

KANSAS STATE BOARD OF MORTUARY ARTS
700 SW JACKSON, SUITE #904
TOPEKA, KANSAS
Thursday, January 8, 2015

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.

Thursday, January 8, 2015:

- I. The regularly scheduled meeting of the Kansas State Board of Mortuary Arts (KSBMA) was called to order by President Steven G. "Steve" Melby.

Roll call by Executive Secretary Mack Smith found the following board members in attendance: President Steven G. "Steve" Melby, Mankato, Licensee; Randy Duncan, Brookville, Consumer; and Barry W. Bedene, Arma, Licensee. Assistant Attorney General Jan Arndt and Executive Secretary Mack Smith were also in attendance. Vice President William L. "Bill" Cozine, Wichita, Licensee, had a scheduling conflict and was unable to attend the meeting. Theresa Marcel Schwartz, Lawrence, Consumer, was ill and unable to attend the meeting.

The board noted this meeting's tentative agenda that is displayed on the agency's website at: <http://www.kansas.gov/ksbma/> under the heading of *Agency Information and Tentative Board Agenda*.

(Bedene-Duncan) To approve a **final agenda** for this meeting. Carried.

(Bedene-Duncan) To adopt the **October 9, 2014 regularly scheduled board meeting minutes**. Carried. These minutes will be signed by President Melby and Executive Secretary Smith, then displayed on the board's website.

The board reviewed results of the written **funeral directors' examination** administered on **October 9, 2014** noting that **87.5%** (seven of eight applicants) were **successful**. Comments provided by one examinee were discussed.

The board reviewed results of the written **assistant funeral directors' examinations** administered in **November and December of 2014** noting that **100% (two of two)** applicants were successful. Since the law requiring examination for assistant funeral directors was enacted in 2008, **71.1% (128 of 180)** applicants have successfully passed the written examination. The January examination will be administered on January 14, 2015.

The board reviewed the '**List of Licensure Applicants**' scheduled to interview with the board at this meeting, noting the following six (6) applicants are scheduled to meet with the board: three (3) embalmer-funeral director applicants, one (1) funeral director applicant, one (1) reciprocal embalmer-funeral director applicant and one (1) reciprocal funeral director applicant. A total of six (6) applicants are scheduled to be administered the written funeral director's 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 by Funeral Home/ Crematory Inspector Francis Mills at 1:30 p.m. this afternoon in the Florentine Room of the Jayhawk Tower.

All quarterly apprentice progress reports of embalmer/funeral director apprentices and supervising licensees due December 15, 2014 were summarized by the executive secretary with copies of the individual reports available for board members to review as desired.

The Board reviewed correspondence sent to the supervising licensee and an apprentice embalmer funeral director regarding second quarter progress reports as was directed at the October meeting. Third quarter reports were also reviewed. The apprentice is no longer working at this funeral home.

III. **Investigative Report:**

The Investigative Committee (IC) reported that they revoked one embalmer license, one funeral director license and one crematory operator license, closed three (3) complaints with three (3) files remaining open at this time. The Disciplinary Actions lists have been appropriately updated.

IV. **Board Business:**

- 1) (Bedene-Melby) To approve the **quarterly lists of continuing education (CE.)** Carried. Three lists containing *on-site programs*, *correspondence/home study programs* and *crematory operator certification programs* were provided to the Board. These lists are regularly updated and available on the board's web site.
- 2) (Melby-Duncan) To approve the list of **lapsed licenses.** Carried. These lists contain the names of individuals whose license renewals are past due for longer than six months, who have requested that their licenses be dropped, who have died or 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 includes ten (10) assistant funeral director licenses, eight (8) crematory operator licenses, five (5) embalmer licenses and seven (7) 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 includes ten (10) embalmer licenses, thirteen (13) funeral director licenses and three (3) crematory operator licenses renewals due through December 31, 2014. No **funeral homes and crematories have closed** since October 9, 2014. The board also reviewed the list of funeral home and crematory ownership changes that include two (2) funeral homes.

- 3) (Bedene-Duncan) To approve the **FY 2015 second quarter** (October 1-December 31, 2014) **Report** of KSBMA Funeral Home-Crematory Inspector Francis F. Mills. Carried. 200 inspections were conducted during the second quarter of FY 2015 with three (3) preparation room violations noted. 7,458 miles were traveled involving visits to 65 counties during the second quarter of FY 2015.
- 4) Reviewed the **current roster of apprentice embalmers and funeral directors**. A total of eighteen (18) apprentices are currently registered with the board, including: nine (9) embalmer-funeral directors and nine (9) funeral directors.
- 5) Discussion of several **news articles** relating to the funeral profession were provided to board members and legal counsel for their review.
- 6) A reminder of the remaining **2015 Board meeting dates**: April 9, July 9, and October 8.
- 7) The board signed travel vouchers.

V. Executive Secretary's Report:

- 1) **Budget Information**–
Division of the Budget (DOB) Recommendations from November 10, 2014:
 - a) The current **FY 2015** (July 1, 2014–June 30, 2015) budget remains at \$289,553.
 - b) The **FY 2016** (July 1, 2015–June 30, 2016) budget request was \$308,448 and was reduced to \$306,557—a deletion of \$1,891. The Governor's Recommendations will be announced in conjunction with the State of the State Address next week.
 - c) The **FY 2017** (July 1, 2016–June 30, 2017) budget request was \$322,353 and was reduced to \$320,462—a deletion of \$1,891. The Governor's Recommendation will be announced in conjunction with the State of the State Address next week.
- 2) Updated information regarding the **International Conference of Funeral Service Examining Boards (ICFSEB)**:
 - a) KSBMA Board Member Schwartz has completed her work as a member of the ICFSEB's *Model Practice Act Committee*. The Act is scheduled to be finalized at the ICFSEB's Annual Conference to be held in February 2015.
 - b) A memo from the ICFSEB explaining that the American Board of Funeral Service Education's Committee on Accreditation has lifted their requirement that mortuary college students be administered the National Board Examination (NBE) *prior* to graduating from college.

- c) The Fall Conference Report was provided to the board.
 - d) Updated statistics for the National Board Examination (NBE) were reviewed for the time frame of January through November 2014. The pass rate for first time takers of the Arts Examination is 76% and 77% for the first time takers of the Science Examination.
 - e) The Board reviewed a press release regarding a litigation of the ICFSEB with the American Academy McCallister Institute of Funeral Service in New York, New York.
 - f) Executive Secretary Smith will represent the KSBMA at the ICFSEB's 111th Annual Meeting scheduled for the week of February 23, 2015. Mr. Smith currently serves on the ICFSEB's Board of Directors.
- 3) There was no new information from the **Council on Licensure, Enforcement and Regulation (CLEAR.)**
 - 4) Information from the **Federation of Associations of Regulatory Boards (FARB):**
 - a) The *FARB Focus* newsletter from November 2014 was discussed.
 - 5) Updated information for the **Kansas Funeral Directors and Embalmers Association (KFDA):**
 - a) The August 2014 KFDA Journal was reviewed.
 - b) The September-October 2014 KFDA Journal was reviewed.
 - c) The November-December 2014 KFDA Journal was reviewed.
 - d) As schedules permit, Mr. Smith and Mr. Mills will represent the KSBMA at the January 27, 2015 Embalming Seminar.
 - 6) The **KSBMA's web site**, <http://www.kansas.gov/ksbma/>:
 - a) Administrative staff continues to work with the Office of Information Technology (OITS) in publishing a new web site using Sitefinity software.
 - 7) Updated information from the **National Funeral Directors Association (NFDA):**
 - a) Kansas funeral director W. Ashley Cozine was elected the 2014-2015 Treasurer of the NFDA.
 - 8) There was no new information from the **Federal Trade Commission (FTC)** regarding the **FTC Funeral Rule.**
 - 9) Updated information from the **American Board of Funeral Service Education (ABFSE):**
 - a) The ABFSE's Committee on Accreditation (COA) has removed the requirement that mortuary college students must take the National Board Examination (NBE) in order to graduate from an ABFSE accredited program.
 - 10) Information for the **Cremation Society of North America (CANA)**
 - a) The cremation rate in the State of Kansas has grown from 31.7% in 2008 to 40.8% in 2012—a growth of 9.1%.
 - 11) No new information for the **Funeral Ethics Association (FEA.)**
 - 12) Information for both the **Funeral Consumer's Alliance (FCA)** and the **Funeral Consumer's Alliance of Greater Kansas City (FCA-GKC):**
 - a) The FCA-GKC's 2014 Fall Newsletter was discussed.
 - b) The FCA's Volume 3, Number 2 newsletter was discussed.
 - 13) No new information for the **Funeral Ethics Organization (FEO.)**
 - 14) Information from the **American Society of Embalmers (ASE):**
 - a) The October 2014 edition of the Embalmer's Quarterly Journal was

discussed. The ASE is closing their doors as of January 31, 2015. One more newsletter will be provided.

- 15) No new information from the **Kansas Department of Health and Environment (KDHE), Office of Vital Statistics (OVS.)**
- 16) **Kansas City Kansas Community College (KCKCC) Mortuary Science Program.**
 - a) Executive Secretary Smith met with KCKCC Mortuary Science Director Wiley Wright in Topeka on Tuesday, November 6, 2014. The college continues with a good enrollment of students.
- 17) An update from the **Kansas Mass Fatality Planning Task Force** was provided.
- 18) **Kansas Ebola Preparedness and Response Plan**—Mr. Smith attended an Executive Level Seminar for the State of Kansas on 10/28/2014 and shared some of the information discussed.
- 19) Due to unused points for purchases made within the State of Kansas, the KSBMA was able to obtain three (3) HP Laserjet Pro 400 Color Laser printers at no cost.

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

Embalmer-Funeral Director Applicant: Mr. Jake D. Schmalstieg

(Duncan-Bedene) To grant an embalmer license upon completion of apprenticeship and payment of an initial license fee of \$49.00 and to grant a funeral director license upon passing of the written funeral directors' examination, which will be administered later today, completion of apprenticeship and payment of an initial license fee of \$14.00. Carried. With continuous employment, Mr. Schmalstieg is scheduled to complete his apprenticeships on February 19, 2015 at Barnett Family Funeral Home in Oskaloosa, Kansas. Once issued, the renewal date for the licenses would be July 31, 2015. Mr. Schmalstieg attended Highland Community College in Highland, Kansas, Pratt Community College in Pratt, Kansas, the University of Kansas in Lawrence, Kansas and received an Associate in Applied Science Degree in Mortuary Science at Kansas City, Kansas Community College in Kansas City, Kansas.

Embalmer-Funeral Director Applicant: Mr. Jeffery C. "Jeff" Moreland

(Bedene-Duncan) To grant an embalmer license upon payment of an initial license fee of \$175.00 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 \$50.00. Carried. Mr. Moreland completed his apprenticeships on December 9, 2014 at Eddy-Birchard Funeral Home in Osawatomie, Kansas. Once issued, the renewal date for the licenses would be January 31, 2017. Mr. Moreland attended Fort Scott Community College in Fort Scott, Kansas, Pittsburg State University in Pittsburg, Kansas and received an Associate in Applied Science Degree in Mortuary Science at Kansas City, Kansas Community College in Kansas City, Kansas.

Embalmer-Funeral Director Applicant: Mr. Richard A. Hanks

(Duncan-Bedene) To grant an embalmer license upon payment of an initial license fee of \$140.00 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 \$40.00. Carried. Mr. Hanks completed his apprenticeships on December 26, 2014 at the Webb and Rodrick Chapel and Crematory in Independence, Kansas. Once issued, the renewal date for the licenses would be August 31, 2016. Mr. Hanks attended Independence Community College in Independence, Kansas and received an Associate in Applied Science Degree in Mortuary Science at Kansas City, Kansas Community College in Kansas City, Kansas.

Funeral Director Applicant: Ms. Esperanza N. "Hope" Cacho

(Duncan-Bedene) 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 \$30.00. Carried. Ms. Cacho completed her funeral directing apprenticeship on December 2, 2014 at Highland Park Funeral Home and Crematory in Kansas City, Kansas. Once issued, the renewal date for the licenses would be March 31, 2016. Ms. Cacho received an Associate in Applied Science Degree in Mortuary Science at Kansas City, Kansas Community College in Kansas City, Kansas.

Reciprocal (Missouri) Embalmer-Funeral Director Applicant: Mr. Bruce L. Lindley

(Bedene-Duncan) To grant a reciprocal embalmer license upon payment of an initial license fee of \$168.00 and to grant a funeral directors' license upon passing the funeral directors' examination, which will be administered later today, and payment of an initial license fee of \$228.00. Carried. Mr. Lindley is a licensed embalmer and funeral director in the State of Missouri. Once issued, the renewal date for the licenses will be December 31, 2016. Mr. Lindley attended Missouri Western State College in St. Joseph, Missouri and the Dallas Institute of Funeral Service. He passed the National Board Examination (NBE) of the International Conference of Funeral Service Examining Boards (ICFSEB) and is currently employed at Penwell-Gabel Funeral Home and Crematory Mid-Town Chapel in Topeka, Kansas and is their Regional Manager.

Reciprocal (Missouri) Funeral Director Applicant: Mr. James M. "Jim" Wilson

(Melby-Duncan) To grant a reciprocal funeral directors' license upon passing the funeral directors' examination, which will be administered later today, and payment of an initial license fee of \$104.50. Carried. Mr. Wilson is a licensed funeral director in the State of Missouri. Once issued, the renewal date for the license will be November 30, 2015. Mr. Wilson was awarded a Bachelor of Science Degree in Sociology at Bethel College in McKenzie, Tennessee. Mr. Wilson is currently employed at William Wood Funeral Home and Thatcher Funeral Home in Boonville, Missouri. Once licensed, he hopes to be employed at Johnson County Funeral Chapel in Overland Park, Kansas.

VII. New/Old/Remaining Business/Adjournment

(Bedene-Melby) 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 9, 2015.

At approximately 1:30 p.m. Executive Secretary Smith read instructions to the funeral directors' 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. The results of that examination are a part of these minutes.

Respectfully submitted:



Steven G. "Steve" Melby, President
Thursday, April 9, 2015
(Date)



Mack Smith, Executive Secretary
Thursday, April 9, 2015
(Date)
