

**KANSAS STATE BOARD OF MORTUARY ARTS  
700 SW JACKSON, SUITE #904  
TOPEKA, KANSAS**

**The Board Meeting of Thursday, January 11, 2018**

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**FORMAT OF MINUTES:**

On each motion there appear the names of two board members in a parenthesis. The first named made the motion, and the second named made the second. Ayes and Nays will be recorded at a voter's request.

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**Thursday, January 11, 2018:**

- I. The regularly scheduled meeting of the Kansas State Board of Mortuary Arts (KSBMA) was called to order by Vice President Robert J. "Bob" Steil.

**Roll call** by Executive Secretary Mack Smith found the following board members in attendance: Vice President Robert J. "Bob" Steil, Lawrence, Consumer; William L. "Bill" Cozine, Wichita, Licensee, Wichita; Theresa Marcel Schwartz, Lawrence, Consumer; and Bridgette A. Tinsley, Salina, Licensee. Assistant Attorney General Jan Arndt and KSBMA Executive Secretary Mack Smith were also in attendance. President Barry W. Bedene, Arma, Licensee, was unable to attend.

Governor Sam Brownback has reappointed Mr. Bedene to the KSBMA for an additional term that expires July 31, 2019.

The board noted this meeting's tentative agenda that is displayed on the agency's website at: <http://ksbma.ks.gov/> under the heading of *Upcoming Meetings*.

(Schwartz-Cozine) To approve a **final agenda** for this meeting. Carried.

(Schwartz-Cozine) To adopt the **October 12, 2017 regularly scheduled board meeting minutes**. Carried. These minutes will be signed by President Bedene and Executive Secretary Smith, then displayed on the board's website.

The board reviewed results of the written **funeral directors' examination** administered on **October 12, 2017** noting that **100%** (six of six applicants) were successful.

The board reviewed results of the written **assistant funeral directors' examinations** administered from **November 2017** through **January 2018** noting that **100%** (four of four applicants) were successful along with examination information for all applicants since the law requiring examination for assistant funeral directors was enacted in 2008 where **70%** (189 of 270

applicants—corrected since the October 2017 minutes) were successful.

The board reviewed the ‘**Interview Times**’ and the ‘**List of Licensure Applicants**’ scheduled to interview with the board at this meeting, noting that five (5) applicants are scheduled to meet with the board: two (2) embalmer-funeral director applicants, one (1) funeral director applicant and one (1) reciprocal embalmer-funeral director applicant and one (1) reciprocal funeral director applicant. Following approval by the Board, these same five (5) applicants are scheduled to be administered the written funeral directors’ examination in conjunction with this meeting.

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- II. The board **reviewed individual applications** for licensure along with the executive secretary’s summations of the applicant’s apprentice and supervising licensee progress reports. Applicants for licensure will be interviewed later in this meeting. All funeral director applicants will be administered the written funeral directors’ examination proctored by Funeral Home/ Crematory Inspector Francis Mills at 1:30 p.m. this afternoon in the Florentine Room of the Jayhawk Tower.

Quarterly apprentice progress reports of embalmer/funeral director apprentices and supervising licensees due December 15, 2017 were summarized by the executive secretary with copies of the individual reports available for board members to review.

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III. **Investigative Committee (IC) Report:**

Twenty-three (23) files were closed with ten (10) files remaining open at this time. The IC met twice since the October 2017 Board Meeting.

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IV. **2018 Kansas Legislative Session**

The Legislature convened earlier this week, on Monday, January 8, 2018, with Governor Brownback presenting the *State of the State Address* on Tuesday, January 9, 2018. A Roster of Legislation being followed by the KSBMA was discussed. 2018 is the second year of the two year legislative session—meaning that legislation from 2017 can be considered this year.

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V. **Board Business:**

- 1) (Schwartz-Cozine) To approve the **quarterly lists of continuing education**. Carried. Lists approved were: *Scheduled (On-Site) Programs (Listing by Date of Program from the KSBMA web site)*, *Ongoing Programs*, *Home-Study/ Correspondence Programs* and the list of *Crematory Operator Programs*. These items are updated regularly and are available on the board’s website.
- 2) (Cozine-Schwartz) To approve the list of **lapsed licenses**. Carried. This list contains the names of individuals whose license renewals are past due for longer than six months, who have requested that their licenses be dropped or who have died and in the case of assistant funeral directors, who are no longer employed at a funeral home under the supervision of a funeral director. The current list reviewed and approved by the Board

included seven (7) assistant funeral director licenses, four (4) crematory operator licenses, five (5) embalmer licenses and five (5) funeral director licenses. This information is provided for a number of reasons, including use by the Office of Vital Statistics (OVS) for purposes of licensure verification used on death certificates. The board reviewed the list of **Automatically Suspended Licenses**. This list contains the names of individuals who have not paid their license renewal fees by the appropriate due date and have not requested that their licenses be dropped. Once a license is six months in arrears, it is then automatically placed on the lapsed license list for purposes of being dropped. This list included thirteen (13) embalmer licenses, fourteen (14) funeral director licenses and no (0) crematory operator licenses for license renewals due through December 31, 2017. The board reviewed the following lists of information for the quarter: **Changes in Funeral Home and Crematory Ownership** with two (2) changes to report—one (1) new main establishment and one (1) branch establishment—with an ownership change and **Closed Funeral Homes and Crematories** with one (1) branch funeral establishment closed this quarter.

3) (Tinsley-Schwartz) To approve the **FY 2018 second (2nd) quarter (October 1-December 31, 2017) Report** of KSBMA Funeral Home-Crematory Inspector Francis F. Mills. Carried. 174 inspections were conducted during the 2nd quarter of FY 2018 with three (3) violations noted. 5,659 miles were traveled involving visits to fifty-eight (58) counties.

- 4) The Board reviewed the **current roster of apprentice embalmers and funeral directors**. A total of twenty (20) apprentices are currently registered with the board, including: twelve (12) embalmer-funeral director apprentices, seven (7) funeral director apprentices and one (1) embalmer apprentice.
- 5) Discussion of articles/information of interest involving the agency, licensure, regulation and the funeral profession in general were provided to board members and legal counsel including articles on a wide range of subjects, such as: sweeps of fee-funded Kansas state agencies, KSBMA board member updates, spotty regulations in the State of Michigan, funeral business being a dying industry, cremation statistics, legal next-of-kin issues that funeral homes must deal with, the top five biggest challenges in funerals, concerns with funeral service regulation in Russia and alkaline hydrolysis arriving in the State of Missouri.
- 6) **Remaining board meeting dates for 2018:** April 12, July 12 and October 11, 2018.
- 7) Board Updates.

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## **VI. Executive Secretary's Report:**

- 1) **Budget Information**—Budget Recommendations from the Division of the Budget (DOB) announced on November 9, 2017 and the Governor's Recommendations announced yesterday, January 10, 2018, were identical and there are no changes from the amounts approved by the 2017 Kansas Legislature and adjusted by the State Finance Committee:
  - a) **FY 2018** (July 1, 2017–June 30, 2018) The approved amount is \$295,273.
  - b) **FY 2019** (July 1, 2018–June 30, 2019) The approved amount is

\$324,385.

c) **Performance Based Budgeting (PBB)**—Phase Three (3) of the PBB is due to be submitted by May 1, 2018, and Mr. Smith has been working with the agency's DOB and Legislative Research contacts in compiling this information.

- 2) Information regarding the **International Conference of Funeral Service Examining Boards (ICFSEB)**:
  - a) The Board of Directors held a conference call on 10/25/2017 in which Mr. Smith participated.
  - b) *2017 Statistics for the National Board Examination (NBE)* through November were reviewed and discussed.
  - c) Mr. Smith hopes to be able to attend the upcoming 2018 Conference and Board Meeting as his schedule permits—at no cost to the State of Kansas.
  - d) ICFSEB Attorney Dale Atkinson wrote a column in the Summer 2017 Edition of the CLEAR Exam Review concerning the State of the Union on State Actors.
  - e) There was an article in the November 20, 2017 edition of the Funeral Service Insider regarding the dismissal of a test-taker lawsuit against the Conference.
  - f) The Fall 2017 edition of the Conference Report was provided.
- 3) There was no new information from the **Council on Licensure, Enforcement and Regulation (CLEAR)**.
- 4) There was no new information from the **Federation of Associations of Regulatory Boards (FARB)**.
- 5) Information for the **Kansas Funeral Directors and Embalmers Association (KFDA)**:
  - a) A copy of the September/October 2017 Journal was provided to all Board members.
  - b) A copy of the November/December 2017 Journal was provided to all Board members.
- 6) The **KSBMA's website**, <http://ksbma.ks.gov/> continues to be updated on a regular basis by the KSBMA administrative staff.
- 7) There was no new information from the **National Funeral Directors Association (NFDA)**.
- 8) There was no new Information from the **Federal Trade Commission (FTC)** regarding the **FTC Funeral Rule**.
- 9) Information from the **American Board of Funeral Service Education (ABFSE)**:
  - a) Information from the October 26-27, 2017 Committee on Accreditation was provided.
- 10) There was no new information from the **Cremation Society of North America (CANA)**.
- 11) There was no new information from the **Funeral Consumer's Alliance (FCA)**.
- 12) There was no new information from the **Funeral Consumer's Alliance of Greater Kansas City (FCA-GKC)**.
- 13) There was no new information from the **Funeral Ethics Organization (FEO)**.

- 14) There was no new information from the **Kansas Department of Health and Environment (KDHE), Office of Vital Statistics (OVS)**.
- 15) There was no new information from **Kansas City Kansas Community College (KCKCC) Mortuary Science Program**.
- 16) There was no new information from the **Kansas Mass Fatality Planning Task Force**.
- 17) There was no new information from the **Kansas Ebola Preparedness and Response Plan**.
- 18) The agency's **Continuity of Operations Planning System (COOP)** continues to be updated quarterly or more often as is needed. This is the system utilized in cases of emergencies by the State of Kansas for state agencies. COOP also sends monthly planning topics to all state agencies.
- 19) **Non-Cabinet Agency Heads Meetings**—Mr. Smith attended the meetings on October 26, 2017 and on January 4, 2018 and provided updates to the Board.

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**VII.** The board met with *Applicants for Licensure* to discuss their applications and apprenticeships:

**Embalmer-Funeral Director Applicant: Mr. Bryce G. Gorrell**

(Tinsley-Cozine) To grant an embalmer license upon payment of an initial license fee of \$49.00 and to grant a funeral director license upon passing of written funeral director examination, which will be administered later today, and payment of an initial license fee of \$14.00. Carried. Mr. Gorrell completed his embalmer and funeral director apprenticeships on December 9, 2017 at Feuerborn Family Funeral Services located in Iola, Kansas. Once issued, the renewal date for the licenses would be July 31, 2018. Mr. Gorrell attended the University of Central Oklahoma in Edmond, Oklahoma.

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**Funeral Director Applicant: Mr. Walter Carpio**

(Cozine-Tinsley) To grant a funeral director license upon passing of written funeral director examination, which will be administered later today, and payment of an initial license fee of \$6.00. Carried. Mr. Carpio completed his funeral director apprenticeship on December 12, 2017 at Skradski Funeral Home located in Kansas City, Kansas. Once issued, the renewal date for the license would be March 31, 2018. Mr. Carpio attended Kansas City Kansas Community College.

**Embalmer-Funeral Director Applicant: Mr. R. Dean Van Nort, II**

(Tinsley-Schwartz) To grant an embalmer license upon payment of an initial license fee of \$154.00 and to grant a funeral director license upon passing of written funeral director examination, which will be administered later today, and payment of an initial license fee of \$44.00. Carried. Mr. Van Nort completed his embalmer and funeral director apprenticeships on November 20, 2017 at Brennan-Mathena Funeral Home located in Topeka, Kansas. Once issued, the renewal date for the licenses would be October 31, 2019. Mr. Van Nort earned

an Associate of Applied Science Degree in Funeral Service at the Commonwealth Institute of Funeral Service in Houston, Texas.

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**Reciprocal (Missouri) Embalmer-Funeral Director Applicant: Ms. Melissa A. Beall**

(Schwartz-Tinsley) To grant a reciprocal embalmer license upon payment of the initial license fee of \$182.00 and to grant a funeral director license upon passing of the written funeral directors' examination, which will be administered later today and payment of an initial license fee of \$247.00. Carried. Ms. Beall is licensed in the State of Missouri and has passed the National Board Examination (NBE) administered by the International Conference of Funeral Service Examining Boards (ICFSEB.) Ms. Beall earned an Associate in Applied Science degree in Mortuary Science at Kansas City Kansas Community College. Once issued, the renewal date for the licenses would be February 28, 2020. Ms. Beall will be employed at Johnson County Funeral Chapel in Overland Park, Kansas.

**Reciprocal (Kentucky) Funeral Director Applicant: Mr. Warren J. "John" Newcomer**

(Tinsley-Cozine) To grant a reciprocal funeral director license upon passing of the written funeral directors' examination, which will be administered later today and payment of an initial license fee of \$133.00. Carried. Mr. Newcomer is licensed as a funeral director in the State of Kentucky. He earned a Bachelor of Science Degree in Business and a Master of Accounting Degree at the University of Kansas in Lawrence, Kansas. Once issued, the renewal date for the license would be February 28, 2019. Mr. Newcomer will be employed at Penwell-Gabel Cremations, Funerals & Receptions, Midtown Chapel in Topeka, Kansas.

**VIII. New/Old/Remaining Business/Adjournment**

(Cozine-Tinsley) To adjourn—subject to recall by the president, vice president or executive secretary. Carried. The date of the next regularly scheduled board meeting is Thursday, April 12, 2018.

At approximately 1:30 p.m. Executive Secretary Smith read instructions to the funeral director examinee applicants prior to the administration of the funeral directors' examination which was proctored by Inspector Francis Mills in the Florentine Room of the Jayhawk Tower.

Respectfully submitted:



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Robert J. "Bob" Steil, Vice President  
Thursday, April 12, 2018  
(Date)



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Mack Smith, Executive Secretary  
Thursday, April 12, 2018  
(Date)