

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

**The Board Meeting of Thursday, July 8, 2021  
Senate Room, Jayhawk Tower Building**

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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, July 8, 2021:**

- I. **9:00 a.m.** The meeting of the Kansas State Board of Mortuary Arts (KSBMA) was called to order by President Bedene.

Roll call by Executive Secretary J.W. Carey found the following board members in attendance: President Barry W. Bedene, Arma, Licensee; Vice President Amy Elliott, Lenexa, Consumer; Craig Boomhower, Garden City, Licensee; Robert J. "Bob" Steil, Lawrence, Consumer; Phillip F. Ziegler, Dodge City, Licensee. Executive Secretary J.W. Carey and Assistant Attorney General Laine Barnard and Jane Weiler were also in attendance.

Introduction of new board member, Phillip F. Ziegler and reintroduction of reappointed board members, Amy Elliott, Craig Boomhower and Robert J. "Bob" Steil. All recited the KSBMA Oath of Office.

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*.

(Steil-Elliott) To approve a final agenda for this meeting. Carried.

(Boomhower-Steil) To adopt the April 8, 2021 board meeting minutes. Carried. These minutes will be signed by President Bedene and Executive Secretary Carey, then displayed on the board's website.

The board reviewed results of the written funeral directors' examination administered on April 8, 2021 noting that 100% (all seven applicants) were successful.

The board reviewed results of the written assistant funeral directors' examinations administered in May, June and July 2021 noting that 100% three of

the three applicants 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 four applicants are scheduled to meet with the board: three embalmer-funeral director applicants and one reciprocal funeral director applicant. Following approval by the Board, four applicants are scheduled to be administered the written funeral directors' examination in conjunction with this meeting.

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- II. 9:15 a.m.** 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 Office Manager, Kim Cottrell 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 that were due June 15, 2021 were summarized by the executive secretary with copies of the individual reports available for board members to review.

Reviewed reciprocal license verification from the Oregon Mortuary and Cemetery Board and paid reciprocal license application for a reciprocal funeral director applicant.

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- III. 9:25 a.m. Investigative Committee (IC) Report:**

Sixteen files were closed with three files remaining open at this time.

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- IV. 9:30 a.m. Human Resources Update:**

- 1) The Board listened and discussed the process of hiring future employee(s) of the KSBMA. Presentation given by Allison Conklin, Human Resources Manager, Office of Personnel Services.

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- V. 9:50 a.m. General Counsel Legal Update:**

- 1) (Elliott-Steil) Pursuant to K.S.A. 75-4319, I move that the Board recess into executive session for 10 minutes and reconvene the open meeting at 10:00 a.m. The meeting will reconvene in the current board room.

The subject matter and justification for closure is to discuss personnel matters of nonelected personnel. The Board's legal counsel, Assistant Attorneys General Laine Barnard and Jane Weiler and Executive Secretary J.W. Carey are to be included in the executive session. All other attendees are asked to exit the room at this time. Carried.

2) (Elliot-Steil) Pursuant to K.S.A. 75-4319, I move that the Board recess into executive session for 10 minutes and reconvene the open meeting at 10:10 a.m. The meeting will reconvene in the current board room.

The justification is consultation that would be deemed privileged in the attorney-client relationship with the Board's legal counsel, Assistant Attorneys General Laine Barnard and Jane Weiler. The subject to be discussed in the executive session concerns outside agency communications. Board staff who are included as the client in the executive session are J.W. Carey. All other attendees are asked to exit the room at this time. Carried.

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**VI. 10:10 a.m. 2021 Kansas Legislative Session Wrap Up Information:**

- 1) The Board reviewed and discussed the Legislation tracked by Executive Secretary Carey.  
A bill being tracked by the KSBMA, include:
  - a) Senate Bill No. 10—concerning labor and employment; relating to occupational licensing and regulation; enacting the right to earn a living act.
  - b) Senate Bill No. 34—concerning administrative rule and regulations; relating to automatic sunset, exception there to; renewal by legislature; certification by revisor of statutes; requirement for adoption of rules and regulations.
  - c) House Bill No. 2066—concerning occupational regulation; relating to occupational licenses for certain applicants; telemedicine; temporary emergency licenses; electronic credentials.
  - d) House Bill No. 2107—concerning funeral processions; relating to the regulation thereof; creation a violation for not yielding the right-of-way to funeral processions.
  - e) Senate Bill No. 137—concerning occupational regulation; relating to occupational licenses for certain applicants; telemedicine; temporary emergency licenses; electronic credentials.
  - f) Senate Bill 131—concerning funeral processions; relating to the regulation thereof; permitting funeral escorts to direct funeral procession traffic through intersections and traffic control devices.
  - g) Substitute for House Bill No. 2066—concerning occupational regulation; relating to occupational licenses for certain applicants; temporary emergency licenses; electronic credentials.
  - h) House Bill No. 2254—concerning funeral preparations; relating to prearranged funeral agreements; increasing the monetary cap on irrevocable agreements; relating to preparation of bodies for a funeral or cremation; removing the requirement to provide a permit to cremate in certain circumstances; authorizing electronic permits to cremate.

**VII. 10:20 a.m. Board Business:**

- 1) (Elliott-Steil) 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) (Boomhower-Steil) 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 eighteen assistant funeral director licenses, eighteen crematory operator licenses, thirty embalmer licenses, thirty funeral director licenses and three establishment/branch establishment licenses. This information is provided for a number of reasons, including use by the Office of Vital Statistics (OVS) for purposes of licensure verification on death certificates.
- 3) The board reviewed the draft 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 draft list includes twenty five embalmer licenses, twenty nine funeral director licenses, zero assistant funeral director licenses, thirteen crematory operator licenses, zero establishment licenses and zero branch establishment licenses for license renewals due through January 26, 2021.
- 4) The board reviewed the following lists of information for the quarter: Changes in Funeral Home and Crematory Ownership with zero crematories, one funeral establishment and zero branch funeral establishments noted. The list of Closed Funeral Homes and Crematories to report this quarter consists of zero funeral homes and zero crematories.
- 5) The Board reviewed the current roster of apprentice embalmers and funeral directors. A total of eighteen apprentices are currently registered with the board, including: fifteen embalmer-funeral director apprentices, zero embalmers and three funeral director apprentices.
- 6) Articles/information of interest involving the agency, licensure, regulation and the funeral profession in general were provided to board members and legal counsel regarding articles on a wide range of subjects, including: the press releases for appointed and reappointed board members.

- 7) Board Meeting dates for 2021, include: October 14.
- 8) The Board reviewed the State Agency Return to in-Person Work Guidance.
- 9) Updated information pertaining to Board Members and Administrative Staff was provided and discussed.

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**VIII. 10:20 a.m. Executive Secretary's Report:**

- 1) Updated Budget Information:
  - a) Last FY 2021 (July 1, 2020–June 30, 2021) The amount approved by the 2020 Kansas Legislature is \$325,571.
  - b) FY 2022–A request of \$369,038 was submitted to the Division of the Budget.
  - c) FY 2023–A request of \$308,394 was submitted to the Division of the Budget.
- 2) Information regarding the International Conference of Funeral Service Examining Boards (ICFSEB):
  - a) National Board Examination (NBE) Results were reviewed and discussed.
- 3) There was no new information to report from the Council on Licensure, Enforcement and Regulation (CLEAR).
- 4) There was no new information regarding the Federation of Associations of Regulatory Boards (FARB).
- 5) Information from the Kansas Funeral Directors Association (KFDA):
  - a) The Board reviewed the April/May 2021 edition of the KFDA Journal.
  - b) Annual Report of the KSBMA at the 2021 KFDA Convention.
- 6) The KSBMA's website, located at <http://ksbma.ks.gov/>, continues to be regularly updated by the KSBMA's administrative staff.
- 7) There was no new information to report from the National Funeral Directors Association (NFDA).
- 8) New information from the Federal Trade Commission (FTC) Funeral Rule.
  - a) Funeral Rule Price List Essentials.
  - b) Complying With the Funeral Rule.
- 9) There was no new information to report from the American Board of Funeral Service Education (ABFSE.)
- 10) There was no new information to report from the Cremation Society of North America (CANA.)
- 11) There was no new information to report from the Funeral Consumer's Alliance (FCA.)
- 12) There was no new information to report from the Funeral Consumer's Alliance of Greater Kansas City (FCA-GKC.)
- 13) There was no new information to report from the Kansas Department of Health and Environment (KDHE), Office of Vital Statistics (OVS).
- 14) The Mortuary Science Program at Kansas City Kansas Community College (KCKCC.)

- a) Advisory Board Committee Meeting.
- 15) There was no new information to report from the Kansas Mass Fatality Planning Task Force.
- 16) 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—including the KSBMA.
- 17) No new information from Non-Cabinet Agency Heads Meetings.
- 18) No new information from Smaller State Agencies Administrator's Meetings (SSAAM).

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

**10:40 a.m. Embalmer-Funeral Director Applicant: Ms. Amaya A. DeCarlo**

Ms. DeCarlo will complete her embalmer and funeral director apprenticeships on July 13, 2021 at Resthaven Mortuary located in Wichita, Kansas. Once issued, the renewal date for the licenses would be April 30, 2022. Ms. DeCarlo was granted an Associate in Applied Science Degree in Mortuary Science at Kansas City Kansas Community College (KCKCC) located in Kansas City, Kansas and passed the National Board Examination (NBE) administered by the International Conference of Funeral Service Examining Boards (ICFSEB).

(Boomer-Elliott) To grant an embalmer license upon payment of an initial license fee of \$63.00 and to grant a funeral director license upon passing the written funeral director examination, which will be administered later today and payment of an initial license fee of \$18.00. Carried.

**11:00 a.m. Embalmer-Funeral Director Applicant: Mr. Keary J. Carman**

Mr. Carman will complete his embalmer and funeral director apprenticeships on August 3, 2021 at Knodel Funeral Home located in St. Francis, Kansas. Once issued, the renewal date for the licenses would be March 31, 2022. Mr. Carman was granted an Associate in Applied Science Degree in Funeral Services at Des Moines Area Community College (DMACC) located in Des Moines, Iowa and passed the National Board Examination (NBE) administered by the International Conference of Funeral Service Examining Boards (ICFSEB) .

(Elliott-Boomer) To grant an embalmer license upon payment of an initial license fee of \$49.00 a funeral director license upon passing the written funeral director examination, which will be administered later today and payment of an initial license fee of \$14.00. Carried.

**11:10 a.m. Reciprocal (Oregon) Funeral Director Applicant: Mr. David E. Anderson**

Mr. Anderson was granted an Associate in Applied Science Degree in Funeral Services at Arkansas State University Mountain Home (ASUMH) located in Mountain Home, Arkansas. He is currently employed at Swan-Law Funeral Directors located in Colorado Springs, Colorado and is currently a licensed Oregon Funeral Director. Once issued, the renewal date for the license would be January 31, 2022.

(Steil-Elliott) To grant a reciprocal funeral director license upon passing the written funeral director examination, which will be administered later today and payment of an initial license fee of \$57.00. Carried. Once issued, the renewal date for the license would be January 31, 2022.

**11:20 a.m. Embalmer-Funeral Director Applicant: Ms. Delaney S. Graber**

Ms. Graber will complete her embalmer and funeral director apprenticeships on July 17, 2021 at Garnand Funeral Home located in Ulysses, Kansas. Once issued, the renewal date for the licenses would be July 31, 2022. Ms. Graber was granted a Bachelor of Science Degree in Funeral Service at the University of Central Oklahoma (UCO) located in Edmond, Oklahoma and passed the National Board Examination (NBE) administered by the International Conference of Funeral Service Examining Boards (ICFSEB).

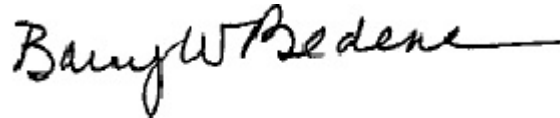
(Steil-Elliott) To grant an embalmer license upon payment of an initial license fee of \$77.00 and a funeral director license upon passing the written funeral director examination, which will be administered later today and payment of an initial license fee of \$22.00. Carried.

**X. 11:30 a.m. New/Old/Remaining Business/Adjournment**

(Elliott-Steil) 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, October 14, 2021.

At approximately 1:30 p.m. Executive Secretary Carey read instructions to the funeral director examinee applicants prior to the administration of the funeral directors' examination which was proctored by Office Manager, Kim Cottrell in the Florentine Room of the Jayhawk Tower.

Respectfully submitted:

A handwritten signature in black ink, appearing to read "Barry W. Bedene", with a long horizontal flourish extending to the right.

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Barry W. Bedene, President

Thursday, July 8, 2021

(Date)

A handwritten signature in black ink, appearing to read "J.W. Carey", with a stylized, somewhat abstract form.

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J.W. Carey, Executive Secretary

Thursday, July 8, 2021

(Date)