

KANSAS STATE BOARD OF MORTUARY ARTS
700 SW JACKSON, SUITE #904
TOPEKA, KANSAS
Thursday, October 9, 2014

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, October 9, 2014:

- 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; Vice President William L. "Bill" Cozine, Wichita, Licensee; Barry W. Bedene, Arma, Licensee; and Theresa Marcel Schwartz, Lawrence, Consumer. Deputy Attorney General Athena Andaya and Executive Secretary Mack Smith were also in attendance. Randy Duncan, Brookville, Consumer, was not in attendance.

On July 22, 2014, Governor Sam Brownback reappointed President Melby to an additional three-year term to the Board with an expiration date of July 31, 2017. Mr. Melby was congratulated by everyone in attendance.

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*.

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

President Melby finalized Committee Assignments:

Investigative Committee: Board Members Schwartz and Bedene.
Continuing Education Committee: Board Members Melby and Cozine.
Hearing Committee: Board Members Melby, Cozine and Duncan.

(Bedene-Schwartz) To adopt the **July 10, 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 **April 10, 2014** noting that **80%** (eight of ten applicants) were **successful**. Comments provided by one examinee were discussed.

The board reviewed results of the written **assistant funeral directors' examinations** administered in **August, September and October 2014** noting that **50% (four of eight)** applicants) were successful. Since the law requiring examination for assistant funeral directors was enacted in 2008, **70.8% (126 of 178)** applicants) have successfully passed the written examination.

The board reviewed the '**List of Licensure Applicants**' scheduled to interview with the board at this meeting, noting the following six (6) applicants scheduled to meet with the board: two (2) embalmer-funeral director applicants, two (2) reciprocal embalmer-funeral director applicants and two (2) reciprocal funeral director applicants. Two (2) applicants are eligible to retake the funeral directors' examination—for a total of eight (8) applicants 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 Senate Room of the Jayhawk Tower.

All quarterly apprentice progress reports of embalmer/funeral director apprentices and supervising licensees due September 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 the second quarter progress reports for an apprentice embalmer-funeral director noting concerns expressed by the supervising licensee. Following review of all information provided, the Board advised the executive secretary to compose letters to the apprentice and supervising licensee to further discuss their concerns.

The Board reviewed the third quarter progress reports for an apprentice embalmer-funeral director noting concerns expressed by the supervising licensee. Following review of all information provided, the Board took no action at this time.

III. Investigative Committee Report:

The Investigative Committee (IC) reported that they closed five (5) complaint files, sent two (2) advisory letters and closed those files, noted no violations of laws enforced by the KSBMA on five (5) complaint files, notified all parties and closed those files with two files remaining open at this time.

IV. Board Business:

- 1) (Bedene-Cozine) 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) (Bedene-Schwartz) 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 six (6) assistant funeral director licenses, one (1) crematory operator license, fourteen (14) embalmer licenses and thirteen (13) 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 four (4) embalmer licenses, four (4) funeral director licenses and three (3) crematory operator licenses renewals due through September 30, 2014. The board reviewed the list of **funeral homes and crematories that have closed** since July 10, 2014. This list includes one (1) main funeral establishment, two (2) branch funeral establishments and one(1) crematory. The board also reviewed the list of funeral home and crematory ownership changes that include two (2) funeral homes.
- 3) (Bedene-Cozine) To approve the **FY 2015 first quarter** (July 1-September 30, 2014) **Report** of KSBMA Funeral Home-Crematory Inspector Francis F. Mills. Carried. 210 inspections were conducted during the first quarter of FY 2015 with one (1) preparation room and two (2) failure to display licenses violation noted. 7,934 miles were traveled involving visits to 63 counties during the first quarter of FY 2015.
- 4) Reviewed the **current roster of apprentice embalmers and funeral directors**. A total of seventeen (17) apprentices are currently registered with the board, including: eleven (11) embalmer-funeral directors and six (6) 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 **2015 Board meeting dates**: January 8, April 9, July 9, and October 8.
- 7) The board signed travel vouchers.
- 8) A review of several internal Board documents.
- 9) Review of Roster of Corporations/LLC.

V. Executive Secretary's Report:

- 1) **Budget Information–**
 - a) Current **FY 2015** (July 1, 2014–June 30, 2015)–Budget remains at \$289,553.
 - b) **FY 2016** (July 1, 2015–June 30, 2016)–\$308,448 was requested to the Division of the Budget (DOB) by the September 15, 2014 filing deadline.
 - c) **FY 2017** (July 1, 2016–June 30, 2017)–\$322,353 was requested to the DOB by the September 15, 2014 filing deadline.
 - d) A pay increase effective August 4, 2014 for the executive secretary was approved by the Governor. This is the first increase in six years.
- 2) Updated information regarding the **International Conference of Funeral Service Examining Boards (ICFSEB)**:
 - a) KSBMA Board President Schwartz continues her work on the ICFSEB's *Model Practice Act Committee*, and she provided an update of current activities.
 - b) The August and September 2014 Conference Updates were provided to the board.
 - c) Updated statistics for the National Board Examination (NBE) were reviewed for the time frame of January through August 2014. The pass rate for first time takers of the Arts Examination is 76% and 77% for the Science Examination.
 - d) Executive Secretary Smith attended a Board Meeting of the ICFSEB on September 23-24, 2014.
- 3) No new information for the **Council on Licensure, Enforcement and Regulation (CLEAR)** was discussed.
- 4) No new information for the **Federation of Associations of Regulatory Boards (FARB)** was discussed.
- 5) Updated information for the **Kansas Funeral Directors and Embalmers Association (KFDA)**:
 - a) Mr. Smith provided a Board update at the Fall 2014 District Meetings.
 - b) The June 2014 KFDA Journal was reviewed.
 - c) The July 2014 KFDA Journal was reviewed.
- 6) No new information regarding the **board's web site**, <http://www.kansas.gov/ksbma/>, was available at this time.
- 7) No new information for the **National Funeral Directors Association (NFDA)** was discussed.
- 8) No new information for the **Federal Trade Commission (FTC)** regarding the **FTC Funeral Rule** was discussed.
- 9) No new information for the **American Board of Funeral Service Education (ABFSE)** was discussed.

- 10) No new information for the **Cremation Society of North America (CANA)** was discussed.
- 11) No new information for the **Funeral Ethics Association (FEA)** was discussed.
- 12) No new Information for both the **Funeral Consumer's Alliance (FCA)** and the **Funeral Consumer's Alliance of Greater Kansas City** was discussed.
- 13) No new information for the **Funeral Ethics Organization (FEO)** was discussed.
- 14) **The American Society of Embalmers (ASE.)**
 - a) The July 2014 Newsletter was discussed.
- 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. The college has eleven (11) students in the Practicum Two program—a healthy number. About half of those students are planning on serving apprenticeships in Kansas. There are forty (40) students enrolled in the Mortuary Science Program—the highest number since curriculum standards were increased. Hopefully this will transform into more Kansas licensees in the near future.
- 17) **Kansas Mass Fatality Planning Task Force.**
 - a) Michael McNulty, the Director of Homeland Security Operations for the Bureau of Community Health Systems, Kansas Department of Health and Environment, is currently working on the *Concept of Operations* section of the plan.
- 18) **Kansas Information Technology Executive Council.**
 - a) The Board reviewed and discussed a letter signed by several of the smaller state agencies, including the KSBMA, sent to the Office of Information Technology Services (OITS) regarding updates to the Security Policy ITEC 7230 and 7230A.

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

Reciprocal (Missouri) Funeral Director-Embalmer Applicant: Mr. Stephen L. "Steve" Pierce

(Schwartz-Bedene) To grant a reciprocal embalmer license upon payment of an initial license fee of \$49.00 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 \$66.50. Carried. Mr. Pierce is a licensed embalmer and funeral director in the State of Missouri. Once issued, the renewal date for the licenses will be April 30, 2015. Mr. Pierce attended Missouri Western State University in St. Joseph, Missouri, Metropolitan Community College in Kansas City, Missouri and received an Associate of Science Degree in

Funeral Service at Kansas City Kansas Community College (KCKCC) in Kansas City, Kansas. He passed the National Board Examination (NBE) of the International Conference of Funeral Service Examining Boards (ICFSEB.) He owns and is employed at Muehlebach Funeral Home in Kansas City, Missouri.

Reciprocal (Oklahoma) Funeral Director Applicant: Ms. Jennie M. Fredrickson

(Bedene-Cozine) 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 \$199.50. Carried. Ms. Fredrickson is a licensed Kansas embalmer as she was granted a reciprocal embalmer license in July 2014. She is a funeral director in the State of Oklahoma. Once issued, the renewal date for the license will be June 30, 2016. Ms. Fredrickson attended Independence Community College in Independence, Kansas, Butler County Community College in El Dorado, Kansas, Amarillo College in Amarillo, Texas and was awarded a Bachelor of Science Degree in Funeral Service at the University of Central Oklahoma in Edmond, Oklahoma. She is employed at Petersen Funeral Home in Newton, Kansas.

Embalmer-Funeral Director Applicant: Mr. Luke L. Ryan

(Bedene-Cozine) To grant an embalmer license upon payment of an initial license fee of \$63.00 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 \$18.00. Carried. Mr. Ryan completed his apprenticeships on September 1, 2014 at Ryan Mortuary in Salina, Kansas. Once issued, the renewal date for the licenses would be June 30, 2015. Mr. Ryan attended the University of Kansas in Lawrence, Kansas, Kansas Wesleyan University in Salina, Kansas, Northern Virginia Community College in Springfield, Virginia and received an Associate in Applied Science Degree in Mortuary Science at Arapahoe Community College in Littleton, Colorado.

Embalmer-Funeral Director Applicant: Mr. John D. Diel

(Schwartz-Cozine) To grant an embalmer license upon completion of apprenticeship and payment of an initial license fee of \$133.00 and to grant a funeral director license upon completion of apprenticeship, passing of the written funeral directors' examination, which will be administered later today and payment of an initial license fee of \$38.00. Carried. With continuous employment, Mr. Diel is scheduled to complete his apprenticeships on October 27, 2014 at Glidden-Ediger Funeral Home in McPherson, Kansas. A portion of his apprenticeships were served at Stockham Family Funeral Home in McPherson, Kansas. Once issued, the renewal date for the licenses would be April 30, 2016. Mr. Diel attended Southwestern College in Winfield, Kansas, Ft. Hays State University in Hays, Kansas, Northwestern Oklahoma State University in Alva, Oklahoma and received an Associate in Applied Science Degree in

Mortuary Science at Kansas City Kansas Community College (KCKCC) in Kansas City, Kansas.

Reciprocal (Missouri) Funeral Director Applicant: Ms. Jillian N. Little

(Cozine-Schwartz) 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 \$28.50. Carried. Ms. Little is a licensed embalmer and funeral director in the State of Missouri. Once issued, the renewal date for the license will be December 31, 2014. Ms. Little received an Associate of Science Degree in Biological Science and Zoology at Carl Albert State College in Poteau, Oklahoma and received a Bachelor of Science Degree in Funeral Service at the University of Central Oklahoma in Edmond, Oklahoma. She is currently employed at Terrace Park Funeral Home and Cemetery in Kansas City, Missouri. Once licensed, she will be employed at Overland Park Chapel in Overland Park, Kansas.

Reciprocal (Michigan) Embalmer-Funeral Director Applicant: Mr. Bradley O. "Brad" Yazel

(Cozine-Schwartz) To grant a reciprocal embalmer license upon payment of an initial license fee of \$105.00 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 \$142.50. Carried. Mr. Yazel is a licensed embalmer and funeral director in the State of Michigan. Once issued, the renewal date for the licenses will be December 31, 2015. Mr. Yazel attended Ohio State University in Columbus, Ohio and was granted a Bachelor of Mortuary Science Degree at the Cincinnati College of Mortuary Science in Cincinnati, Ohio. He passed the National Board Examination (NBE) of the International Conference of Funeral Service Examining Boards (ICFSEB.) He is currently employed at Carlson Colonial Funeral Home and Kirby-Morris Funeral Home in El Dorado, Kansas.

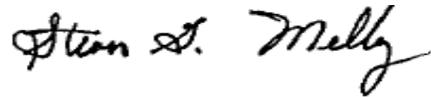
Board Member Duncan entered the meeting.

VII. New/Old/Remaining Business/Adjournment

(Cozine-Duncan) 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, January 8, 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, January 8, 2015
(Date)



Mack Smith, Executive Secretary
Thursday, January 8, 2015
(Date)

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