in the Findings of Fact of this Order.

16. The February 17, 2016 Order and § 324.042, RSMo, allow the Board to take such disciplinary action that the Board deems appropriate for failure to comply with the terms of February 17, 2016 Order, as described in the Findings of Fact of this Order.

Decision and Order

17. It is the decision of the Missouri State Board of Embalmers and Funeral Directors that Respondent violated the terms of the February 17, 2016 Order, and that Respondent’s seller license number 2009038845, is subject to additional disciplinary action.

19. The Missouri State Board of Embalmers and Funeral Directors orders that Respondent’s seller license, license number 2009038845, be placed on an ADDITIONAL TWO (2) YEARS’ PROBATION to begin the effective date of this Order. Respondent’s probation will be subject to the following terms and conditions:

A. During the Disciplinary period, Respondent shall comply with all applicable provisions of Chapter 333 and sections 436.400 – 436.525, RSMo, as amended, all
applicable Board regulations and all applicable federal and state laws. "State"
includes the state of Missouri, all other states and territories of the United States,
and the ordinances of their political subdivisions.

B. Respondent shall meet in person with the Board or its representative at any
such time and place as required by the Board or the Board's designee upon
notification from the Board or the Board's designee. Said meetings will be at the
Board's discretion and may occur periodically during the Disciplinary period.

C. Respondent and/or Respondent's representative shall submit written
compliance reports to the Board no later than January 1 and July 1 of each year of
the Disciplinary period, stating truthfully whether there has been compliance with
all terms and conditions of this Order. A copy of the required report may be
obtained from the Board.

D. In addition to the required compliance reports, Respondent and/or
Respondent's representative shall immediately submit documents showing
compliance with the requirements of this Order to the Board when requested by the
Board or the Board's designee.

E. Respondent shall keep the Board apprised at all times of the current address,
telephone number of the Respondent and immediately inform the Board in writing
within two (2) days of any change in this information.

F. During the Disciplinary Period, Respondent and/or Respondent's
representative shall renew Respondent's license(s), timely pay all fees required for
licensure and comply with all other requirements necessary to maintain licensure
which is current and active.
G. During the Disciplinary period, Respondent and/or Respondent’s representative shall accept and comply with unannounced visits from the Board’s representatives to monitor compliance with the terms and conditions of this Order.

H. If the Respondent and/or Respondent’s representative fails to comply with the terms of this Order during the Disciplinary period, in any respect, the Board may choose to conduct a hearing before it, either during the Disciplinary period, or as soon thereafter as a hearing can be held, to determine whether a violation occurred and, if so, may impose disciplinary action under section 324.042, RSMo. The Board has continuing jurisdiction to hold a hearing to determine if a violation of this Order has occurred.

I. In the event the Board determines that Respondent and/or Respondent’s representative violated any term or condition of this Order, the Board may, in its discretion, vacate this Order and may impose additional discipline as deemed appropriate by the Board, including revocation of the license.

J. This Order does not bind the Board or restrict the remedies available to the Board for any violation of Chapter 333 or sections 436.400 – 436.525, RSMo, as amended, not specifically mentioned in this document.

K. Upon the expiration of the Disciplinary period, Respondent’s license shall be fully restored if all other requirements of law have been satisfied provided, however, that in the event the Board determines that Respondent has violated any term or condition of this Order, the Board may in its discretion, vacate and set aside the probation imposed herein and may impose any other lawful discipline the Board shall deem appropriate, including, revocation of said license. No order shall be
entered by the Board pursuant to this paragraph without any required notice and opportunity for a hearing before the Board in accordance with Chapter 53, RSMo, as amended.

I. If the Board determines that Respondent and/or the Respondent’s representative has violated a term or condition of this Order, which violation would also be actionable in a proceeding before the Administrative Hearing Commission or the circuit court, the Board may elect to pursue any lawful remedies or procedures afforded it and is not bound by this Order in its determination of appropriate legal actions concerning that violation.

M. Any failure by Respondent and/or Respondent’s representative to comply with any condition of discipline set forth herein constitutes violation of this Order.

N. If, at any time during the Disciplinary period, Respondent changes address from the state of Missouri, or ceases to be currently licensed under the provisions of Chapter 333, RSMo, or fails to keep the Board advised of its current location, the time of such absence, unlicensed or inactive status, or unknown whereabouts shall not be deemed or taken to satisfy any part of the Disciplinary period.

O. Unless otherwise specified by the Board, all reports, documentation, evaluations, notices, or other materials required to be submitted to the Board shall be forwarded to: State Board of Embalmers and Funeral Directors, P.O. Box 423, Jefferson City, Missouri 65102.
20. The Board will maintain this Order as an open and public record of the Board as provided in Chapters 333, 436, 610, and 324, RSMo.


MISSOURI STATE BOARD OF EMBALMERS AND FUNERAL DIRECTORS

[Signature]

Lori Hayes, Interim Executive Director
November 9, 2018

CERTIFIED MAIL 9414 7266 9904 2022 7327 28

Charles Sheldon
Randy Sheldon
Sheldon-Goodrich Funeral Home
P O Box 384
Osceola MO 64776

Dear Mr. Sheldon:

The State Board of Embalmers and Funeral Directors’ records indicate that you have not submitted your renewal and/or filed your annual report for license number 2009038845 which were due on or before October 31, 2018.

Because you have not renewed your license before October 31, 2018 seller license number 2009038845 has expired in accordance with Section 333.320.3.

Because you have not submitted an annual report on or before October 31, 2018 your seller license number 2009038845 has been automatically suspended in accordance with Section 436.360.7. As a result you are not authorized to practice your profession. A suspension is a public disciplinary action.

Section 436.460.7 states,” If a seller fails to file the annual report on or before its due date, his or her preneed seller license shall automatically be suspended until such time as the annual report is filed and all applicable fees have been paid.”

Enclosed is a reinstatement application/annual report for your convenience. The completed forms, along with the appropriate fee must be returned to and be processed by the board before you may be authorized to practice as a preneed seller. Any unlicensed practice may result in further disciplinary action by the Board.

If this matter remains unresolved or you fail to respond to this letter by November 30, 2018 you may be invited to appear to discuss with the board at an upcoming meeting.

If you do not wish to renew your license, please contact the board office immediately relating to the forms necessary to cease doing business.

If you have any questions, please feel free to contact our office at embalm@pr.mo.gov or (573)-751-0813.

Sincerely,

Lori Hayes
Executive Director

This letter has been sent both certified and regular mail
SECOND NOTICE

Charles Sheldon
Randy Sheldon
Sheldon-Goodrich Funeral Home
P O Box 384
Osceola MO 64776

Dear Mr. Sheldon:

The State Board of Embalmers and Funeral Directors' records indicate that you have not submitted your renewal and/or filed your annual report for license number 2009038845 which were due on or before October 31, 2018.

Because you have not renewed your license before October 31, 2018 seller license number 2009038845 has expired in accordance with Section 333.320.3.

Because you have not submitted an annual report on or before October 31, 2018 your seller license number 2009038845 has been automatically suspended in accordance with Section 436.360.7. As a result you are not authorized to practice your profession. A suspension is a public disciplinary action.

Section 436.460.7 states, "If a seller fails to file the annual report on or before its due date, his or her preneed seller license shall automatically be suspended until such time as the annual report is filed and all applicable fees have been paid."

Enclosed is a reinstatement application/annual report for your convenience. The completed forms, along with the reinstatement fee of $400 (consisting of the $200 renewal fee and a $200 delinquent fee) and the $25 per contract fee/s must be returned to and be processed by the board before you may be authorized to practice as a preneed seller. Any unlicensed practice may result in further disciplinary action by the Board.

If this matter remains unresolved or you fail to respond to this letter by January 15, 2019 you may be invited to appear to discuss with the board at an upcoming meeting.

If you do not wish to renew your license, please contact the board office immediately relating to the forms necessary to cease doing business.

If you have any questions, please feel free to contact our office at embalm@pr.mo.gov or (573)-751-0813.

Sincerely,

[Signature]
Lori Hayes
Executive Director
STATE BOARD OF EMBALMERS AND FUNERAL DIRECTORS
3605 Missouri Boulevard
P.O. Box 423
Jefferson City, MO 65102-0423
E-mail: embalm@pr.mo.gov
Website: http://pr.mo.gov/embalmers

January 28, 2018

Randy Sheldon
Sheldon-Goodrich Funeral Home
3rd & Market St
PO Box 384
Osceola MO 64776

Dear Mr. Sheldon:

Our office recently reviewed your file to determine compliance with the terms of your settlement agreement relating to discipline on your preneed seller license.

It was noted during the review that the board office had not received a report of compliance for the January 1, 2019 reporting period. Enclosed is a compliance report for your convenience.

You are currently out of compliance with the terms of your discipline and your licenses are subject to additional disciplinary action. You are encouraged to read through the entire settlement agreement to ensure you are familiar with the terms of your discipline and contact the board office should you have any questions.

The board is requesting the information be submitted to our office in accordance with the terms of the agreement no later than 30 days from the date of this letter.

If you have any questions, please do not hesitate contact our office at embalm@pr.mo.gov or (573) 751-0813.

Sincerely,

[Signature]
Lori Hayes
Executive Director

Enclosure

PR - 20180605092
SECOND NOTICE

Randy Sheldon
Sheldon-Goodrich Funeral Home
3rd & Market St
PO Box 384
Osceola MO 64776

Dear Mr. Sheldon:

This letter is in reference to the letter dated January 28, 2019, sent to you from the board, regarding compliance with the terms of your settlement agreement relating to discipline on your preneed seller license.

It was noted during a recent review that the board office had not received a report of compliance for the January 1, 2019 reporting period. Enclosed is a compliance report for your convenience.

You are currently out of compliance with the terms of your discipline and your licenses are subject to additional disciplinary action. You are encouraged to read through the entire settlement agreement to ensure you are familiar with the terms of your discipline and contact the board office should have any questions.

The board is requesting the information be submitted to our office in accordance with the terms of the agreement no later than 10 days from the date of this letter.

If you have any questions, please do not hesitate contact our office at embalm@pr.mo.gov or (573) 751-0813.

Sincerely,

Lori Hayes
Executive Director

Enclosure

tf
Randy Sheldon dba
Sheldon-Goodrich Funeral Home
3rd and Market Street
PO Box 384
Osceola MO 64776

Dear Mr. Sheldon:

Enclosed is a copy of the Notice of Probation Violation Hearing and Probation Violation Complaint relating to Case No. EMB 19-001-PV as issued by the State Board of Embalmers and Funeral Directors. This hearing is scheduled for Wednesday, June 19, 2019 at 2:00p.m., or as soon thereafter as the matter may be heard. This hearing will be held the Drury Inn & Suites St. Louis Convention Center 711 N. Broadway, St. Louis MO 63101.

Please make a note of the date, time and place of this hearing. The board has asked that I express the importance of your attendance at this hearing. It is in your best interest and the board encourages you to attend.

As with all appearances before the board, you may elect to have private legal counsel represent you at your expense. The board will be represented by the legal counsel and the hearing will be recorded.

Please confirm your attendance by emailing embalm@pr.mo.gov or by calling (573) 751-0813.

If you have any questions, please contact our office at embalm@pr.mo.gov or (573)751-0813.

Sincerely,

[Signature]

Executive Director

Enclosures

cc: Diana Carter, Brydon, Swearengen & England PC via email

This letter was sent both certified mail and regular mail
<table>
<thead>
<tr>
<th>Complete this section</th>
<th>Complete this section on delivery</th>
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</thead>
<tbody>
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<td><strong>1. Article Address</strong></td>
<td><strong>A. Signature</strong></td>
</tr>
<tr>
<td>Randy Sheldon dba</td>
<td>X</td>
</tr>
<tr>
<td>Sheldon-Goodrich</td>
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<td><strong>B. Received by (Printed Name)</strong></td>
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<td>Kevin</td>
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<td><strong>C. Date of Delivery</strong></td>
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<td><strong>D. Is delivery address different from Item 1?</strong></td>
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<td><strong>3. Service Type</strong></td>
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<td><strong>Signature Confirmation®</strong></td>
</tr>
</tbody>
</table>

**Send To:**
Randy Sheldon dba
Sheldon-Goodrich Funeral Home
3rd and Market Street
PO Box 384
Oxocela MO 64776
PS Form 3811, July 2015 PSN 7530-02-000-9053
PS Form 3800, April 2015 PSN 7530-02-000-9057
The meeting of the State Board of Embalmers and Funeral Directors was called to order on August 6, 2018 by Gary Fraker, chairman at 9:00 a.m.

**Roll Call**

**Board Members Present**
Gary Fraker, Chairman  
Scott Meierhoffer, Vice Chairman  
James Reinhard, Secretary

**Board Members Absent**
Vacant, Public Member  
Jerald Dickey, Board Member  
Kenneth McGhee, Board Member

**Staff Present**
None

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.

**Move to Closed**
A motion was made by Gary Fraker and seconded by Scott Meierhoffer to move into closed session pursuant to #1, 2, 3, 7, 8, and 9 of the attached motions to close. Motion carried with James Reinhard voting in favor with no votes in opposition. Jerald Dickey and Kenneth McGhee were not present.

**Adjournment**
A motion was made by Scott Meierhoffer and seconded by Gary Fraker to adjourn at 10:50 a.m. on August 6, 2018. Motion carried with James Reinhard voting in favor with no votes in opposition. Jerald Dickey and Kenneth McGhee were not present.

Executive Director ______________________________

Approved by the board on ________________________
MOTIONS TO GO INTO CLOSED SESSION

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 324.001.8 and 324.017 RSMo for the purpose of discussing investigative reports and/or complaints and/or audits and/or other information pertaining to a licensee or applicant.

Revised 2018-01
The meeting of the State Board of Embalmers and Funeral Directors was called to order on April 9, 2019 by Scott Meierhoffer, Chairman at 8:23a.m.

Roll Call

Board Members Present
Scott Meierhoffer, Chairman
Andrew Moore, Vice Chairman
James Reinhard, Board Member
Kenneth McGhee, Board Member

Board Members Absent
Vacant, Public Member
Gary Fraker, Secretary

Staff Present
Lori Hayes, Executive Director
Teri Forck, Administrative Assistant
Randall Jennings, Financial Examiner Supervisor
Sharon Euler, Division Counsel

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 Andrew Moore and seconded by James Reinhard to approve the agenda. Motion carried with Scott Meierhoffer and Kenneth McGhee voting in favor with no votes in opposition. Gary Fraker was not present.

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

Roll Call – Return to Open
At approximately 11:26am, a motion was made by Andrew Moore and seconded by James Reinhard to reconvene in open session. Motion carried with Kenneth McGhee and Scott Meierhoffer voting in favor with no votes in opposition. Scott Meierhoffer performed roll call. Present were Scott Meierhoffer, James Reinhard, Kenneth McGhee and Andrew Moore. Gary Fraker was not present.

Discipline Hearing – Sweeney-Phillips & Holdren Funeral Service, Inc
License #2010005377
The board granted a continuance for the discipline hearing per the request submitted by Mr. Holdren. Mr. Holdren was not present and no one appeared on his behalf, Jamie Cox with Brydon Swearengen & England appeared on behalf of the Board.

Discipline Hearing – Sweeney-Phillips & Holdren Funeral Service, Inc  
License #2010005378
The board granted a continuance for the discipline hearing per the request submitted by Mr. Holdren. Mr. Holdren was not present and no one appeared on his behalf, Jamie Cox with Brydon Swearengen & England appeared on behalf of the Board.

Discipline Hearing – Sweeney-Phillips & Holdren Funeral Service, Inc  
License #2009039086
The board granted a continuance for the discipline hearing per the request submitted by Mr. Holdren. Mr. Holdren was not present and no one appeared on his behalf, Jamie Cox with Brydon Swearengen & England appeared on behalf of the Board.

Discipline Hearing – C L Holdren 10:00am  
License #000246
The board granted a continuance for the discipline hearing per the request submitted by Mr. Holdren. Mr. Holdren was not present and no one appeared on his behalf, Jamie Cox with Brydon Swearengen & England appeared on behalf of the Board.

Motion to Close
At approximately 11:28a.m., a motion was made by Kenneth McGhee and seconded by Andrew Moore to move into closed session pursuant to #1, 2, 7, and 9 of the attached motions to close. Motion carried with James Reinhard and Scott Meierhoffer voting in favor with no votes in opposition. Gary Fraker was not present.

Roll Call – Return to Open
At approximately 12:43pm, a motion was made by James Reinhard and seconded by Kenneth McGhee to reconvene in open session. Motion carried with Andrew Moore and Scott Meierhoffer voting in favor with no votes in opposition. Gary Fraker was not present. Open was called to order at 1:05pm. Scott Meierhoffer performed roll call. Present were Scott Meierhoffer, James Reinhard, Kenneth McGhee and Andrew Moore. Gary Fraker was not present.

Acknowledgement and Recognition of Newly Licensed Embalmers and Funeral Directors
Scott Meierhoffer acknowledged the newly licensed individuals and congratulated them on their licensure. The remainder of the board also extended congratulations.

Approval of Open Minutes (approval of the Financial Examination Committee Minutes ratifies its actions)
A motion was made by Kenneth McGhee and seconded by Andrew Moore to approve the following minutes:

- October 23, 2018 Conference Call  
- October 25, 2018 Board Meeting  
- November 7, 2018 Conference Call  
- November 20, 2018 Exam Meeting Call  
- December 12-13, 2018 Board Meeting  
- December 20, 2018 Conference Call  
- January 2, 2019 Mail Ballot
• January 22, 2019 Conference Call
• January 23, 2019 Conference Call
• February 11, 2019 Conference Call
• February 19, 2019 Conference Call

Motion carried with James Reinhard and Scott Meierhoffer voting in favor with no votes in opposition. Gary Fraker was not present.

Executive Director Report
The Executive Director discussed the financial report.

The Executive Director provided an update on the FARF conference and The Conference convention recently attended.

The Executive Director provided a legislative update on the following:

- SB 337- Modifies provisions of the Missouri Preneed Funeral Contract Act
- SB 455 - Changes provisions regarding licensing of funeral establishments
- HB 816- Changes provisions relating to embalming apprenticeships- Referred to Rules-Administrative Oversight
- HB 1131- establishes a preneed funeral contract trust- Referred to the Special Committee on Aging

The Executive Director provided a financial examination update.

The Executive Director discussed E-Funeral Digital Storefront.

The Executive Director allowed Brad Davis with the association to speak regarding continuing education.

The Executive Director discussed the option of sending initial email notices to licensees for renewals and then following up with renewal postcards for anyone that does not renew after the email notification. A motion was made by Andrew Moore and seconded by Kenneth McGhee to approve this process. Motion carried with James Reinhard and Scott Meierhoffer voting in favor with no votes in opposition. Gary Fraker was not present.

Discussion of Future Meeting Dates
Future meeting dates were discussed and meetings were suggested for June 19-20, 2019 in St. Louis and August, 2019 in Jefferson City.

Move to Closed
At approximately 2:06 p.m., a motion was made by James Reinhard and seconded by Andrew Moore to move into closed session pursuant to #1, 2, 4, 5, 7, 8, and 9 of the attached motions. Motion carried with Kenneth McGhee and Scott Meierhoffer voting in favor with no votes in opposition. Gary Fraker was not present.

Roll Call – Return to Open
At approximately 2:35pm, a motion was made by James Reinhard and seconded by Kenneth McGhee to reconvene in open session. Motion carried with Andrew Moore and Scott Meierhoffer voting in favor with no votes in opposition. Scott Meierhoffer performed roll call. Present were Scott Meierhoffer, James Reinhard, Kenneth McGhee and Andrew Moore. Gary Fraker was not present.

Adjournment
A motion was made by Andrew Moore and seconded by James Reinhard to adjourn at 2:36p.m. on April 9,
2019. Motion carried with Scott Meierhoffer and Kenneth McGhee voting in favor with no votes in opposition. Gary Fraker was not present.

Executive Director ______________________________

Approved by the board on ______________________
MOTIONS TO GO INTO CLOSED SESSION

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 324.001.8 and 324.017 RSMo for the purpose of discussing investigative reports and/or complaints and/or audits and/or other information pertaining to a licensee or applicant

Revised 2018-01
State Board of Embalmers and Funeral Directors

May 10, 2019

Conference Call

Division of Professional Registration
3605 MO Blvd
Jefferson City, Missouri  65109

OPEN MINUTES

The meeting of the State Board of Embalmers and Funeral Directors was called to order on May 10, 2019 by Scott Meierhoffer, Chairman at 8:31 a.m.

Roll Call
Board Members Present
Scott Meierhoffer, Chairman
Andrew Moore, Vice Chairman
Gary Fraker, Secretary
James Reinhard, Board Member
Kenneth McGhee, Board Member

Board Members Absent
Vacant, Public Member

Staff Present
Sharon Euler, Board Legal Counsel
Lori Hayes, Executive Director

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 the Agenda
A motion was made by Gary Fraker and seconded by James Reinhard to approve the agenda. Motion carried with Scott Meierhoffer, Andy Moore and Kenneth McGhee voting in favor with no votes in opposition.

Move to Closed
At approximately 8:32 a.m. a motion was made by Kenneth McGhee and seconded by Andrew Moore to move into closed session pursuant to #1, 3, 5, 7, 13 and 14 of the attached motions to close. Motion carried with James Reinhard, Scott Meierhoffer and Gary Fraker voting in favor with no votes in opposition.

Roll Call – Return to Open
At approximately 8:53 a.m., a motion was made by Gary Fraker and seconded by James Reinhard to reconvene in open session. Motion carried with Kenneth McGhee, Andy Moore and Scott Meierhoffer voting in favor with no votes in opposition. Scott Meierhoffer performed roll call. Present were Scott Meierhoffer, James Reinhard, Kenneth McGhee, Gary Fraker, and Andrew Moore.

The Chairman directed staff to draft changes to 20 CSR 2120-2.070 to clarify what each function of a funeral establishment is allowed to do.

Adjournment
A motion was made by Kenneth McGhee and seconded by Andy Moore to adjourn at 8:57 a.m. on May 10, 2019. Motion carried with James Reinhard, Gary Fraker and Scott Meierhoffer voting in favor with no votes in opposition.
Executive Director ______________________________

Approved by the board on ______________________
## Board of Embalmers
### Financial Statement - FY 2019
#### as of April 30, 2019

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<th>Projected</th>
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<td>April</td>
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<td>0.00</td>
<td></td>
</tr>
<tr>
<td>May</td>
<td>2,711,313.24</td>
<td>0.00</td>
<td></td>
</tr>
<tr>
<td>June</td>
<td>2,711,313.24</td>
<td>0.00</td>
<td></td>
</tr>
<tr>
<td>Lapsed July</td>
<td>2,711,313.24</td>
<td>0.00</td>
<td></td>
</tr>
<tr>
<td>YTD Total</td>
<td>46,070.71</td>
<td>46,070.71</td>
<td></td>
</tr>
<tr>
<td>Remaining</td>
<td>2,711,313.24</td>
<td>0.00</td>
<td></td>
</tr>
</tbody>
</table>

### Appropriation Costs:

- **Rent**: 2,013.18
- **Expense and Equipment**: 9,751.47
- **Personal Service and Per Diem**: 0.00
- **Total Appropriation Costs**: 9,751.47

### PR Transfers (HB 7.530):

- **Division PR Transfer**: 40,930.44
- **Total PR Transfers**: 48,818.82

### GR Transfer (HB 7.535):

- **Attorney General**: 43.00
- **Administrative Hearing Comm.**: 0.00
- **Total GR Transfer**: 43.00

### Other Transfers:

- **Workers Compensation**: 0.00
- **Unemployment**: 0.00
- **Board Staff Fringe Benefits**: 0.00
- **Biennium Sweep**: 0.00
- **OA Cost Allocation Transfer**: 4,280.36
- **Total Other Transfers**: 4,280.36

### FY 2018 Transfers Carried Over:

- **FY 2018 May/June PR Transfer**: 47,527.18
- **FY 2018 July Lapse PR Transfer**: 0.00
- **FY 2018 PR Transfer Adjustment**: 0.00
- **FY 2018 Final Rent Transfer**: 8.01
- **FY 2018 DIFP Transfer Adjustment**: 0.00
- **FY 2018 AG - June**: 0.00
- **FY 2018 AMC - June**: 0.00
- **Total FY 2018 Transfers Carried Over**: 47,535.19

### Total Transfers:

- **Revenue**: 6,194.00
- **Total Revenue**: 549,108.36
- **Revenue Adjustment**: 0.00
- **Total Revenue Adjustment**: 0.00
- **Appropriation Costs**: 9,751.47
- **Total Appropriation Costs**: 9,751.47
- **PR Transfers**: 40,930.44
- **GR Transfer**: 43.00
- **Other Transfers**: 4,280.36
- **Total Transfers**: 548,427.42

###Ending Fund Balance:

- **Beginning Fund Balance**: 2,711,313.24
- **Ending Fund Balance**: 2,711,313.24
- **Difference of 0.02 due to rounding**: 0.02
AN ACT


Be it enacted by the General Assembly of the state of Missouri, as follows:


58.035. 1. There is hereby established within the department of health and senior services a "Coroner Standards and Training Commission" which shall be composed of eight members, appointed by the governor, with the advice and consent of the senate. The governor shall take into account the diversity of the state when making the appointments to this commission. The commission shall consist of:

(1) Two coroners elected from counties of the third classification;
(2) One coroner elected from a county of the first, second, or fourth classification;
(3) One currently appointed medical examiner;
(4) One child death pathologist;
(5) One elected prosecuting attorney;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.
6. One elected sheriff;
7. The director of the department of health and senior services, or his or her
designee, who shall serve as a nonvoting member of the commission.
Each member of the coroner standards and training commission shall have been at the
time of his appointment a citizen of the United States and a resident of this state for a
period of at least one year, and members who are coroners shall be qualified as established
by chapter 58.

2. The members of the commission shall serve for the following terms:
   1. Every member of the commission who holds elected office shall serve an initial
term of two years;
   2. Every member of the commission who does not hold elected office shall serve
an initial term of four years;
   3. Every member of the commission shall serve for a term of four years after the
initial term has been served.

3. Annually the commission shall elect one of the members as chairperson. The
coroner standards and training commission shall meet at least twice each year as
determined by the director of the department of health and senior services, the
chairperson, or a majority of the members to perform its duties. A majority of the
members of the coroner standards and training commission shall constitute a quorum.

4. No member of the coroner standards and training commission shall receive any
compensation for the performance of his or her official duties.

5. The coroner standards and training commission shall establish training
standards, by rule, relating to the office of county coroner. These standards shall relate
to the operation of the office, the legal responsibilities of the office, and the technical skills
and knowledge required of the office.

6. Any rule or portion of a rule, as that term is defined in section 536.010, that is
created under the authority delegated in this section shall become effective only if it
complies with and is subject to all of the provisions of chapter 536, and, if applicable,
section 536.028. This section and chapter 536 are nonseverable and if any of the powers
vested with the general assembly pursuant to chapter 536 to review, to delay the effective
date, or to disapprove and annul a rule are subsequently held unconstitutional, then the
grant of rulemaking authority and any rule proposed or adopted after August 28, 2019,
shall be invalid and void.

7. Once the commission has developed standards, the commission shall issue a
report detailing the standards. This report shall be submitted to the speaker of the house
of representatives and the president pro tempore of the senate, and shall be published on the website of the department of health and senior services.

58.095. 1. The county coroner in any county, other than in a first classification chartered county, not having a charter form of government shall receive an annual salary computed on a basis as set forth in the following schedule. The provisions of this section shall not permit or require a reduction in the amount of compensation being paid for the office of coroner on January 1, 1997:

<table>
<thead>
<tr>
<th>Assessed Valuation</th>
<th>Salary</th>
</tr>
</thead>
<tbody>
<tr>
<td>$18,000,000 to 40,999,999</td>
<td>$8,000</td>
</tr>
<tr>
<td>41,000,000 to 53,999,999</td>
<td>8,500</td>
</tr>
<tr>
<td>54,000,000 to 65,999,999</td>
<td>9,000</td>
</tr>
<tr>
<td>66,000,000 to 85,999,999</td>
<td>9,500</td>
</tr>
<tr>
<td>86,000,000 to 99,999,999</td>
<td>10,000</td>
</tr>
<tr>
<td>100,000,000 to 130,999,999</td>
<td>11,000</td>
</tr>
<tr>
<td>131,000,000 to 159,999,999</td>
<td>12,000</td>
</tr>
<tr>
<td>160,000,000 to 189,999,999</td>
<td>13,000</td>
</tr>
<tr>
<td>190,000,000 to 249,999,999</td>
<td>14,000</td>
</tr>
<tr>
<td>250,000,000 to 299,999,999</td>
<td>15,000</td>
</tr>
<tr>
<td>300,000,000 or more</td>
<td>16,000</td>
</tr>
</tbody>
</table>

2. One thousand dollars of the salary authorized in this section shall be payable to the coroner only if the coroner has completed at least twenty hours of classroom instruction each calendar year relating to the operations of the coroner's office when approved by a professional association of the county coroners of Missouri as established by the coroner standards and training commission unless exempted from the training by the Missouri Coroners' and Medical Examiners' Association for good cause. The Missouri Coroners' and Medical Examiners' Association shall provide a certificate of completion to each coroner who completes the training program and shall send a list of certified coroners to the treasurer of each county and the department of health and senior services. The coroner standards and training commission may certify training programs that satisfy the requirements of this section in lieu of the training provided by the Missouri Coroners' and Medical Examiners' Association. Certified training completion shall be submitted to the Missouri Coroners' and Medical Examiners' Association, which, upon validating the certified training, shall submit the individual's name to the county treasurer and department of health and senior services indicating the individual is compliant with the training requirements. Expenses incurred for attending the training session may be reimbursed to the county coroner in the same manner as other expenses.
as may be appropriated for that purpose. All elected or appointed coroners, deputy coroners, and
assistants to the coroner shall complete the annual training described in this subsection within
six months of election or appointment.

   3. The county coroner in any county, other than a first classification charter county, shall
not, except upon two-thirds vote of all the members of the salary commission, receive an annual
compensation in an amount less than the total compensation being received for the office of
county coroner in the particular county for services rendered or performed on the date the salary
commission votes.

   4. For the term beginning in 1997, the compensation of the coroner, in counties in which
the salary commission has not voted to pay one hundred percent of the maximum allowable
salary, shall be a percentage of the maximum allowable salary established by this section. The
percentage applied shall be the same percentage of the maximum allowable salary received or
allowed, whichever is greater, to the presiding commissioner or sheriff, whichever is greater, of
that county for the year beginning January 1, 1997. In those counties in which the salary
commission has voted to pay one hundred percent of the maximum allowable salary, the
compensation of the coroner shall be based on the maximum allowable salary in effect at each
time a coroner's term of office commences following the vote to pay one hundred percent of the
maximum allowable compensation. Subsequent compensation shall be determined as provided
in section 50.333.

   5. Effective January 1, 1997, the county coroner in any county, other than a county of
the first classification with a charter form of government, not having a charter form of
government may, upon the approval of the county commission, receive additional compensation
for any month during which investigations or other services are performed for three or more
decedents in the same incident during such month. The additional compensation shall be an
amount that when added to the regular compensation the sum shall equal the monthly
compensation of the county sheriff.

 58.208. 1. One dollar of the fee collected for any death certificate issued under
section 193.265 shall be deposited into the Missouri state coroners' training fund
established under subsection 2 of this section. Moneys in such fund shall be used by the
Missouri Coroners' and Medical Examiners' Association:

(1) For in-state training, equipment, and necessary supplies; and

(2) To provide aid to training programs approved by the Missouri Coroners' and
Medical Examiners' Association.

2. (1) There is hereby created in the state treasury the "Missouri State Coroners'
Training Fund", which shall consist of moneys collected under subsection 1 of this section.
The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and
30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be used solely for the administration of subsection 1 of this section.

(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund over the amount of five hundred thousand dollars shall revert to the credit of the general revenue fund.

(3) The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

3. Local registrars may, during states of emergency or disaster, request reimbursement from the fund for copies of death certificates issued to individuals who are unable to afford the associated fees.

58.451. 1. When any person, in any county in which a coroner is required by section 58.010, dies and there is reasonable ground to believe that such person died as a result of:

(1) Violence by homicide, suicide, or accident;
(2) Criminal abortions, including those self-induced;
(3) Some unforeseen sudden occurrence and the deceased had not been attended by a physician during the thirty-six-hour period preceding the death;
(4) In any unusual or suspicious manner;
(5) Any injury or illness while in the custody of the law or while an inmate in a public institution;
the police, sheriff, law enforcement officer or official, or any person having knowledge of such a death shall immediately notify the coroner of the known facts concerning the time, place, manner and circumstances of the death. Immediately upon receipt of notification, the coroner or deputy coroner shall take charge of the dead body and fully investigate the essential facts concerning the medical causes of death, including whether by the act of man, and the manner of death. The coroner or deputy coroner may take the names and addresses of witnesses to the death and shall file this information in the coroner's office. The coroner or deputy coroner shall take possession of all property of value found on the body, making exact inventory of such property on the report and shall direct the return of such property to the person entitled to its custody or possession. The coroner or deputy coroner shall take possession of any object or article which, in the coroner's or the deputy coroner's opinion, may be useful in establishing the cause of death, and deliver it to the prosecuting attorney of the county.

2. When a death occurs outside a licensed health care facility, the first licensed medical professional or law enforcement official learning of such death shall immediately contact the county coroner. Immediately upon receipt of such notification, the coroner or the coroner's
25 deputy shall make the determination if further investigation is necessary, based on information
26 provided by the individual contacting the coroner, and immediately advise such individual of the
27 coroner's intentions.
28 3. Notwithstanding the provisions of subsection 2 of this section to the contrary,
29 when a death occurs under the care of a hospice, no investigation shall be required if the
coroners shall make the determination if further investigation is necessary, based on information
department of any city in which the dead body is found, or if the dead body is
30 death is certified by the treating physician of the deceased or the medical director of the
31 found in the unincorporated area of a county governed by the provisions of sections 58.451 to
32 hospice as a natural death due to disease or diagnosed illness. The hospice shall provide
33 58.457, the coroner shall notify the county sheriff or the highway patrol and cause the body to
34 written notice to the coroner within twenty-four hours of the death.
35 remain unmoved until the police department, sheriff or the highway patrol has inspected the body
36 4. Upon taking charge of the dead body and before moving the body the coroner shall
37 and the surrounding circumstances and carefully noted the appearance, the condition and position
38 notify the police department of any city in which the dead body is found, or if the dead body is
39 of death, with the names and addresses of all known witnesses, and shall subscribe the same and
40 found in the unincorporated area of a county governed by the provisions of sections 58.451 to
41 make such record a part of the coroner's report.
42 5. In any case of sudden, violent or suspicious death after which the body was
43 [4.] 5. In any case of sudden, violent or suspicious death after which the body was
44 buried without any investigation or autopsy, the coroner, upon being advised of such facts, may
45 requiring the body to be exhumed.
46 [5.] 6. The coroner may certify the cause of death in any case where death occurred
47 6. The coroner may certify the cause of death in any case where death occurred
48 without medical attendance or where an attending physician refuses to sign a certificate of death
49 or when a physician is unavailable to sign a certificate of death.
50 [6.] 7. When the cause of death is established by the coroner, the coroner shall file a
51 7. When the cause of death is established by the coroner, the coroner shall file a
52 copy of the findings in the coroner's office within thirty days.
53 [2.] 8. If on view of the dead body and after personal inquiry into the cause and manner
54 8. If on view of the dead body and after personal inquiry into the cause and manner
55 of death, the coroner determines that a further examination is necessary in the public interest, the
56 of death, the coroner determines that a further examination is necessary in the public interest, the
57 coroner on the coroner's own authority may make or cause to be made an autopsy on the body.
58 coroner on the coroner's own authority may make or cause to be made an autopsy on the body.
59 The coroner may on the coroner's own authority employ the services of a pathologist, chemist,
60 or other expert to aid in the examination of the body or of substances supposed to have caused
61 or other expert to aid in the examination of the body or of substances supposed to have caused
62 or contributed to death, and if the pathologist, chemist, or other expert is not already employed
63 or contributed to death, and if the pathologist, chemist, or other expert is not already employed
64 by the city or county for the discharge of such services, the pathologist, chemist, or other expert
65 by the city or county for the discharge of such services, the pathologist, chemist, or other expert
66 shall, upon written authorization of the coroner, be allowed reasonable compensation, payable
67 shall, upon written authorization of the coroner, be allowed reasonable compensation, payable
68 by the city or county, in the manner provided in section 58.530. The coroner shall, at the time
of the autopsy, record or cause to be recorded each fact and circumstance tending to show the
condition of the body and the cause and manner of death.

[8-] 9. If on view of the dead body and after personal inquiry into the cause and manner
of death, the coroner considers a further inquiry and examination necessary in the public interest,
the coroner shall make out the coroner's warrant directed to the sheriff of the city or county
requiring the sheriff forthwith to summon six good and lawful citizens of the county to appear
before the coroner, at the time and place expressed in the warrant, and to inquire how and by
whom the deceased died.

[9-] 10. (1) When a person is being transferred from one county to another county for
medical treatment and such person dies while being transferred, or dies while being treated in
the emergency room of the receiving facility the place which the person is determined to be dead
shall be considered the place of death and the county coroner or medical examiner of the county
from which the person was originally being transferred shall be responsible for determining the
cause and manner of death for the Missouri certificate of death.

(2) The coroner or medical examiner in the county in which the person is determined to
be dead may with authorization of the coroner or medical examiner from the original transferring
county, investigate and conduct postmortem examinations at the expense of the coroner or
medical examiner from the original transferring county. The coroner or medical examiner from
the original transferring county shall be responsible for investigating the circumstances of such
and completing the Missouri certificate of death. The certificate of death shall be filed in the
county where the deceased was pronounced dead.

(3) Such coroner or medical examiner of the county where a person is determined to be
dead shall immediately notify the coroner or medical examiner of the county from which the
person was originally being transferred of the death of such person, and shall make available
information and records obtained for investigation of the death.

(4) If a person does not die while being transferred and is institutionalized as a regularly
admitted patient after such transfer and subsequently dies while in such institution, the coroner
or medical examiner of the county in which the person is determined to be dead shall
immediately notify the coroner or medical examiner of the county from which such person was
originally transferred of the death of such person. In such cases, the county in which the
deceased was institutionalized shall be considered the place of death. If the manner of death is
by homicide, suicide, accident, criminal abortion including those that are self-induced, child
fatality, or any unusual or suspicious manner, the investigation of the cause and manner of death
shall revert to the county of origin, and this coroner or medical examiner shall be responsible for
the Missouri certificate of death. The certificate of death shall be filed in the county where the
deceased was pronounced dead.
11. There shall not be any statute of limitations or time limits on the cause of death when death is the final result or determined to be caused by homicide, suicide, accident, child fatality, criminal abortion including those self-induced, or any unusual or suspicious manner. The place of death shall be the place in which the person is determined to be dead. The final investigation of death in determining the cause and matter of death shall revert to the county of origin, and the coroner or medical examiner of such county shall be responsible for the Missouri certificate of death. The certificate of death shall be filed in the county where the deceased was pronounced dead.

12. Except as provided in subsection [9] of this section, if a person dies in one county and the body is subsequently transferred to another county, for burial or other reasons, the county coroner or medical examiner where the death occurred shall be responsible for the certificate of death and for investigating the cause and manner of the death.

13. In performing the duties, the coroner or medical examiner shall comply with sections 58.775 to 58.785 with respect to organ donation.

1. When any person dies within a county having a medical examiner as a result of:

   (1) Violence by homicide, suicide, or accident;
   (2) Thermal, chemical, electrical, or radiation injury;
   (3) Criminal abortions, including those self-induced;
   (4) Disease thought to be of a hazardous and contagious nature or which might constitute a threat to public health; or when any person dies:

      (a) Suddenly when in apparent good health;
      (b) When unattended by a physician, chiropractor, or an accredited Christian Science practitioner, during the period of thirty-six hours immediately preceding his death;
      (c) While in the custody of the law, or while an inmate in a public institution;
      (d) In any unusual or suspicious manner;

the police, sheriff, law enforcement officer or official, or any person having knowledge of such a death shall immediately notify the office of the medical examiner of the known facts concerning the time, place, manner and circumstances of the death. Immediately upon receipt of notification, the medical examiner or his designated assistant shall take charge of the dead body and fully investigate the essential facts concerning the medical causes of death. He may take the names and addresses of witnesses to the death and shall file this information in his office. The medical examiner or his designated assistant shall take possession of all property of value found on the body, making exact inventory thereof on his report and shall direct the return of such property to the person entitled to its custody or possession. The medical examiner or his designated assistant examiner shall take possession of any object or article which, in his opinion,
23 may be useful in establishing the cause of death, and deliver it to the prosecuting attorney of the county.

2. When a death occurs outside a licensed health care facility, the first licensed medical professional or law enforcement official learning of such death shall contact the county medical examiner. Immediately upon receipt of such notification, the medical examiner or the medical examiner’s deputy shall make a determination if further investigation is necessary, based on information provided by the individual contacting the medical examiner, and immediately advise such individual of the medical examiner’s intentions.

3. Notwithstanding the provisions of subsection 2 of this section to the contrary, when a death occurs under the care of a hospice, no investigation shall be required if the death is certified by the treating physician of the deceased or the medical director of the hospice as a natural death due to disease or diagnosed illness. The hospice shall provide written notice to the medical examiner within twenty-four hours of the death.

4. In any case of sudden, violent or suspicious death after which the body was buried without any investigation or autopsy, the medical examiner, upon being advised of such facts, may at his own discretion request that the prosecuting attorney apply for a court order requiring the body to be exhumed.

5. The medical examiner shall certify the cause of death in any case where death occurred without medical attendance or where an attending physician refuses to sign a certificate of death, and may sign a certificate of death in the case of any death.

6. When the cause of death is established by the medical examiner, he shall file a copy of his findings in his office within thirty days after notification of the death.

7. (1) When a person is being transferred from one county to another county for medical treatment and such person dies while being transferred, or dies while being treated in the emergency room of the receiving facility, the place which the person is determined to be dead shall be considered the place of death and the county coroner or the medical examiner of the county from which the person was originally being transferred shall be responsible for determining the cause and manner of death for the Missouri certificate of death.

(2) The county coroner or medical examiner in the county in which the person is determined to be dead may, with authorization of the coroner or medical examiner from the transferring county, investigate and conduct postmortem examinations at the expense of the coroner or medical examiner from the transferring county. The county coroner or medical examiner from the transferring county shall be responsible for investigating the circumstances of such and completing the Missouri certificate of death. The certificate of death shall be filed in the county where the deceased was pronounced dead.
(3) Such coroner or medical examiner, or the county where a person is determined to be dead, shall immediately notify the coroner or medical examiner of the county from which the person was originally being transferred of the death of such person and shall make available information and records obtained for investigation of death.

(4) If a person does not die while being transferred and is institutionalized as a regularly admitted patient after such transfer and subsequently dies while in such institution, the coroner or medical examiner of the county in which the person is determined to be dead shall immediately notify the coroner or medical examiner of the county from which such person was originally transferred of the death of such person. In such cases, the county in which the deceased was institutionalized shall be considered the place of death. If the manner of death is by homicide, suicide, accident, criminal abortion including those that are self-induced, child fatality, or any unusual or suspicious manner, the investigation of the cause and manner of death shall revert to the county of origin, and this coroner or medical examiner shall be responsible for the Missouri certificate of death. The certificate of death shall be filed in the county where the deceased was pronounced dead.

[7.] 8. There shall not be any statute of limitations or time limits on cause of death when death is the final result or determined to be caused by homicide, suicide, accident, criminal abortion including those self-induced, child fatality, or any unusual or suspicious manner. The place of death shall be the place in which the person is determined to be dead, but the final investigation of death determining the cause and manner of death shall revert to the county of origin, and this coroner or medical examiner shall be responsible for the Missouri certificate of death. The certificate of death shall be filed in the county where the deceased was pronounced dead.

[8.] 9. Except as provided in subsection [6] 7 of this section, if a person dies in one county and the body is subsequently transferred to another county, for burial or other reasons, the county coroner or medical examiner where the death occurred shall be responsible for the certificate of death and for investigating the cause and manner of the death.

[9.] 10. In performing the duties, the coroner or medical examiner shall comply with sections 58.775 to 58.785 with respect to organ donation.

192.067. 1. The department of health and senior services, for purposes of conducting epidemiological studies to be used in promoting and safeguarding the health of the citizens of Missouri under the authority of this chapter is authorized to receive information from patient medical records. The provisions of this section shall also apply to the collection, analysis, and disclosure of nosocomial infection data from patient records collected pursuant to section 192.667 and to the collection of data under section 192.990.
2. The department shall maintain the confidentiality of all medical record information abstracted by or reported to the department. Medical information secured pursuant to the provisions of subsection 1 of this section may be released by the department only in a statistical aggregate form that precludes and prevents the identification of patient, physician, or medical facility except that medical information may be shared with other public health authorities and coinvestigators of a health study if they abide by the same confidentiality restrictions required of the department of health and senior services and except as otherwise authorized by the provisions of sections 192.665 to 192.667, or section 192.990. The department of health and senior services, public health authorities and coinvestigators shall use the information collected only for the purposes provided for in this section [and], section 192.667, or section 192.990.

3. No individual or organization providing information to the department in accordance with this section shall be deemed to be or be held liable, either civilly or criminally, for divulging confidential information unless such individual organization acted in bad faith or with malicious purpose.

4. The department of health and senior services is authorized to reimburse medical care facilities, within the limits of appropriations made for that purpose, for the costs associated with abstracting data for special studies.

5. Any department of health and senior services employee, public health authority or coinvestigator of a study who knowingly releases information which violates the provisions of this section shall be guilty of a class A misdemeanor and, upon conviction, shall be punished as provided by law.

192.990. 1. There is hereby established within the department of health and senior services the "Pregnancy-Associated Mortality Review Board" to improve data collection and reporting with respect to maternal deaths. The department may collaborate with localities and with other states to meet the goals of the initiative.

2. For purposes of this section, the following terms shall mean:

(1) "Department", the Missouri department of health and senior services;

(2) "Maternal death", the death of a woman while pregnant or during the one-year period following the date of the end of pregnancy, regardless of the cause of death and regardless of whether a delivery, miscarriage, or death occurs inside or outside of a hospital.

3. The board shall be composed of no more than eighteen members, with a chair elected from among its membership. The board shall meet at least twice per year and shall approve the strategic priorities, funding allocations, work processes, and products of the board. Members of the board shall be appointed by the director of the department.
Members shall serve four-year terms, except that the initial terms shall be staggered so that approximately one-third serve three, four, and five-year terms.

4. The board shall have a multidisciplinary and diverse membership that represents a variety of medical and nursing specialties, including, but not limited to, obstetrics and maternal-fetal care, as well as state or local public health officials, epidemiologists, statisticians, community organizations, geographic regions, and other individuals or organizations that are most affected by maternal deaths and lack of access to maternal health care services.

5. The duties of the board shall include, but not be limited to:
   (1) Conducting ongoing comprehensive, multidisciplinary reviews of all maternal deaths;
   (2) Identifying factors associated with maternal deaths;
   (3) Reviewing medical records and other relevant data, which shall include, to the extent available:
       (a) A description of the maternal deaths determined by matching each death record of a maternal death to a birth certificate of an infant or fetal death record, as applicable, and an indication of whether the delivery, miscarriage, or death occurred inside or outside of a hospital;
       (b) Data collected from medical examiner and coroner reports, as appropriate; and
       (c) Using other appropriate methods or information to identify maternal deaths, including deaths from pregnancy outcomes not identified under paragraph (a) of this subdivision;
   (4) Consulting with relevant experts, as needed;
   (5) Analyzing cases to produce recommendations for reducing maternal mortality;
   (6) Disseminating recommendations to policy makers, health care providers and facilities, and the general public;
   (7) Recommending and promoting preventative strategies and making recommendations for systems changes;
   (8) Protecting the confidentiality of the hospitals and individuals involved in any maternal deaths;
   (9) Examining racial and social disparities in maternal deaths;
   (10) Subject to appropriation, providing for voluntary and confidential case reporting of maternal deaths to the appropriate state health agency by family members of the deceased, and other appropriate individuals, for purposes of review by the board;
   (11) Making publicly available the contact information of the board for use in such reporting;
(12) Conducting outreach to local professional organizations, community organizations, and social services agencies regarding the availability of the review board; and

(13) Ensuring that data collected under this section is made available, as appropriate and practicable, for research purposes, in a manner that protects individually identifiable or potentially identifiable information and that is consistent with state and federal privacy laws.

6. The board may contract with other entities consistent with the duties of the board.

7. (1) Before June 30, 2020, and annually thereafter, the board shall submit to the Director of the Centers for Disease Control and Prevention, the director of the department, the governor, and the general assembly a report on maternal mortality in the state based on data collected through ongoing comprehensive, multidisciplinary reviews of all maternal deaths, and any other projects or efforts funded by the board. The data shall be collected using best practices to reliably determine and include all maternal deaths, regardless of the outcome of the pregnancy and shall include data, findings, and recommendations of the committee, and, as applicable, information on the implementation during such year of any recommendations submitted by the board in a previous year.

(2) The report shall be made available to the public on the department's website and the director shall disseminate the report to all health care providers and facilities that provide women's health services in the state.

8. The director of the department, or his or her designee, shall provide the board with the copy of the death certificate and any linked birth or fetal death certificate for any maternal death occurring within the state.

9. Upon request by the department, health care providers, health care facilities, clinics, laboratories, medical examiners, coroners, law enforcement agencies, driver's license bureaus, other state agencies, and facilities licensed by the department shall provide to the department data related to maternal deaths from sources such as medical records, autopsy reports, medical examiner's reports, coroner's reports, law enforcement reports, motor vehicle records, social services records, and other sources as appropriate. Such data requests shall be limited to maternal deaths which have occurred within the previous twenty-four months. No entity shall be held liable for civil damages or be subject to any criminal or disciplinary action when complying in good faith with a request from the department for information under the provisions of this subsection.

10. (1) The board shall protect the privacy and confidentiality of all patients, decedents, providers, hospitals, or any other participants involved in any maternal deaths.
In no case shall any individually identifiable health information be provided to the public or submitted to an information clearinghouse.

(2) Nothing in this subsection shall prohibit the board or department from publishing statistical compilations and research reports that:

(a) Are based on confidential information relating to mortality reviews under this section; and

(b) Do not contain identifying information or any other information that could be used to ultimately identify the individuals concerned.

(3) Information, records, reports, statements, notes, memoranda, or other data collected under this section shall not be admissible as evidence in any action of any kind in any court or before any other tribunal, board, agency, or person. Such information, records, reports, notes, memoranda, data obtained by the department or any other person, statements, notes, memoranda, or other data shall not be exhibited nor their contents disclosed in any way, in whole or in part, by any officer or representative of the department or any other person. No person participating in such review shall disclose, in any manner, the information so obtained except in strict conformity with such review project. Such information shall not be subject to disclosure under chapter 610.

(4) All information, records of interviews, written reports, statements, notes, memoranda, or other data obtained by the department, the board, and other persons, agencies, or organizations so authorized by the department under this section shall be confidential.

(5) All proceedings and activities of the board, opinions of members of such board formed as a result of such proceedings and activities, and records obtained, created, or maintained under this section, including records of interviews, written reports, statements, notes, memoranda, or other data obtained by the department or any other person, agency, or organization acting jointly or under contract with the department in connection with the requirements of this section, shall be confidential and shall not be subject to subpoena, discovery, or introduction into evidence in any civil or criminal proceeding; provided, however, that nothing in this section shall be construed to limit or restrict the right to discover or use in any civil or criminal proceeding anything that is available from another source and entirely independent of the board's proceedings.

(6) Members of the board shall not be questioned in any civil or criminal proceeding regarding the information presented in or opinions formed as a result of a meeting or communication of the board; provided, however, that nothing in this section shall be construed to prevent a member of the board from testifying to information obtained independently of the board or which is public information.
11. The department may use grant program funds to support the efforts of the board and may apply for additional federal government and private foundation grants as needed. The department may also accept private, foundation, city, county, or federal moneys to implement the provisions of this section.

193.145. 1. A certificate of death for each death which occurs in this state shall be filed with the local registrar, or as otherwise directed by the state registrar, within five days after death and shall be registered if such certificate has been completed and filed pursuant to this section. All data providers in the death registration process, including, but not limited to, the state registrar, local registrars, the state medical examiner, county medical examiners, coroners, funeral directors or persons acting as such, embalmers, sheriffs, attending physicians and resident physicians, physician assistants, assistant physicians, advanced practice registered nurses, and the chief medical officers of licensed health care facilities, and other public or private institutions providing medical care, treatment, or confinement to persons, shall be required to use and utilize any electronic death registration system required and adopted under subsection 1 of section 193.265 within six months of the system being certified by the director of the department of health and senior services, or the director's designee, to be operational and available to all data providers in the death registration process. However, should the person or entity that certifies the cause of death not be part of, or does not use, the electronic death registration system, the funeral director or person acting as such may enter the required personal data into the electronic death registration system and then complete the filing by presenting the signed cause of death certification to the local registrar, in which case the local registrar shall issue death certificates as set out in subsection 2 of section 193.265. [Nothing in this section shall prevent the state registrar from adopting pilot programs or voluntary electronic death registration programs until such time as the system can be certified; however, no such pilot or voluntary electronic death registration program shall prevent the filing of a death certificate with the local registrar or the ability to obtain certified copies of death certificates under subsection 2 of section 193.265 until six months after such certification that the system is operational.]

2. If the place of death is unknown but the dead body is found in this state, the certificate of death shall be completed and filed pursuant to the provisions of this section. The place where the body is found shall be shown as the place of death. The date of death shall be the date on which the remains were found.

3. When death occurs in a moving conveyance in the United States and the body is first removed from the conveyance in this state, the death shall be registered in this state and the place where the body is first removed shall be considered the place of death. When a death occurs on a moving conveyance while in international waters or air space or in a foreign country or its air space and the body is first removed from the conveyance in this state, the death shall be
registered in this state but the certificate shall show the actual place of death if such place may be determined.

4. The funeral director or person in charge of final disposition of the dead body shall file the certificate of death. The funeral director or person in charge of the final disposition of the dead body shall obtain or verify and enter into the electronic death registration system:

(1) The personal data from the next of kin or the best qualified person or source available;

(2) The medical certification and attestation from the person responsible for such certification and attestation if designated to do so under subsection 5 of this section; and

(3) Any other information or data that may be required to be placed on a death certificate or entered into the electronic death certificate system including, but not limited to, the name and license number of the embalmer.

5. The medical certification shall be completed, attested to its accuracy either by signature or an electronic process approved by the department, and returned to the funeral director or person in charge of final disposition within seventy-two hours after death by the physician, physician assistant, assistant physician, or advanced practice registered nurse in charge of the patient's care for the illness or condition which resulted in death. In the absence of the physician, physician assistant, assistant physician, advanced practice registered nurse or with the physician's, physician assistant's, assistant physician's, or advanced practice registered nurse's approval the certificate may be completed and attested to its accuracy either by signature or an approved electronic process by the physician's associate physician, the chief medical officer of the institution in which death occurred, or the physician who performed an autopsy upon the decedent, provided such individual has access to the medical history of the case, views the deceased at or after death and death is due to natural causes. The person authorized to complete the medical certification may, in writing, designate any other person to enter the medical certification information and attestation into the electronic death registration system if the person authorized to complete the medical certificate has physically or by electronic process signed a statement stating the cause of death. Any persons completing the medical certification or entering data and attestation into the electronic death registration system shall be immune from civil liability for such certification and attestation completion, data entry, or determination of the cause of death, absent gross negligence or willful misconduct. The state registrar may approve alternate methods of obtaining and processing the medical certification and filing the death certificate. The Social Security number of any individual who has died shall be placed in the records relating to the death and recorded on the death certificate.

6. When death occurs from natural causes more than thirty-six hours after the decedent was last treated by a physician, physician assistant, assistant physician, advanced practice
registered nurse, the case shall be referred to the county medical examiner or coroner or physician or local registrar for investigation to determine and certify the cause of death. If the death is determined to be of a natural cause, the medical examiner or coroner or local registrar shall refer the certificate of death to the attending physician, physician assistant, assistant physician, or advanced practice registered nurse for such certification. If the attending physician, physician assistant, assistant physician, advanced practice registered nurse refuses or is otherwise unavailable, the medical examiner or coroner or local registrar shall attest to the accuracy of the certificate of death either by signature or an approved electronic process within thirty-six hours.

7. If the circumstances suggest that the death was caused by other than natural causes, the medical examiner or coroner shall determine the cause of death and shall complete and attest to the accuracy, either by signature or an approved electronic process, complete and attest to the accuracy of the medical certification within seventy-two hours after taking charge of the case.

8. If the cause of death cannot be determined within seventy-two hours after death, the attending medical examiner, coroner, attending physician, physician assistant, assistant physician, advanced practice registered nurse, or local registrar shall give the funeral director, or person in charge of final disposition of the dead body, notice of the reason for the delay, and final disposition of the body shall not be made until authorized by the medical examiner, coroner, attending physician, physician assistant, assistant physician, advanced practice registered nurse, or local registrar.

9. When a death is presumed to have occurred within this state but the body cannot be located, a death certificate may be prepared by the state registrar upon receipt of an order of a court of competent jurisdiction which shall include the finding of facts required to complete the death certificate. Such a death certificate shall be marked "Presumptive", show on its face the date of registration, and identify the court and the date of decree.

10. [(4)] The department of health and senior services shall notify all physicians, physician assistants, assistant physicians, and advanced practice registered nurses licensed under chapters 334 and 335 of the requirements regarding the use of the electronic vital records system provided for in this section.

[(2) On or before August 30, 2015, the department of health and senior services, division of community and public health shall create a working group comprised of representation from the Missouri electronic vital records system users and recipients of death certificates used for professional purposes to evaluate the Missouri electronic vital records system, develop recommendations to improve the efficiency and usability of the system, and to report such findings and recommendations to the general assembly no later than January 1, 2016.]
11. Notwithstanding any provision of law to the contrary, if a coroner or deputy coroner is not current with or is without the approved training under chapter 58, the department of health and senior services shall prohibit such coroner from attesting to the accuracy of a certificate of death. No person elected or appointed to the office of coroner can assume such elected office until the training, as established by the coroner standards and training commission under the provisions of section 58.035, has been completed and a certificate of completion has been issued. In the event a coroner cannot fulfill his or her duties or is no longer qualified to attest to the accuracy of a death certificate, the sheriff of the county shall appoint a medical professional to attest death certificates until such time as the coroner can resume his or her duties or another coroner is appointed or elected to the office.

193.265. 1. For the issuance of a certification or copy of a death record, the applicant shall pay a fee of [thirteen] fourteen dollars for the first certification or copy and a fee of [ten] eleven dollars for each additional copy ordered at that time. For the issuance of a certification or copy of a birth, marriage, divorce, or fetal death record, the applicant shall pay a fee of fifteen dollars. No fee shall be required or collected for a certification of birth, death, or marriage if the request for certification is made by the children's division, the division of youth services, a guardian ad litem, or a juvenile officer on behalf of a child or person under twenty-one years of age who has come under the jurisdiction of the juvenile court under section 211.031. All fees collected under this subsection shall be deposited to the state department of revenue. Beginning August 28, 2004, for each vital records fee collected, the director of revenue shall credit four dollars to the general revenue fund, five dollars to the children's trust fund, one dollar shall be credited to the endowed care cemetery audit fund, one dollar for each certification or copy of death records to the Missouri state coroners' training fund established in section 58.208, and three dollars for the first copy of death records and five dollars for birth, marriage, divorce, and fetal death records shall be credited to the Missouri public services health fund established in section 192.900. Money in the endowed care cemetery audit fund shall be available by appropriation to the division of professional registration to pay its expenses in administering sections 214.270 to 214.410. All interest earned on money deposited in the endowed care cemetery audit fund shall be credited to the endowed care cemetery fund. Notwithstanding the provisions of section 33.080 to the contrary, money placed in the endowed care cemetery audit fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds three times the amount of the appropriation from the endowed care cemetery audit fund for the preceding fiscal year. The money deposited in the public health services fund under this section shall be deposited in a separate account in the fund, and moneys in such account, upon appropriation, shall be used to
automate and improve the state vital records system, and develop and maintain an electronic
birth and death registration system. For any search of the files and records, when no record is
found, the state shall be entitled to a fee equal to the amount for a certification of a vital record
for a five-year search to be paid by the applicant. For the processing of each legitimation,
adoption, court order or recording after the registrant's twelfth birthday, the state shall be entitled
to a fee equal to the amount for a certification of a vital record. Except whenever a certified copy
or copies of a vital record is required to perfect any claim of any person on relief, or any
dependent of any person who was on relief for any claim upon the government of the state or
United States, the state registrar shall, upon request, furnish a certified copy or so many certified
copies as are necessary, without any fee or compensation therefor.

2. For the issuance of a certification of a death record by the local registrar, the applicant
shall pay a fee of [thirteen] fourteen dollars for the first certification or copy and a fee of [ten]
eleven dollars for each additional copy ordered at that time. For each fee collected under this
subsection, one dollar shall be deposited to the state department of revenue and the
remainder shall be deposited to the official city or county health agency. The director of
revenue shall credit all fees deposited to the state department of revenue under this
subsection to the Missouri state coroners' training fund established in section 58.208.

3. For the issuance of a certification or copy of a birth, marriage, divorce, or fetal death
record, the applicant shall pay a fee of fifteen dollars; except that, in any county with a charter
form of government and with more than six hundred thousand but fewer than seven hundred
thousand inhabitants, a donation of one dollar may be collected by the local registrar over and
above any fees required by law when a certification or copy of any marriage license or birth
certificate is provided, with such donations collected to be forwarded monthly by the local
registrar to the county treasurer of such county and the donations so forwarded to be deposited
by the county treasurer into the housing resource commission fund to assist homeless families
and provide financial assistance to organizations addressing homelessness in such county. The
local registrar shall include a check-off box on the application form for such copies. All fees
collected under this subsection, other than the donations collected in any county with a charter
form of government and with more than six hundred thousand but fewer than seven hundred
thousand inhabitants for marriage licenses and birth certificates, shall be deposited to the official
city or county health agency.

4. A certified copy of a death record by the local registrar can only be issued within
twenty-four hours of receipt of the record by the local registrar. Computer-generated
certifications of death records may be issued by the local registrar after twenty-four hours of
receipt of the records. In the event that it is determined by the state registrar that any
required information from any data provider was missing or incomplete on records or
documentation that were filed with or submitted to the local registrar and then sent to the
state registrar, the state registrar shall return the records or documentation to the local
registrar so that the data provider, funeral director, or person in charge of the final
disposition, can provide the missing or incomplete information. Nothing in this subsection
removes any requirement in any statute or regulation as to when an affidavit or court
order is necessary to amend a death certificate that has been issued. The fees paid to the
official county health agency shall be retained by the local agency for local public health
purposes.

194.119. 1. As used in this section, the term "right of sepulcher" means the right to
choose and control the burial, cremation, or other final disposition of a dead human body.
2. For purposes of this chapter and chapters 193, 333, and 436, and in all cases relating
to the custody, control, and disposition of deceased human remains, including the common law
right of sepulcher, where not otherwise defined, the term "next-of-kin" means the following
persons in the priority listed if such person is eighteen years of age or older, is mentally
competent, and is willing to assume responsibility for the costs of disposition:
(1) An attorney in fact designated in a durable power of attorney wherein the deceased
specifically granted the right of sepulcher over his or her body to such attorney in fact;
(2) For a decedent who was on active duty in the United States military at the time of
death, the person designated by such decedent in the written instrument known as the United
(3) The surviving spouse, unless an action for the dissolution of the marriage has
been filed and is pending in a court of competent jurisdiction;
(4) Any surviving child of the deceased. If a surviving child is less than eighteen years
of age and has a legal or natural guardian, such child shall not be disqualified on the basis of the
child's age and such child's legal or natural guardian, if any, shall be entitled to serve in the place
of the child unless such child's legal or natural guardian was subject to an action in dissolution
from the deceased. In such event the person or persons who may serve as next-of-kin shall serve
in the order provided in subdivisions (5) to (9) of this subsection;
(5) (a) Any surviving parent of the deceased; or
(b) If the deceased is a minor, a surviving parent who has custody of the minor; or
(c) If the deceased is a minor and the deceased's parents have joint custody, the parent
whose residence is the minor child's residence for purposes of mailing and education;
(6) Any surviving sibling of the deceased;
(7) The next nearest surviving relative of the deceased by consanguinity or affinity;
(8) Any person or friend who assumes financial responsibility for the disposition of the deceased's remains if no next-of-kin assumes such responsibility;

(9) The county coroner or medical examiner; provided however that such assumption of responsibility shall not make the coroner, medical examiner, the county, or the state financially responsible for the cost of disposition.

3. The next-of-kin of the deceased shall be entitled to control the final disposition of the remains of any dead human being consistent with all applicable laws, including all applicable health codes. The next-of-kin may delegate the control of the final disposition of the remains of any dead human being to an agent through either a specific or general grant of power in accordance with section 404.710 if, at the time of delegation, the next-of-kin was eighteen years of age or older and mentally competent and the principal or agent is taking financial responsibility for the disposition.

4. A funeral director or establishment is entitled to rely on and act according to the lawful instructions of any person claiming to be the next-of-kin of the deceased; provided however, in any civil cause of action against a funeral director or establishment licensed pursuant to this chapter for actions taken regarding the funeral arrangements for a deceased person in the director's or establishment's care, the relative fault, if any, of such funeral director or establishment may be reduced if such actions are taken in reliance upon a person's claim to be the deceased person's next-of-kin.

5. Any person who desires to exercise the right of sepulcher and who has knowledge of an individual or individuals with a superior right to control disposition shall notify such individual or individuals prior to making final arrangements.

6. If an individual with a superior claim is notified in person or by written notice with delivery confirmation to such person's last known address by a person with an inferior claim that such person desires to exercise the right of sepulcher and the individual so served does not object within forty-eight hours of receipt such notice, such individual shall be deemed to have waived such right. An individual with a superior right may also waive such right at any time if such waiver is in writing and dated.

7. If there is more than one person in a class who are equal in priority and the funeral director has no knowledge of any objection by other members of such class, the funeral director or establishment shall be entitled to rely on and act according to the instructions of the first such person in the class to make arrangements; provided that such person assumes responsibility for the costs of disposition and no other person in such class provides written notice of his or her objection. If the funeral director has knowledge that there is more than one person in a class who are equal in priority and who do not agree on the disposition, the decision of the majority of the members of such class shall control the disposition.
8. For purposes of conducting a majority vote under subsection 7 of this section, the funeral director shall allow voting by proxy using a written authorization or instrument.

210.192. 1. The prosecuting attorney or the circuit attorney shall impanel a child fatality review panel for the county or city not within a county in which he or she serves to investigate the deaths of children under the age of eighteen years, who are eligible to receive a certificate of live birth. The panel shall be formed and shall operate according to the rules, guidelines and protocols provided by the department of social services.

2. The panel shall include, but shall not be limited to, the following:
   (1) The prosecuting or circuit attorney;
   (2) The coroner or medical examiner for the county or city not within a county;
   (3) Law enforcement personnel in the county or city not within a county;
   (4) A representative from the children's division;
   (5) A provider of public health care services;
   (6) A representative of the juvenile court;
   (7) A provider of emergency medical services.

3. The prosecuting or circuit attorney shall organize the panel and shall call the first organizational meeting of the panel. The panel shall elect a chairman who shall convene the panel to meet to review all deaths of children under the age of eighteen years, who are eligible to receive a certificate of live birth, which meet guidelines for review as set forth by the department of social services. In addition, the panel may review at its own discretion any child death reported to it by the medical examiner or coroner, even if it does not meet criteria for review as set forth by the department. The panel shall issue a final report, which shall be a public record, of each investigation to the department of social services, state technical assistance team and to the director of the department of health and senior services. The final report shall include a completed summary report form. The form shall be developed by the director of the department of social services in consultation with the director of the department of health and senior services. [The department of health and senior services shall analyze the child fatality review panel reports and periodically prepare epidemiological reports which describe the incidence, causes, location and other factors pertaining to childhood deaths.] The department of health and senior services and department of social services shall make recommendations and develop programs to prevent childhood injuries and deaths.

4. The child fatality review panel shall enjoy such official immunity as exists at common law.

210.194. 1. The director of the department of social services, in consultation with the director of the department of health and senior services, shall promulgate rules, guidelines and
protocols for child fatality review panels established pursuant to section 210.192 and for state
child fatality review panels.

2. The director shall promulgate guidelines and protocols for coroner and medical
examiners to use to help them to identify suspicious deaths of children under the age of eighteen
years, who are eligible to receive a certificate of live birth.

3. No rule or portion of a rule promulgated under the authority of sections 210.192 to
210.196 shall become effective unless it has been promulgated pursuant to the provisions of
section 536.024.

4. All meetings conducted[, all reports and records] and work product, including
internal memoranda, summaries or minutes of meetings, and written, audio, or electronic
records and communications, made and maintained pursuant to sections 210.192 to 210.196
by the department of social services and department of health and senior services and its
divisions, including the state technical assistance team, or other appropriate persons, officials,
or state child fatality review panel and local child fatality review panel shall be confidential [and
shall not be open to the general public except for the annual report pursuant to section 210.195]
, unless otherwise provided in this subsection, section 210.150, section 210.195, or section
660.520. The state technical assistance team shall make nonidentifiable, aggregate data on
child fatalities publicly available. Identifiable data shall be released at the discretion of the
director of the department of social services, except for any data that was obtained only
from birth or death certificate records provided by the department of health and senior
services. In those cases, the release of identifiable data shall be at the discretion of the state
registrar.

210.195. 1. The director of the department of social services shall establish a special
team which shall:

(1) Develop and implement protocols for the evaluation and review of child fatalities;

(2) Provide training, expertise and assistance to county child fatality review panels for
the review of child fatalities;

(3) When required and unanimously requested by the county fatality review panel, assist
in the review and prosecution of specific child fatalities; and

(4) The special team may be known as the department of social services, state technical
assistance team.

2. The director of the department of social services shall appoint regional coordinators
to serve as resources to child fatality review panels established pursuant to section 210.192.

3. The director of the department of social services shall appoint a state child fatality
review panel which shall meet at least biannually to provide oversight and make
recommendations to the department of social services, state technical assistance team. The
department of social services, state technical assistance team shall gather data from local child
fatality review panels to identify systemic problems and shall submit findings and
recommendations to the director of the department of social services, the governor, the speaker
of the house of representatives, the president pro tempore of the senate, the children's services
commission, juvenile officers, and the chairman of the local child fatality review panel, at least
once a year, on ways to prevent further child abuse and injury deaths. The report shall include
a summary of compliance with the provisions of sections 210.192 to 210.196 for each county
or city not within a county.

333.011. 1. As used in this chapter, unless the context requires otherwise, the following
terms have the meanings indicated:
(1) "Board", the state board of embalmers and funeral directors created by this chapter;
(2) "Embalmer", any individual licensed to engage in the practice of embalming;
(3) "Funeral director", any individual licensed to engage in the practice of funeral
directing;
(4) "Funeral establishment", a building, place, crematory, or premises devoted to or used
in the care and preparation for burial or transportation of the human dead and includes every
building, place or premises maintained for that purpose or held out to the public by advertising
or otherwise to be used for that purpose;
(5) "Funeral merchandise", caskets, grave vaults, receptacles, and other personal property
incidental to the final disposition of a dead human body, including grave markers, monuments,
tombstones, and urns;
(6) "Outdoor cremation", the cremation of a dead human body that occurs
outdoors in a licensed or permitted outdoor human cremation facility;
(7) "Outdoor human cremation facility", a licensed or permitted location that
includes an outdoor funeral pyre with the ability to utilize a heating process to reduce a
dead human body to bone fragments through heat and evaporation;
(8) "Person", any individual, partnership, corporation, cooperative, association, or other
entity;
(9) "Practice of embalming", the work of preserving, disinfecting and preparing by
arterial embalming, including the chemical preparation of a dead human body for disposition.
Practice of embalming includes all activities leading up to and including arterial and cavity
embalming, including but not limited to raising of vessels and suturing of incisions of dead
human bodies for funeral services, transportation, burial or cremation, or the holding of oneself
out as being engaged in such work;
(10) "Practice of funeral directing", engaging by an individual in the business of
preparing, otherwise than by embalming, for the burial, disposal or transportation out of this state
of, and the directing and supervising of the burial or disposal of, dead human bodies or engaging in the general control, supervision or management of the operations of a funeral establishment;

[9] (11) "Preneed agent", any person authorized to sell a preneed contract for or on behalf of a seller;

[10] (12) "Provider", the person designated or obligated to provide the final disposition, funeral, or burial services or facilities, or funeral merchandise described in a preneed contract;

[11] (13) "Seller", the person who executes a preneed contract with a purchaser and who is obligated under such preneed contract to remit payment to the provider.

2. All terms defined in sections 436.400 to 436.520 shall be deemed to have the same meaning when used in this chapter.

333.072. 1. An outdoor cremation facility shall comply with all local, state, and federal laws to ensure public health and safety.

2. Any licensed funeral establishment may include an outdoor cremation facility provided such facility complies with the provisions of this chapter and any regulations related to funeral establishments.

3. For each outdoor cremation, the funeral establishment shall apply to the board for a permit to perform an outdoor cremation at an outdoor human cremation facility. The board shall create an application form, which shall include:

   (1) The name and address of the licensed funeral establishment;

   (2) The name, license number, and signature of the funeral director that will be conducting the cremation;

   (3) The name of the deceased;

   (4) The date of death of the deceased;

   (5) The name, address, and signature of the person exercising the right of sepulcher over the body of the deceased consenting to the outdoor cremation, or a written and signed authorization for outdoor cremation signed by the deceased prior to death;

   (6) The address and written consent of the property owner or the person with the right of possession of the property where the outdoor cremation is to be performed;

   (7) The date range, not to exceed one week, in which the outdoor cremation will take place;

   (8) Evidence that the intended outdoor human cremation facility has the capacity to complete the cremation of a dead human body;

   (9) A fee established by the board by rule; and

   (10) Evidence of compliance with local, state, and federal laws related to public health and safety for the location of the facility.
4. The application for a permit shall be completed and filed at least three days prior to the date of the outdoor cremation.

5. The funeral establishment shall provide written notice to the applicable local law enforcement agency at least twenty-four hours in advance of any outdoor cremation. Such notice shall include the date, location, and approximate time of the outdoor cremation, the name and contact information of the funeral director performing the outdoor cremation, and a copy of the permit from the board to perform the outdoor cremation. The funeral establishment must maintain a copy of such written notice in its records.

6. The board may inspect any location proposed for an outdoor cremation facility to ensure compliance with the provisions of chapters 333 and 436 and their accompanying regulations.

7. A licensed funeral director, or his or her designee, shall be present to supervise any cremation conducted at an outdoor cremation facility.

8. The board is hereby authorized to promulgate rules and regulations for establishing and regulating outdoor human cremation facilities. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid and void.
AN ACT

To repeal sections 36.020, 193.145, 193.265, 194.119, 194.225, 302.171, and 333.011, RSMo, and to enact in lieu thereof eight new sections relating to the disposition of human remains.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 36.020, 193.145, 193.265, 194.119, 194.225, 302.171, and 333.011, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as sections 36.020, 193.145, 193.265, 194.119, 194.225, 302.171, 333.011, and 333.072, to read as follows:

36.020. Unless the context clearly requires otherwise, the following terms mean:

(1) "Agency", "state agency" or "agency of the state", each department, board, commission or office of the state except for offices of the elected officials, the general assembly, the judiciary and academic institutions;

(2) "Appointing authority", an officer or agency subject to this chapter having power to make appointments;

(3) "Board", the personnel advisory board as established by section 36.050;

(4) "Broad classification band", a grouping of positions with similar levels of responsibility or expertise;

(5) "Class", "class of positions", or "job class", a group of positions subject to this chapter sufficiently alike in duties, authority and responsibilities to justify the same qualifications and the same schedule of pay to all positions in the group;

(6) "Director", the director of the division of personnel of the office of administration;

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.
"Disabled veteran", a veteran who has served on active duty in the Armed Forces at any time who receives compensation as a result of a service-connected disability claim allowed by the federal agency responsible for the administration of veteran's affairs, or who receives disability retirement or disability pension benefits from a federal agency as a result of such a disability or a National Guard veteran who was permanently disabled as a result of active service to the state at the call of the governor;

"Division of service" or "division", a state department or any division or branch of the state, or any agency of the state government, all the positions and employees in which are under the same appointing authority;

"Eleemosynary or penal institutions", an institution within state government holding, housing, or caring for inmates, patients, veterans, juveniles, or other individuals entrusted to or assigned to the state where it is anticipated that such individuals will be in residence for longer than one day. Eleemosynary or penal institutions shall not include elementary, secondary, or higher education institutions operated separately or independently from the foregoing institutions;

"Eligible", a person whose name is on a register or who has been determined to meet the qualifications for a class or position;

"Employee", shall include only those persons employed in excess of thirty-two hours per calendar week, for a duration that could exceed six months, by a state agency and shall not include patients, inmates, or residents in state eleemosynary or penal institutions who work for the state agency operating an eleemosynary or penal institutions;

"Examination" or "competitive examination", a means of determining eligibility or fitness for a class or position;

"Open competitive examination", a selection process for positions in a particular class, admission to which is not limited to persons employed in positions subject to this chapter pursuant to subsection 1 of section 36.030;

"Promotional examination", a selection process for positions in a particular class, admission to which is limited to employees with regular status in positions subject to this chapter pursuant to subsection 1 of section 36.030;

"Register of eligibles", a list, which may be restricted by locality, of persons who have been found qualified for appointment to a position subject to this chapter pursuant to subsection 1 of section 36.030;

"Regular employee", a person employed in a position described under subdivision (2) of subsection 1 of section 36.030 who has successfully completed
a probationary period as provided in section 36.250;

(17) "State equal employment opportunity officer", the individual designated by the governor or the commissioner of administration as having responsibility for monitoring the compliance of the state as an employer with applicable equal employment opportunity law and regulation and for leadership in efforts to establish a state workforce which reflects the diversity of Missouri citizens at all levels of employment;

(18) "Surviving spouse", the unmarried surviving spouse of a deceased disabled veteran or the unmarried [survivor's] surviving spouse of any person who was killed while on active duty in the Armed Forces of the United States or an unmarried surviving spouse of a National Guard veteran who was killed as a result of active service to the state at the call of the governor;

(19) "Veteran", any person who is a citizen of this state who has been separated under honorable conditions from the Armed Forces of the United States who served on active duty during peacetime or wartime for at least six consecutive months, unless released early as a result of a service-connected disability or a reduction in force at the convenience of the government, or any member of a reserve or National Guard component who has satisfactorily completed at least six years of service or who was called or ordered to active duty by the President and participated in any campaign or expedition for which a campaign badge or service medal has been authorized.

193.145. 1. A certificate of death for each death which occurs in this state shall be filed with the local registrar, or as otherwise directed by the state registrar, within five days after death and shall be registered if such certificate has been completed and filed pursuant to this section. All data providers in the death registration process, including, but not limited to, the state registrar, local registrars, the state medical examiner, county medical examiners, coroners, funeral directors or persons acting as such, embalmers, sheriffs, attending physicians and resident physicians, physician assistants, assistant physicians, advanced practice registered nurses, and the chief medical officers of licensed health care facilities, and other public or private institutions providing medical care, treatment, or confinement to persons, shall be required to use and utilize any electronic death registration system required and adopted under subsection 1 of section 193.265 within six months of the system being certified by the director of the department of health and senior services, or the director's designee, to be operational and available to all data providers in the death
16 registration process. However, should the person or entity that certifies the cause of death not be part of, or does not use, the electronic death registration system, the funeral director or person acting as such may enter the required personal data into the electronic death registration system and then complete the filing by presenting the signed cause of death certification to the local registrar, in which case the local registrar shall issue death certificates as set out in subsection 2 of section 193.265. [Nothing in this section shall prevent the state registrar from adopting pilot programs or voluntary electronic death registration programs until such time as the system can be certified; however, no such pilot or voluntary electronic death registration program shall prevent the filing of a death certificate with the local registrar or the ability to obtain certified copies of death certificates under subsection 2 of section 193.265 until six months after such certification that the system is operational.]

2. If the place of death is unknown but the dead body is found in this state, the certificate of death shall be completed and filed pursuant to the provisions of this section. The place where the body is found shall be shown as the place of death. The date of death shall be the date on which the remains were found.

3. When death occurs in a moving conveyance in the United States and the body is first removed from the conveyance in this state, the death shall be registered in this state and the place where the body is first removed shall be considered the place of death. When a death occurs on a moving conveyance while in international waters or air space or in a foreign country or its air space and the body is first removed from the conveyance in this state, the death shall be registered in this state but the certificate shall show the actual place of death if such place may be determined.

4. The funeral director or person in charge of final disposition of the dead body shall file the certificate of death. The funeral director or person in charge of the final disposition of the dead body shall obtain or verify and enter into the electronic death registration system:

(1) The personal data from the next of kin or the best qualified person or source available;

(2) The medical certification and attestation from the person responsible for such certification and attestation if designated to do so under subsection 5 of this section; and

(3) Any other information or data that may be required to be placed on a
death certificate or entered into the electronic death certificate system including, but not limited to, the name and license number of the embalmer.

5. The medical certification shall be completed, attested to its accuracy either by signature or an electronic process approved by the department, and returned to the funeral director or person in charge of final disposition within seventy-two hours after death by the physician, physician assistant, assistant physician, advanced practice registered nurse in charge of the patient's care for the illness or condition which resulted in death. In the absence of the physician, physician assistant, assistant physician, advanced practice registered nurse or with the physician's, physician assistant's, assistant physician's, or advanced practice registered nurse's approval the certificate may be completed and attested to its accuracy either by signature or an approved electronic process by the physician's associate physician, the chief medical officer of the institution in which death occurred, or the physician who performed an autopsy upon the decedent, provided such individual has access to the medical history of the case, views the deceased at or after death and death is due to natural causes. The person authorized to complete the medical certification may, in writing, designate any other person to enter the medical certification information and attestation into the electronic death registration system if the person authorized to complete the medical certificate has physically or by electronic process signed a statement stating the cause of death. Any persons completing the medical certification or entering data and attestation into the electronic death registration system shall be immune from civil liability for such certification and attestation completion, data entry, or determination of the cause of death, absent gross negligence or willful misconduct. The state registrar may approve alternate methods of obtaining and processing the medical certification and filing the death certificate. The Social Security number of any individual who has died shall be placed in the records relating to the death and recorded on the death certificate.

6. When death occurs from natural causes more than thirty-six hours after the decedent was last treated by a physician, physician assistant, assistant physician, advanced practice registered nurse, the case shall be referred to the county medical examiner or coroner or physician or local registrar for investigation to determine and certify the cause of death. If the death is determined to be of a natural cause, the medical examiner or coroner or local registrar shall refer the certificate of death to the attending physician, physician assistant, assistant physician, advanced practice registered nurse for such
certification. If the attending physician, physician assistant, assistant physician, advanced practice registered nurse refuses or is otherwise unavailable, the medical examiner or coroner or local registrar shall attest to the accuracy of the certificate of death either by signature or an approved electronic process within thirty-six hours.

7. If the circumstances suggest that the death was caused by other than natural causes, the medical examiner or coroner shall determine the cause of death and shall complete and attest to the accuracy either by signature or an approved electronic process the medical certification within seventy-two hours after taking charge of the case.

8. If the cause of death cannot be determined within seventy-two hours after death, the attending medical examiner, coroner, attending physician, physician assistant, assistant physician, advanced practice registered nurse, or local registrar shall give the funeral director, or person in charge of final disposition of the dead body, notice of the reason for the delay, and final disposition of the body shall not be made until authorized by the medical examiner, coroner, attending physician, physician assistant, assistant physician, advanced practice registered nurse, or local registrar.

9. When a death is presumed to have occurred within this state but the body cannot be located, a death certificate may be prepared by the state registrar upon receipt of an order of a court of competent jurisdiction which shall include the finding of facts required to complete the death certificate. Such a death certificate shall be marked "Presumptive", show on its face the date of registration, and identify the court and the date of decree.

10. [(1)] The department of health and senior services shall notify all physicians, physician assistants, assistant physicians, and advanced practice registered nurses licensed under chapters 334 and 335 of the requirements regarding the use of the electronic vital records system provided for in this section.

[(2) On or before August 30, 2015, the department of health and senior services, division of community and public health shall create a working group comprised of representation from the Missouri electronic vital records system users and recipients of death certificates used for professional purposes to evaluate the Missouri electronic vital records system, develop recommendations to improve the efficiency and usability of the system, and to report such findings and recommendations to the general assembly no later than January 1, 2016.]
193.265. 1. For the issuance of a certification or copy of a death record, the applicant shall pay a fee of thirteen dollars for the first certification or copy and a fee of ten dollars for each additional copy ordered at that time. For the issuance of a certification or copy of a birth, marriage, divorce, or fetal death record, the applicant shall pay a fee of fifteen dollars. No fee shall be required or collected for a certification of birth, death, or marriage if the request for certification is made by the children's division, the division of youth services, a guardian ad litem, or a juvenile officer on behalf of a child or person under twenty-one years of age who has come under the jurisdiction of the juvenile court under section 211.031. All fees shall be deposited to the state department of revenue. Beginning August 28, 2004, for each vital records fee collected, the director of revenue shall credit four dollars to the general revenue fund, five dollars to the children's trust fund, one dollar shall be credited to the endowed care cemetery audit fund, and three dollars for the first copy of death records and five dollars for birth, marriage, divorce, and fetal death records shall be credited to the Missouri public services health fund established in section 192.900. Money in the endowed care cemetery audit fund shall be available by appropriation to the division of professional registration to pay its expenses in administering sections 214.270 to 214.410. All interest earned on money deposited in the endowed care cemetery audit fund shall be credited to the endowed care cemetery fund. Notwithstanding the provisions of section 33.080 to the contrary, money placed in the endowed care cemetery audit fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds three times the amount of the appropriation from the endowed care cemetery audit fund for the preceding fiscal year. The money deposited in the public health services fund under this section shall be deposited in a separate account in the fund, and moneys in such account, upon appropriation, shall be used to automate and improve the state vital records system, and develop and maintain an electronic birth and death registration system. For any search of the files and records, when no record is found, the state shall be entitled to a fee equal to the amount for a certification of a vital record for a five-year search to be paid by the applicant. For the processing of each legitimation, adoption, court order or recording after the registrant's twelfth birthday, the state shall be entitled to a fee equal to the amount for a certification of a vital record. Except whenever a certified copy or copies of a vital record is required to perfect any claim of any person on relief, or any dependent of any
person who was on relief for any claim upon the government of the state or United States, the state registrar shall, upon request, furnish a certified copy or so many certified copies as are necessary, without any fee or compensation therefor.

2. For the issuance of a certification of a death record by the local registrar, the applicant shall pay a fee of thirteen dollars for the first certification or copy and a fee of ten dollars for each additional copy ordered at that time. For the issuance of a certification or copy of a birth, marriage, divorce, or fetal death record, the applicant shall pay a fee of fifteen dollars; except that, in any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, a donation of one dollar may be collected by the local registrar over and above any fees required by law when a certification or copy of any marriage license or birth certificate is provided, with such donations collected to be forwarded monthly by the local registrar to the county treasurer of such county and the donations so forwarded to be deposited by the county treasurer into the housing resource commission fund to assist homeless families and provide financial assistance to organizations addressing homelessness in such county. The local registrar shall include a check-off box on the application form for such copies. All fees, other than the donations collected in any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants for marriage licenses and birth certificates, shall be deposited to the official city or county health agency. A certified copy of a death record by the local registrar can only be issued within twenty-four hours of receipt of the record by the local registrar. Computer-generated certifications of death records may be issued by the local registrar after twenty-four hours of receipt of the records. In the event that it is determined by the state registrar that any required information from any data provider was missing or incomplete on records or documentation that were filed with or submitted to the local registrar and then sent to the state registrar, the state registrar shall return the records or documentation to the local registrar so that the data provider, funeral director, or person in charge of the final disposition may provide the missing or incomplete information. Nothing in this subsection removes any requirement in any statute or regulation as to when an affidavit or court order is necessary to amend a death certificate that has been issued. The fees
paid to the official county health agency shall be retained by the local agency for local public health purposes.

194.119. 1. As used in this section, the term "right of sepulcher" means the right to choose and control the burial, cremation, or other final disposition of a dead human body.

2. For purposes of this chapter and chapters 193, 333, and 436, and in all cases relating to the custody, control, and disposition of deceased human remains, including the common law right of sepulcher, where not otherwise defined, the term "next-of-kin" means the following persons in the priority listed if such person is eighteen years of age or older, is mentally competent, and is willing to assume responsibility for the costs of disposition:

(1) An attorney in fact designated in a durable power of attorney wherein the deceased specifically granted the right of sepulcher over his or her body to such attorney in fact;

(2) For a decedent who was on active duty in the United States military at the time of death, the person designated by such decedent in the written instrument known as the United States Department of Defense Form 93, Record of Emergency Data, in accordance with [P.L. 109-163, Section 564, 10 U.S.C. Section 1482;

(3) The surviving spouse, unless an action for the dissolution of the marriage has been filed and is pending in a court of competent jurisdiction;

(4) Any surviving child of the deceased. If a surviving child is less than eighteen years of age and has a legal or natural guardian, such child shall not be disqualified on the basis of the child's age and such child's legal or natural guardian, if any, shall be entitled to serve in the place of the child unless such child's legal or natural guardian was subject to an action in dissolution from the deceased. In such event the person or persons who may serve as next-of-kin shall serve in the order provided in subdivisions (5) to (9) of this subsection;

(5) (a) Any surviving parent of the deceased; or

(b) If the deceased is a minor, a surviving parent who has custody of the minor; or

(c) If the deceased is a minor and the deceased's parents have joint custody, the parent whose residence is the minor child's residence for purposes of mailing and education;

(6) Any surviving sibling of the deceased;
The next nearest surviving relative of the deceased by consanguinity or affinity;

Any person or friend who assumes financial responsibility for the disposition of the deceased's remains if no next-of-kin assumes such responsibility;

The county coroner or medical examiner; provided however that such assumption of responsibility shall not make the coroner, medical examiner, the county, or the state financially responsible for the cost of disposition.

3. The next-of-kin of the deceased shall be entitled to control the final disposition of the remains of any dead human being consistent with all applicable laws, including all applicable health codes. **The next-of-kin may delegate the control of the final disposition of the remains of any dead human being to an agent through either a specific or general grant of power in accordance with section 404.710 if, at the time of delegation, the next-of-kin was eighteen years of age or older and mentally competent and the principal or agent is taking financial responsibility for the disposition.**

4. A funeral director or establishment is entitled to rely on and act according to the lawful instructions of any person claiming to be the next-of-kin of the deceased; provided however, in any civil cause of action against a funeral director or establishment licensed pursuant to this chapter for actions taken regarding the funeral arrangements for a deceased person in the director's or establishment's care, the relative fault, if any, of such funeral director or establishment may be reduced if such actions are taken in reliance upon a person's claim to be the deceased person's next-of-kin.

5. Any person who desires to exercise the right of sepulcher and who has knowledge of an individual or individuals with a superior right to control disposition shall notify such individual or individuals prior to making final arrangements.

6. If an individual with a superior claim is notified in person or by written notice with delivery confirmation to such person's last known address by a person with an inferior claim that such person desires to exercise the right of sepulcher and the individual so served does not object within forty-eight hours of receipt such notice, such individual shall be deemed to have waived such right. An individual with a superior right may also waive such right at any time if such
waiver is in writing and dated.

7. If there is more than one person in a class who are equal in priority and the funeral director has no knowledge of any objection by other members of such class, the funeral director or establishment shall be entitled to rely on and act according to the instructions of the first such person in the class to make arrangements; provided that such person assumes responsibility for the costs of disposition and no other person in such class provides written notice of his or her objection. If the funeral director has knowledge that there is more than one person in a class who are equal in priority and who do not agree on the disposition, the decision of the majority of the members of such class shall control the disposition.

8. For purposes of conducting a majority vote under subsection 7 of this section, the funeral director shall allow voting by proxy using a written authorization or instrument.

194.225. 1. A donor may make an anatomical gift:

(1) By authorizing a statement or symbol indicating that the donor has made an anatomical gift to be imprinted on the face of the donor's driver's license or identification card, or by placing a donor symbol sticker authorized and issued by the department of health and senior services on the back of the donor's driver's license or identification card indicating that the donor has made an anatomical gift;

(2) In a will;

(3) During a terminal illness or injury of the donor, by any form of communication addressed to at least two adults at least one of whom is a disinterested witness; or

(4) As provided in subsection 2 of this section.

2. A donor or other person authorized to make an anatomical gift under section 194.220 may make a gift by a donor card or other record signed by the donor or other person making the gift or by authorizing that a statement or symbol indicating that the donor has made an anatomical gift be included on a donor registry. If the donor or other person is physically unable to sign a record, the record may be signed by another individual at the direction of the donor or the other person and shall:

(1) Be witnessed by at least two adults at least one of whom is a disinterested witness, who have signed at the request of the donor or the other person; and
(2) State that it has been signed and witnessed as provided in subdivision (1) of subsection 1 of this section.

3. Revocation, suspension, expiration, or cancellation of the driver's license or identification card upon which an anatomical gift is indicated does not invalidate the gift.

4. An anatomical gift made by will takes effect upon the donor's death whether or not the will is probated. Invalidation of the will after the donor's death does not invalidate the gift.

5. The department of health and senior services shall include on its website information about organ donation and a link where persons making an anatomical gift can register. Once a person has registered as a donor on the website, the department of health and senior services shall contact the department of revenue to determine whether the organ donor symbol is printed on the front of the registrant's driver's license or identification card. If the donor symbol does not appear on the front of the registrant's driver's license or identification card, the department of health and senior services shall mail to the registrant, through first class mail, a donor symbol sticker to be placed on the back of his or her driver's license or identification card as provided under this section and section 302.171.

6. All state agencies and departments may provide a link on the homepage of their website directing the public to the organ donation information and registration link on the department of health and senior services website.

302.171. 1. The director shall verify that an applicant for a driver's license is a Missouri resident or national of the United States or a noncitizen with a lawful immigration status, and a Missouri resident before accepting the application. The director shall not issue a driver's license for a period that exceeds the duration of an applicant's lawful immigration status in the United States. The director may establish procedures to verify the Missouri residency or United States naturalization or lawful immigration status and Missouri residency of the applicant and establish the duration of any driver's license issued under this section. An application for a license shall be made upon an approved form furnished by the director. Every application shall state the full name, Social Security number, age, height, weight, color of eyes, sex, residence, mailing address of the applicant, and the classification for which the applicant has been
licensed, and, if so, when and by what state, and whether or not such license has
ever been suspended, revoked, or disqualified, and, if revoked, suspended or
disqualified, the date and reason for such suspension, revocation or
disqualification and whether the applicant is making a one dollar donation to
promote an organ donation program as prescribed in subsection 2 of this section.
A driver's license, nondriver's license, or instruction permit issued under this
chapter shall contain the applicant's legal name as it appears on a birth
certificate or as legally changed through marriage or court order. No name
change by common usage based on common law shall be permitted. The
application shall also contain such information as the director may require to
enable the director to determine the applicant's qualification for driving a motor
vehicle; and shall state whether or not the applicant has been convicted in this
or any other state for violating the laws of this or any other state or any
ordinance of any municipality, relating to driving without a license, careless
driving, or driving while intoxicated, or failing to stop after an accident and
disclosing the applicant's identity, or driving a motor vehicle without the owner's
consent. The application shall contain a certification by the applicant as to the
truth of the facts stated therein. Every person who applies for a license to
operate a motor vehicle who is less than twenty-one years of age shall be provided
with educational materials relating to the hazards of driving while intoxicated,
including information on penalties imposed by law for violation of the
intoxication-related offenses of the state. Beginning January 1, 2001, if the
applicant is less than eighteen years of age, the applicant must comply with all
requirements for the issuance of an intermediate driver's license pursuant to
section 302.178. For persons mobilized and deployed with the United States
Armed Forces, an application under this subsection shall be considered
satisfactory by the department of revenue if it is signed by a person who holds
general power of attorney executed by the person deployed, provided the applicant
meets all other requirements set by the director.

2. An applicant for a license may make a donation of one dollar to promote
an organ donor program. The director of revenue shall collect the donations and
deposit all such donations in the state treasury to the credit of the organ donor
program fund established in sections 194.297 to 194.304. Moneys in the organ
donor program fund shall be used solely for the purposes established in sections
194.297 to 194.304 except that the department of revenue shall retain no more
than one percent for its administrative costs. The donation prescribed in this
subsection is voluntary and may be refused by the applicant for the license at the
time of issuance or renewal of the license. The director shall make available an
informational booklet or other informational sources on the importance of organ
and tissue donations to applicants for licensure as designed by the organ donation
advisory committee established in sections 194.297 to 194.304. The director shall
inquire of each applicant at the time the licensee presents the completed
application to the director whether the applicant is interested in making the one
dollar donation prescribed in this subsection and whether the applicant is
interested in inclusion in the organ donor registry and shall also specifically
inform the licensee of the ability to consent to organ donation by [completing the
form on the reverse of the license that the applicant will receive in the manner]
placing a donor symbol sticker authorized and issued by the
department of health and senior services on the back of his or her
driver's license or identification card as prescribed by subdivision (1) of
subsection 1 of section 194.225. A symbol [shall] may be placed on the front of
the [document] license or identification card indicating the applicant’s desire
to be listed in the registry at the applicant's request at the time of his or
her application for a driver's license or identification card, or the
applicant may instead request an organ donor sticker from the
department of health and senior services by application on the
department of health and senior services's website. Upon receipt of an
organ donor sticker sent by the department of health and senior
services, the applicant shall place the sticker on the back of his or her
driver's license or identification card to indicate that he or she has
made an anatomical gift. The director shall notify the department of health
and senior services of information obtained from applicants who indicate to the
director that they are interested in registry participation, and the department of
health and senior services shall enter the complete name, address, date of birth,
race, gender and a unique personal identifier in the registry established in
subsection 1 of section 194.304.

3. An applicant for a license may make a donation of one dollar to promote
a blindness education, screening and treatment program. The director of revenue
shall collect the donations and deposit all such donations in the state treasury to
the credit of the blindness education, screening and treatment program fund
established in section 209.015. Moneys in the blindness education, screening and
treatment program fund shall be used solely for the purposes established in
section 209.015; except that the department of revenue shall retain no more than
one percent for its administrative costs. The donation prescribed in this
subsection is voluntary and may be refused by the applicant for the license at the
time of issuance or renewal of the license. The director shall inquire of each
applicant at the time the licensee presents the completed application to the
director whether the applicant is interested in making the one dollar donation
prescribed in this subsection.

4. Beginning July 1, 2005, the director shall deny the driving privilege of
any person who commits fraud or deception during the examination process or
who makes application for an instruction permit, driver's license, or nondriver's
license which contains or is substantiated with false or fraudulent information
or documentation, or who knowingly conceals a material fact or otherwise
commits a fraud in any such application. The period of denial shall be one year
from the effective date of the denial notice sent by the director. The denial shall
become effective ten days after the date the denial notice is mailed to the
person. The notice shall be mailed to the person at the last known address shown
on the person's driving record. The notice shall be deemed received three days
after mailing unless returned by the postal authorities. No such individual shall
reapply for a driver's examination, instruction permit, driver's license, or
nondriver's license until the period of denial is completed. No individual who is
denied the driving privilege under this section shall be eligible for a limited
driving privilege issued under section 302.309.

5. All appeals of denials under this section shall be made as required by
section 302.311.

6. The period of limitation for criminal prosecution under this section
shall be extended under subdivision (1) of subsection 3 of section 556.036.

7. The director may promulgate rules and regulations necessary to
administer and enforce this section. No rule or portion of a rule promulgated
pursuant to the authority of this section shall become effective unless it has been
promulgated pursuant to chapter 536.

8. Notwithstanding any provision of this chapter that requires an
applicant to provide proof of Missouri residency for renewal of a noncommercial
driver's license, noncommercial instruction permit, or nondriver's license, an
applicant who is sixty-five years and older and who was previously issued a
Missouri noncommercial driver's license, noncommercial instruction permit, or
Missouri nondriver's license is exempt from showing proof of Missouri residency.
9. Notwithstanding any provision of this chapter, for the renewal of a noncommercial driver's license, noncommercial instruction permit, or nondriver's license, a photocopy of an applicant's United States birth certificate along with another form of identification approved by the department of revenue, including, but not limited to, United States military identification or United States military discharge papers, shall constitute sufficient proof of Missouri citizenship.

10. Notwithstanding any other provision of this chapter, if an applicant does not meet the requirements of subsection 8 of this section and does not have the required documents to prove Missouri residency, United States naturalization, or lawful immigration status, the department may issue a one-year driver's license renewal. This one-time renewal shall only be issued to an applicant who previously has held a Missouri noncommercial driver's license, noncommercial instruction permit, or nondriver's license for a period of fifteen years or more and who does not have the required documents to prove Missouri residency, United States naturalization, or lawful immigration status. After the expiration of the one-year period, no further renewal shall be provided without the applicant producing proof of Missouri residency, United States naturalization, or lawful immigration status.

333.011. 1. As used in this chapter, unless the context requires otherwise, the following terms have the meanings indicated:

(1) "Board", the state board of embalmers and funeral directors created by this chapter;

(2) "Embalmer", any individual licensed to engage in the practice of embalming;

(3) "Funeral director", any individual licensed to engage in the practice of funeral directing;

(4) "Funeral establishment", a building, place, crematory, or premises devoted to or used in the care and preparation for burial or transportation of the human dead and includes every building, place or premises maintained for that purpose or held out to the public by advertising or otherwise to be used for that purpose;

(5) "Funeral merchandise", caskets, grave vaults, receptacles, and other personal property incidental to the final disposition of a dead human body, including grave markers, monuments, tombstones, and urns;

(6) "Outdoor cremation", the cremation of a dead human body that occurs outdoors in a licensed or permitted outdoor human
cremation facility;

(7) "Outdoor human cremation facility", a licensed or permitted location that includes an outdoor funeral pyre with the ability to utilize a heating process to reduce a dead human body to bone fragments through heat and evaporation;

(8) "Person", any individual, partnership, corporation, cooperative, association, or other entity;

[(7)] (9) "Practice of embalming", the work of preserving, disinfecting and preparing by arterial embalming, including the chemical preparation of a dead human body for disposition. Practice of embalming includes all activities leading up to and including arterial and cavity embalming, including but not limited to raising of vessels and suturing of incisions of dead human bodies for funeral services, transportation, burial or cremation, or the holding of oneself out as being engaged in such work;

[(8)] (10) "Practice of funeral directing", engaging by an individual in the business of preparing, otherwise than by embalming, for the burial, disposal or transportation out of this state of, and the directing and supervising of the burial or disposal of, dead human bodies or engaging in the general control, supervision or management of the operations of a funeral establishment;

[(9)] (11) "Preneed agent", any person authorized to sell a preneed contract for or on behalf of a seller;

[(10)] (12) "Provider", the person designated or obligated to provide the final disposition, funeral, or burial services or facilities, or funeral merchandise described in a preneed contract;

[(11)] (13) "Seller", the person who executes a preneed contract with a purchaser and who is obligated under such preneed contract to remit payment to the provider.

2. All terms defined in sections 436.400 to 436.520 shall be deemed to have the same meaning when used in this chapter.

333.072. 1. An outdoor cremation facility shall comply with all local, state, and federal laws to ensure public health and safety.

2. Any licensed funeral establishment may include an outdoor cremation facility provided such facility complies with the provisions of this chapter and any regulations related to funeral establishments.

3. For each outdoor cremation, the funeral establishment shall apply to the board for a permit to perform an outdoor cremation at an
outdoor human cremation facility. The board shall create an application form, which shall include:

1. The name and address of the licensed funeral establishment;
2. The name, license number, and signature of the funeral director that will be conducting the cremation;
3. The name of the deceased;
4. The date of death of the deceased;
5. The name, address, and signature of the person exercising the right of sepulcher over the body of the deceased consenting to the outdoor cremation, or a written and signed authorization for outdoor cremation signed by the deceased prior to death;
6. The address and written consent of the property owner or the person with the right of possession of the property where the outdoor cremation is to be performed;
7. The date range, not to exceed one week, in which the outdoor cremation will take place;
8. Evidence that the intended outdoor human cremation facility has the capacity to complete the cremation of a dead human body;
9. A fee established by the board by rule; and
10. Evidence of compliance with local, state, and federal laws related to public health and safety for the location of the facility.

4. The application for a permit shall be completed and filed at least three days prior to the date of the outdoor cremation.
5. The funeral establishment shall provide written notice to the applicable local law enforcement agency at least twenty-four hours in advance of any outdoor cremation. Such notice shall include the date, location, and approximate time of the outdoor cremation, the name and contact information of the funeral director performing the outdoor cremation, and a copy of the permit from the board to perform the outdoor cremation. The funeral establishment shall maintain a copy of such written notice in its records.
6. The board may inspect any location proposed for an outdoor cremation facility to ensure compliance with the provisions of chapters 333 and 436 and their accompanying regulations.
7. A licensed funeral director, or his or her designee, shall be present to supervise any cremation conducted at an outdoor cremation facility.
8. The board is hereby authorized to promulgate rules and regulations for establishing and regulating outdoor human cremation facilities. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid and void.
Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2120—State Board of Embalmers and Funeral Directors
Chapter 2—General Rules

PROPOSED RULE

20 CSR 2120-2.021 Inactive License

PURPOSE: This rule outlines the process of requesting inactive status to maintain a license for an embalmer, funeral director, funeral director limited and preneed agent.

(1) Any embalmer, funeral director, funeral director limited, or preneed agent that holds a current unexpired license/registration may place that license/registration on inactive status by filing a written and signed request for inactive status with the board. This request may be accomplished by signing the request for inactive status which appears on the application for renewal and returning that application to the board prior to the date the license expires.

(2) The licensee shall not practice in the state of Missouri while the license is inactive.

(3) An inactive license/registration shall be renewed just as if it were active. Failure to receive renewal notice shall not relieve the licensee of the obligation to renew and pay the inactive renewal fee prior to the expiration date.

(4) Each inactive licensee/registrant shall provide the board, at the time of application for renewal, with a completed renewal form issued by the board that shall contain updated information since the preceding application/renewal period.

(5) If an inactive licensee/registrant wishes to return a license to active status the licensee/registrant shall complete the renewal form and pay the renewal fee as stated in the rules promulgated by the board.

AUTHORITY: section 324.039, RSMo 2016. Original rule filed:

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the State Board of Embalmers and Funeral Directors, Lori Hayes, Executive Director, 3605 Missouri Boulevard, PO Box 423, Jefferson City, MO 65102-0423, by facsimile at (573) 751-1155 or via email to embalm@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.
Title 20-DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS
AND PROFESSIONAL REGISTRATION
Division 2120-State Board of Embalmers and Funeral Directors
Chapter 2- General Rules

PROPOSED AMENDMENT

20 CSR 2120-2.070 Funeral Establishments

Purpose: This amendment is to update the existing regulation’s terminology, provide additional clarification regarding the chemical disposition process and provide for board discretion to allow a funeral establishment to continue operation at an approved temporary location.

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

(2) There shall be the following license classifications:
   (A) Function A establishments shall have authority to embalm dead human bodies and to transport dead human bodies to and from the funeral establishment. An establishment licensed only as a Function A establishment is prohibited from the care and preparation of dead human bodies other than by embalming, and [shall] also be prohibited from making funeral arrangements or embalming arrangements with any unlicensed person, cremating, conducting visitations and funeral ceremonies, filing death certificates and furnishing any funeral service in connection with the disposition of dead human bodies, or selling of funeral merchandise. Each Missouri licensed funeral establishment used solely or partially for embalming shall contain a preparation room that shall be devoted to activities of or related to the preparation or the embalming, or both, of dead human remains and shall be equipped and maintained as described in 20 CSR 2120-2.090. Each Function A funeral establishment licensed for embalming shall maintain on the premises [in the preparation room] a register log. (B) Function B establishments shall have authority to cremate through the use of any mechanical or chemical means dead human bodies and to transport dead human bodies to and from the funeral establishment. This establishment shall have a functioning cremation chamber and/or functioning facilities for alkaline hydrolysis chemical process for final disposition of a dead human body, except as otherwise provided by Chapter 333, RSMo, and the rules of the board. An establishment licensed only as a Function B establishment is prohibited from the care and preparation of dead human bodies other than by cremating, and [shall] also be prohibited from embalming, making funeral arrangements or cremation arrangements with any unlicensed person, conducting visitations and funeral ceremonies, filing death certificates and furnishing any funeral service in connection with the disposition of dead human bodies or selling funeral
merchandise. In no event shall any licensee or licensed establishment cremate human remains in the same retort used for cremating non-human remains. Each Missouri licensed funeral establishment which is used solely or partially for cremations shall be equipped and maintained as described in 20 CSR 2120-2.071. This function shall maintain on the premises in the cremation area a cremation log.

(C) Function C establishments shall have authority for the care and preparation of dead human bodies, other than by embalming or cremating, authority to transport dead human bodies to and from the funeral establishment, make funeral arrangements, furnish any funeral services in connection with the disposition of dead human bodies or the sale of funeral merchandise, and file death certificates. This function shall contain a separate area for the care and custody of dead human remains that is secured with a functioning lock and a separate area for confidential conferences to arrange funeral services. The Function C establishment shall have on-site equipment necessary for arranging funeral services including tables or desks and chairs for funeral service arrangement conferences and file cabinets for the confidential storage of funeral records. This function shall contain an available restroom and drinking water in the building and an area where funeral ceremonies or visitations may be conducted. The establishment shall be equipped with seating for visitations or funeral ceremonies, casket bier, register book stand, and officiate stand. This function shall maintain on the Missouri premises the following documents:

1. General price list;
2. Preneed contracts which have been cancelled or fulfilled;
3. Written Statements of Goods and Services;
4. Authorizations to embalm or cremate; and
5. Register Log;

(D) Function D establishments shall have authority to conduct visitations and funeral ceremonies only. A Function D license is dependent upon and shall be operated under the supervision and ownership of a Function C establishment. This function shall contain an available restroom and drinking water in the building, and an area where funeral ceremonies or visitations may be conducted. The establishment shall be equipped with seating for visitations or funeral ceremonies, casket bier, register book stand, and officiate stand. Each Function D funeral establishment shall maintain on the premises a register log.

(E) Function E establishment shall have authority to make funeral arrangements and furnish any funeral services in connection with the disposition of dead human bodies or the sale of funeral merchandise and file death certificates. This function shall have a separate area for confidential conferences to arrange funeral services. The Function E establishment shall have on site tables or desks and chairs for funeral service arrangement conferences and file cabinets for the confidential storage of funeral records. This function shall contain an available restroom and drinking water in the building. The establishment is to be used only for arranging funerals and visitations to be conducted at another facility, no services shall be held at this establishment. This function shall maintain on the premises the following
documents:
1. General price list;
2. Preneed contracts which have been cancelled or fulfilled;
3. Written Statements of Goods and Services;
4. Authorizations to embalm or cremate; and
5. Register Log.

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

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

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

(6) Each application for a funeral establishment shall be made in the name of the person or business entity authorized to conduct business in Missouri. No license shall be issued to an establishment that has no legal recognition. A Missouri licensed funeral establishment shall maintain a current and active authorization to conduct business in Missouri with the Missouri Secretary of State.

(7) A funeral establishment application shall indicate the name and license number of the Missouri licensed funeral director-in-charge, as defined by 20 CSR 2120-1.040. When the Missouri licensed funeral director-in-charge changes [for a period of more than thirty (30) days], the new Missouri licensed funeral director-in-charge and the former Missouri licensed funeral director-in-charge, jointly or individually, shall notify the board of the change within [thirty (30)] fifteen (15) days of the date when the change first occurs. Failure to notify the board [shall be considered] is a violation of this rule on the part of each Missouri funeral director licensee and on the part of the Missouri licensed funeral establishment. A change in the Missouri licensed funeral director-in-charge does not require a new Missouri licensed funeral establishment license.

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

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

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

(B) A corporation is considered by law to be a separate person. If a corporation owns a
Missouri licensed funeral establishment, it is not necessary to obtain a new establishment
license or to file an amended application for an establishment license if the owners of the
stock change.

(C) However, as a separate person, if a corporation begins ownership of a Missouri licensed
funeral establishment or ceases ownership of a Missouri licensed funeral establishment, a
new establishment license shall be obtained regardless of the relationship of the previous
or subsequent owner to the corporation.

(10) The professional business and practice of funeral directing shall be conducted only from a
fixed place or establishment that has been licensed by the board except as permitted by
section 333.071, RSMo. The Missouri licensed funeral establishment physical facility shall
be under the general management and supervision of the Missouri licensed funeral director-
in-charge. Every Missouri licensed funeral establishment shall provide and allow access to
any member or [duly authorized] agent of the board for the purpose of inspection, [as
provided by sections 333.061 and 333.101] investigation, examination or audit as
authorized in Chapters 333 and 436, RSMo. If any representative of the Missouri licensed
funeral establishment fails or refuses to provide or allow access, it shall be considered a violation of this rule by the Missouri licensed funeral establishment and by the Missouri licensed funeral director-in-charge of the Missouri licensed funeral establishment. Additionally, if the Missouri licensed funeral establishment representative who fails or refuses to provide or allow access holds any license or registration issued by this board, that person [shall be] is in violation of this rule.

(11) No one licensed by this board may be employed in any capacity by an unlicensed funeral establishment. Violation of this section will be deemed misconduct in the practice of embalming or funeral directing.

(12) Only one (1) Missouri funeral establishment license will be issued by this board for any physical [facility] address that is considered to be a Missouri licensed funeral establishment as defined by statute and rule.

(A) If a Missouri funeral establishment licensed by this board is destroyed by fire or some other disaster or act of God, the board, in its discretion, for a period of not more than six (6) months, may allow the Missouri licensed funeral establishment to continue its operation from another Missouri licensed funeral establishment or from a facility that has not been licensed as a funeral establishment if the facility meets the minimum requirements for the functions outlined in section (2) of this rule. The temporary location is not intended for long-term use, but rather as a means to maintain the business of the Missouri licensed establishment while it actively pursues the steps necessary to re-open its facilities at the licensed location.

(B) If the Missouri licensed funeral establishment has not been able to re-open its facilities at the licensed location within the initial six (6) months, then the Missouri licensed funeral establishment may make a written request to the board for an additional six (6) months to continue to operate from its temporary location which the board shall grant, at its discretion.

(C) If the Missouri licensed funeral establishment is unable to re-open its facilities at its licensed location after the expiration of the second six (6) month extension, then the Missouri licensed funeral establishment may make a written request and make an appearance before the board to present its plan to re-open at the licensed location and show good cause for any additional extension.

(D) Before a Missouri licensed funeral establishment operates at any location other than its licensed location, that establishment must make a written request to the board that sets forth the reason a temporary location is required, the address of the requested temporary location, and show a legal right to occupy the premises at the temporary location that may include a deed, a rental agreement, a letter from the owner of the temporary location or other similar written documentation. Upon approval of the temporary location, the board shall issue its written notice of approval. The temporary location may not be used by the licensee until it receives that written notice of approval from the board.

(E) When the Missouri licensed funeral establishment is ready to re-open the facilities at
the licensed location, it must notify the board, in writing, that it is ready to re-open and the board will conduct an inspection to ensure the facilities at the licensed location comply with all requirements to be operated as a licensed establishment and upon approval will provide written notice to the establishment that it is approved to resume operations at the licensed location. No new application or application fee shall be required.

(F) In order to operate at a temporary location, the Missouri licensed funeral establishment must take all steps necessary to maintain its establishment license in a current and active status. Make this subsection (B)?

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

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

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

(14) The interior and exterior of the Missouri licensed funeral establishment physical plant shall be maintained in a manner that does not present a potential or actual hazard to the health, safety, or welfare of the public and kept free and clean of litter, dirt, debris, and clutter [or other objects or conditions which present a potential or actual hazard to the health, safety, or welfare of the public].

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

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

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

[(18) Each Missouri licensed funeral establishment which is used solely or partially for cremations shall be equipped and maintained as described in 20 CSR 2120-2.071.]
(19) Each Function C establishment shall contain a separate area for the care and custody of dead human remains and a separate area for confidential conferences to arrange funeral services. The Function C establishment shall have on-site equipment necessary for arranging funeral services including tables or desks and chairs for funeral service arrangement conferences and file cabinets for the confidential storage of funeral records.

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

(21)[(16) According to section 333.[121.2(17)]330, RSMo, the State Board of Embalmers and Funeral Directors may impose disciplinary action for failure to obtain authorization to embalm from the person entitled to custody or control of the body, if the body is embalmed. If the body is not embalmed, a Missouri licensed funeral establishment shall not hold the unembalmed body for any longer than twenty-four (24) hours unless the unembalmed body is refrigerated in a cooling unit at a temperature of forty degrees Fahrenheit (40° F) or cooler or encased in an airtight metal or metal-lined burial case, casket or box that is closed and hermetically sealed. If the deceased gave written authorization to embalm and did not revoke the authorization, the authorization shall satisfy this requirement. If the deceased did not give written authorization to embalm, the next of kin of the deceased may give authorization to embalm. Authorization to embalm may be given by the next of kin prior to the death of the person whose body is to be embalmed. Authorization to embalm given prior to death may be in any written document, including a preneed contract.

(A) The next of kin, for purposes of this rule, [shall be as] is defined [in] pursuant to section 194.119.2, RSMo.

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

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

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

(E) If the Missouri licensed funeral establishment receives no authorization to embalm from any of the persons identified in subsections [(21)[16](A), (B), or (C) of this rule, the Missouri licensed funeral establishment may proceed with embalming if it has attempted to locate a person from whom authorization to embalm may be obtained for at least six (6) hours and it has a written statement from city, county, or state law enforcement officials that they have assisted the Missouri licensed funeral establishment in attempting to locate such a person. However, the Missouri licensed embalmer may proceed to
embalm sooner if the condition of the body is such that waiting for six (6) hours would substantially impair the ability to effectively embalm the body or if the deceased died as a result of a communicable disease, was subject to isolation at the time of death; and

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

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

(A) When authorization to embalm is given in writing:

1. **The name of the deceased**;
2. The name and signature of the person who is authorizing embalming;
3. The relationship of that person to the deceased;
4. The time and date authorization to embalm was given; and
5. The name and title of the person receiving authorization to embalm on behalf of the Missouri licensed funeral establishment; and

(B) Authorization to embalm shall be given in writing if the person authorizing embalming is present in the Missouri licensed funeral establishment or in the physical presence of the person receiving authorization to embalm on behalf of the Missouri licensed funeral establishment. If verbal authorization to embalm is given, the Missouri licensed funeral establishment shall document:

1. The name of the person who is actually authorizing embalming, if different from the person who is verbally communicating authorization to embalm to the Missouri licensed funeral establishment;
2. The relationship of that person to the deceased;
3. The name of the person who is verbally communicating authorization to embalm and that person’s relationship to the person who is actually authorizing embalming;
4. The time and date authorization to embalm was given; and
5. The name and title of the person receiving authorization to embalm on behalf of the Missouri licensed funeral establishment.

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

(A) General price list;
(B) Preneed contracts which have been cancelled or fulfilled;
(C) Purchase agreements; and
(D) Authorizations to embalm or cremate.]

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

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

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

1. Cremation areas shall contain only the articles, instruments, and items that are necessary for the preparation and cremation of dead human bodies. For purposes of this section, the cremation area shall include the entire room where the retort is located and any rooms used for viewing or visitation of a dead human body awaiting cremation or that is being cremated or being removed from the cremation chamber. This paragraph (25)(B)1. shall not apply to establishments containing retorts or cremation areas for the cremation of non-human remains prior to April 1, 2008, provided that such establishment shall be prohibited from cremating human remains at the same time or in the same retort as non-human remains.

2. Any establishment containing an area for the cremation of non-human remains prior to April 1, 2008, shall be required to comply with this rule if a change of ownership is caused by the addition or replacement of one (1) or more owners or a new corporation begins ownership of the establishment. This paragraph (25)(B)2. shall not apply if only the owners of the stock of a corporation changes.

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

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

[27]) Each funeral establishment shall maintain a register log [as defined by 20 CSR2120-1.040(21). The log shall be kept in the preparation or embalming room of the Missouri licensed funeral establishment at all times and in full view for a board inspector. If the funeral establishment does not contain a preparation or embalming room,] on the premises of the licensed funeral establishment and [shall] be easily accessible and in full view for a board inspector. A register log shall [contain the information required by 20 CSR 2120-1.040(21).] include the following:

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

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

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

[30]) Whenever a dead human body is donated to a medical or educational institution for medical and/or scientific study and arrangements for return of the body to the legal next of kin have not been made, then delivery of the body to the medical or educational institution shall constitute final disposition. If, however, arrangements for return of the body to the legal next of kin have been made, then final disposition shall be the burial, interment, cremation, or removal of the body out of this state, after the medical or educational institution has returned the body.
The rules in this division are declared severable. If any rule, or section of a rule, is held invalid by a court of competent jurisdiction or by the Administrative Hearing Commission, the remaining provisions shall remain in full force and effect unless otherwise determined by a court of competent jurisdiction or by the Administrative Hearing Commission.


PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Embalmers and Funeral Directors, Lori Hayes, Executive Director, 3605 Missouri Boulevard, PO Box 423, Jefferson City, MO 65102-0423, by facsimile at (573) 751-1155 or via email to embalm@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.
PROPOSED AMENDMENT

20 CSR 2120-2.100 Fees

PURPOSE: This amendment clarifies which licensed professions are included in each section of the regulation.

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

(A) Embalmer Practicum Student Registration Fee $25
(B) Embalmer Application Fee—Apprentice, Reciprocity $150
(C) Embalmer Biennial Renewal Fee $150
  [1. Effective March 1, 2018 through June 20, 2018 $5]
(D) Funeral Director Application Fee—Apprentice, Education, Reciprocity, Limited $150
(E) Funeral Director and Funeral Director Limited Biennial Renewal Fee $150
  [1. Effective March 1, 2018 through June 20, 2018 $5]
(F) Reactivation Fee - Funeral Director, Funeral Director Limited, Embalmer, Establishment [Reactivation Fee]
  (day 1 to day 365 after date license lapsed) $100
(G) Reactivation Fee - Funeral Director, Funeral Director Limited, Embalmer, Establishment [Reactivation Fee]
  (day 366 to day 730 after date license lapsed) $200
(H) Inactive Renewal Fee – Embalmer, Funeral Director, Funeral Director Limited and Preneed Agent $25
  [(H)](I) Establishment Application Fee $250
  [(I)](J) Amended Establishment Application Fee $25
  [(J)](K) Establishment Biennial Renewal Fee $200
    [1. Effective October 1, 2017 through January 31, 2018 $5]
  [(K)](L) Reciprocity Certification Fee $10
  [(L)](M) Duplicate Wallhanging Fee $10
  [(M)](N) Collection Fee for Bad Checks $25
  [(N)](O) Law Book Requests $5
  [(O)](P) Background Check Fee
    (amount determined by the Missouri State Highway Patrol)
  [(P)](Q) Provider License Application Fee (if no Funeral Establishment license) $200
[(Q)](R) Provider License Application Fee (if also Funeral Establishment license) $100
[(R)](S) Provider Annual Renewal Fee $ 0
[(S)](T) (S) Provider Delinquent Renewal Fee—
  (day 1 to day 365 after date license lapsed) $100
[(T)](U) Provider Delinquent Renewal Fee—
  (day 366 to day 730 after date license lapsed) $200
[(U)](V) Seller License Application Fee $200
[(V)](W) Seller Annual Renewal Fee
  [1. Effective August 1, 2017 through November 30, 2017 $  5]
[(W)](X) Seller Delinquent Renewal Fee—
  (day 1 to day 365 after date license lapsed) $200
[(X)](Y) Seller Delinquent Renewal Fee—
  (day 366 to day 730 after date license lapsed) $400
[(Y)](Z) Preneed Agent Registration Fee $ 40
[(Z)](AA) Preneed Agent Annual Registration Renewal Fee
  [1. Effective September 1, 2017 through December 31, 2017 $  5]
[(AA)](BB) Preneed Agent Delinquent Renewal Fee—
  (day 1 to day 365 after date license lapsed) $ 50
[(BB)](CC) Preneed Agent Delinquent Renewal Fee—
  (day 366 to day 730 after date license lapsed) $100
[(CC)](DD) Seller per Contract Annual Reporting Fee
  (for contracts executed on or after September 1, 2015) $ 25
[(DD)](EE) Amended Provider Application Fee $ 25
[(EE)](FF) Amended Seller Application Fee $ 25

(2) All fees are nonrefundable.

[(3) The provisions of this rule are severable. If any fee fixed by this rule is held invalid by a court of competent jurisdiction, the remaining provisions of this rule shall remain in full force, unless otherwise determined by a court of competent jurisdiction.]

Proposed Rule

20 CSR 2120-2.230 Issuance of Temporary Courtesy License to Nonresident Military Spouse (proposed rule #)

Purpose: This rule states the requirements and procedures for a nonresident spouse of an active duty member of the military who is transferred to this state in the course of the member’s military duty to obtain a temporary courtesy license to practice as an embalmer, a funeral director, or as a preneed agent for one hundred eighty (180) days.

(1) The board will grant a temporary courtesy license to practice as an embalmer, a funeral director, funeral director limited, and/or a preneed agent without meeting further requirements for licensure to a “nonresident military spouse” as defined in § 324.008.1, RSMo who provides the board with the following:

(A) A completed application form;
(B) A non-refundable application fee, as established by the board pursuant to rule, made payable to the board;
(C) Proof that the applicant has been engaged in active practice in the state, district or territory of the United States in which the applicant is currently licensed for at least (2) years in the five (5) years immediately preceding this application;
(D) Verification sent directly to the board from each state, district or territory of the United States in which the applicant has ever been licensed verifying that:
   1. The applicant holds a current and active license in that jurisdiction to engage in the profession for which licensure is sought from the Board;
   2. The applicant has not committed an act in any jurisdiction where the applicant has or had a license that would have constituted grounds for the refusal, suspension, or revocation of a license or certificate to practice at the time the act was committed; and
   3. The applicant has not been disciplined by a licensing or credentialing entity in another jurisdiction and is not the subject of an unresolved complaint, review procedure or disciplinary proceeding by a licensing or credentialing entity in another jurisdiction.
(E) Satisfactory criminal history background check as provided to the board by the Missouri State Highway Patrol. Applicants shall submit to the board the applicable fee for the criminal history background check as determined by the Missouri State Highway Patrol;
(F) Proof of satisfactory completion of the Missouri Law Exam;
(G) Such additional information as the board may request to determine eligibility for a temporary courtesy license.
(2) If the board is unable to determine if the licensing requirements of the state, district or territory in which the applicant is currently licensed are equivalent to Missouri’s licensing requirements, the applicant shall have the burden to submit documentation to show the licensing requirements equivalency.

(3) Any temporary courtesy license issued pursuant to this rule shall be valid for one hundred eighty (180) days from the date of issuance and may be extended for another one hundred eighty (180) days upon submission of a written request by the holder of the temporary courtesy license.

(4) If a nonresident military spouse seeks full licensure in this state during the time while the temporary courtesy license is valid, he or she may request full licensure by filing a written request with the board. Any fees paid for a temporary courtesy license will be credited towards the application fees due for full licensure.

Authority: Sections 324.008, 333.031, 333.041, 333.042, 333.051, 333.325, 333.111 and 333.340, RSMo. Original rule filed: