

KANSAS STATE BOARD OF MORTUARY ARTS
700 SW JACKSON, SUITE #904
TOPEKA, KANSAS
Thursday, April 14, 2016

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, April 14, 2016:

- I. The regularly scheduled meeting of the Kansas State Board of Mortuary Arts (KSBMA) was called to order by President William L. "Bill" Cozine.

Roll call by Executive Secretary Mack Smith found the following board members in attendance: President William L. "Bill" Cozine, Wichita, Licensee; Vice President Barry W. Bedene, Arma, Licensee; Steven G. "Steve" Melby, Mankato, Licensee; Theresa Marcel Schwartz, Lawrence, Consumer and board member Robert J. "Bob" Steil, Consumer, Lawrence. Assistant Attorney General Jan Arndt and Executive Secretary Mack Smith were also in attendance.

Vice President Bedene chaired the meeting.

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 *Events* and *April Board Meeting*.

(Melby-Schwartz) To approve a **final agenda** as amended for this meeting. Carried.

(Steil-Cozine) To adopt the **January 14, 2016 regularly scheduled board meeting minutes**. Carried. These minutes will be signed by President Cozine and Executive Secretary Smith, then displayed on the board's website.

(Schwartz-Melby) To adopt the **January 28, 2016 conference call board meeting minutes**. Carried. These minutes will be signed by President Cozine and Executive Secretary Smith, then displayed on the board's website.

The board reviewed results of the written **funeral directors' examination** administered on **January 14, 2016** noting that **100%** (all seven applicants) were **successful**.

The board reviewed results of the written **assistant funeral directors' examinations** administered from **February** through **April 2016** noting that **66.7%** (four of six applicants) were successful. Since the law requiring examination for assistant funeral directors was enacted in 2008, **70.8%** (153 of 216 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 that six (6) applicants are scheduled to meet with the board: one (1) embalmer-funeral director applicant, three (3) funeral director applicants and two (2) reciprocal embalmer-funeral director applicants. Following approval by the Board, seven (7) applicants are scheduled to be administered the written funeral director's examination in conjunction with this meeting.

-
- 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.

All quarterly apprentice progress reports of embalmer/funeral director apprentices and supervising licensees due March 15, 2016 were summarized by the executive secretary with copies of the individual reports available for board members to review as desired.

The board observed a moment of silence in honor of KSBMA Past President/Board Member **Roy L. Derfelt**. Roy, who was 93 years old, passed away on April 6, 2016, and served on the board of the KSBMA from September 25, 1979 thru July 31, 1985. He was president of the Board from 1981-1982. KSBMA Vice President Barry Bedene and Executive Secretary Mack Smith attended the instate for Mr. Derfelt at Derfelt Funeral Home in Galena, Kansas. The Board voiced their appreciation for Roy's contribution to the KSBMA.

III. Investigative Committee Report:

The Investigative Committee (IC) reported that they closed five (5) complaints with thirteen (13) complaints remaining open at this time. Six (6) of the thirteen (13) open complaints were filed within the past week.

IV. Legislative Report

KSBMA Legislative Report—Executive Secretary Smith's reported he is tracking more than fifty (50) bills that involve state government, state employees, the funeral industry or industries/ agencies that involve either the funeral industry or state government that involves the KSBMA and/or employees of the KSBMA.

SB 409—Transportation of a dead human body from the place of death to a private residence. The bill was never worked by the Senate Public Health and Welfare Committee.

HB 2518—Requiring the electronic filing of death certificates by funeral homes and doctors. This bill passed the House 111-11, passed the Senate 39-1, approved by the Governor, and will become law January 1, 2017.

HB 2660—Would require that licensees be notified when special revenue (fee) funds are transferred (swept) to the state general fund (SGF.) The bill passed the House 123-0 and is currently in the Senate Ways and Means Committee.

HB 2677—Limiting the ability of a licensing board to deny a license or application for license based on a prior conviction not directly related to the licensed occupation. The bill remains in the House Committee on Corrections and Juvenile Justice.

HB 2721—Would create three (3) committees to study shared resources of regulatory/fee-funded state agencies. The bill was tabled indefinitely by the House General Government Budget Committee on the last day of the current legislative session that this committee met.

V. Board Business:

- 1) (Melby-Cozine) To approve the **quarterly lists of continuing education** and the updated **informational booklet**. Carried. Lists approved were: *Scheduled Programs (Listing by Date of Program from the KSBMA web site)*, *Home-Study/ Correspondence Programs*, *Ongoing Programs*, the list of *Crematory Operator Certification Programs* and the updated *Continuing Education Booklet* that explains all things continuing education. These items are regularly updated and available on the board's web site.
- 2) (Melby-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 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 fourteen (14) assistant funeral director licenses, one (1) crematory operator license, seven (7) embalmer licenses and ten (10) 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 six (6) embalmer licenses and five (5) funeral director licenses for license renewals due through March 31, 2016. The board reviewed the following lists of information for the quarter: **Changes in Funeral Home and Crematory Ownership** containing five (5) funeral homes and one (1) crematory and **Closed Funeral Homes & Crematories**, containing one (1) crematory.

- 3) (Cozine-Steil) To approve the **FY 2016 third quarter (January 1-March 31, 2016) report** of KSBMA Funeral Home-Crematory Inspector Francis F. Mills. Carried. 224 inspections were conducted during the third quarter of FY 2016 with five (5) violations noted. 8,130 miles were traveled involving visits to sixty-seven (67) counties.
- 4) Reviewed the **current roster of apprentice embalmers and funeral directors**. A total of thirty-six (36) apprentices are currently registered with the board, including: fifteen (15) embalmer-funeral directors and twenty-one (21) funeral directors.
- 5) Discussion of articles/information provided involving the agency, licensure, regulation and the funeral profession were provided to board members and legal counsel.
- 6) A reminder of the remaining **2016 Board meeting dates**: July 14, and October 13.
- 7) The board signed travel vouchers.
- 8) Documentation from the January 2016 Board Meeting was provided and discussed, including the revised page two (2) being used for all license applications and renewals and approval of the reciprocal funeral directors' application of Jennettie P. Marshall.
- 9) A reminder that **Statements of Substantial Interest (SSI)** are due by April 30, 2016. Statements must be filed by all board members as well as the inspector and executive secretary.

VI. Executive Secretary's Report:

- 1) **Budget Information**—The Board reviewed and discussed their FY 2016 & FY 2017 Budgets which were approved by the 2015 Kansas Legislature and the Governor. No additional funds were requested.
 - a) The **FY 2016** (July 1, 2015–June 30, 2016) As the KSBMA requested, a budget of \$306,862 has been approved.
 - b) The **FY 2017** (July 1, 2016–June 30, 2017) As the KSBMA requested, a budget of \$318,644 has been approved.
- 2) Updated information regarding the **International Conference of Funeral Service Examining Boards (ICFSEB)**:
 - a) An update regarding the *2016/112th Annual Meeting* was provided by Mr. Smith, who represented the KSBMA at the meeting. No State travel funds were spent for this trip.
 - b) *National Board Examination (NBE) results* for the time frame of January through March 2016 were provided and discussed.

- c) *Open Call: National Board Examination (NBE) Committee openings.* An email from the ICFSEB regarding openings on the NBE Committee was shared with the Board.
- d) *Open Call: Item Writing/Review Workshop opening.* An email from the ICFSEB regarding an upcoming workshop was shared with the Board.
- 3) No new information from the **Council on Licensure, Enforcement and Regulation (CLEAR)** was provided/discussed.
- 4) No new Information from the **Federation of Associations of Regulatory Boards (FARB)** was provided/discussed.
- 5) Updated information for the **Kansas Funeral Directors and Embalmers Association (KFDA)**:
 - a) The *January 2016* edition of the *KFDA Journal* was provided.
 - b) The *February 2016* edition of the *KFDA Journal* was provided.
 - c) The *March-April 2016* edition of the *KFDA Journal* was provided.
 - d) 2016 KFDA Regional Meetings—Inspector Mills attended one of the meetings.
- 6) The **KSBMA’s web site**, <http://ksbma.ks.gov/> continues to be updated on a regular basis by KSBMA Office Manager Sherry Fergel and Executive Secretary Mack Smith with assistance from Christine Griffie, Applications Developer/Professional Services, Office of Information Technology Services (OITS.)
- 7) No new information from the **National Funeral Directors Association (NFDA)** was provided/discussed.
- 8) No new information from the **Federal Trade Commission (FTC)** regarding the **FTC Funeral Rule** was provided/discussed.
- 9) No new information from the **American Board of Funeral Service Education (ABFSE)** was provided/discussed.
- 10) No new information from **Cremation Society of North America (CANA)** was provided/discussed.
- 11) The **Funeral Consumer’s Alliance (FCA.)**
 - a) The Board discussed the National Conference newsletter provided by the FCA.
- 12) The **Funeral Consumer’s Alliance of Greater Kansas City (FCA-GKC.)**
 - a) The Board discussed the Spring 2016 edition of the FCA-GKC newsletter which included information on home funerals.
- 13) No new information from **Funeral Ethics Organization (FEO)** was provided/discussed.
- 14) The **Kansas Department of Health and Environment (KDHE), Office of Vital Statistics (OVS)**
 - a) Mr. Smith has been contacted by OVS representatives regarding concerns with funeral homes failing to file death certificates in a timely manner. He has advised OVS representatives to provide him with the names of the funeral homes and information regarding the death certificates in question, so he can look into the matter.
 - b) Proposed amendments to **K.A.R. 28-17-20**, including extending the time from six to twelve months when amended death certificates can be filed without a court order, were discussed.

- 15) **Kansas City Kansas Community College (KCKCC) Mortuary Science Program**—The college had a tragic situation involving a mortuary college student who died in an apparent murder-suicide. The college is scheduled to meet with the American Board of Funeral Service Education’s (ABFSE) Committee on Accreditation at the meeting in Houston, Texas this week to learn of the committee’s recommendations resulting from the committee’s 2015 on-site visit at KCKCC.
- 16) **Kansas Mass Fatality Planning Task Force**—The Kansas Response Plan is coming due for revision and is in the process of review. The KSBMA is a support agency with the plan.
- 17) No new information from **Kansas Ebola Preparedness and Response Plan** was provided or discussed.
- 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 by the State of Kansas for state agencies.
- 19) Effective March 18, 2016, the KSBMA moved all office **emails** to the cloud and **Office 365**. Previous email addresses will be forwarded for two years.
- 20) Mr. Smith discussed the **Non-Cabinet Agency Heads Meeting of January 7, 2016**. The next meeting is scheduled for today.

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

Embalmer-Funeral Director Applicant: Ms. Kylie R. Newsom

(Schwartz-Melby) To grant an embalmer license upon payment of an initial license fee of \$77.00 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 \$22.00. Carried. Ms. Newsom completed her apprenticeships on April 10, 2016 at the Johnson County Funeral Chapel and the Overland Park Funeral Chapel in Overland Park, Kansas. Once issued, the renewal date for the licenses would be February 28, 2017. Ms. Newsom was awarded an Associate in Science Degree in Mortuary Science at the Des Moines Area Community College in Des Moines, Iowa.

Funeral Director Applicant: Ms. Stacy J. Jansson

(Melby-Steil) 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 \$12.00. Carried. With continuous employment, Ms. Jansson is scheduled to complete her funeral directing apprenticeship on May 18, 2016 at Lakeview Funeral Home in Wichita, Kansas. Once issued, the renewal date for the license would be October 31, 2016. Ms. Jansson was awarded a Bachelor of Science Degree in Gerontology at Wichita State University.

Funeral Director Applicant: Ms. Maira A. Salazar

(Cozine-Melby) 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 \$30.00. Carried. With continuous employment, Ms. Salazar is scheduled to complete her funeral directing apprenticeship on May 11, 2016 at Broadway Mortuary in Wichita, Kansas. Once issued, the renewal date for the license would be July 31, 2017. Ms. Salazar was awarded an Associate in Applied Science Degree in Funeral Service at the Commonwealth Institute of Funeral Service in Houston, Texas.

Reciprocal (Iowa) Embalmer-Funeral Director Applicant: Mr. Brandon M. Brown

(Steil-Cozine) To grant a reciprocal embalmer license upon payment of an initial license fee of \$161.00, 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 \$218.50. Carried. Mr. Brown is licensed in the State of Iowa. Once issued, the renewal date for the license will be February 28, 2018. He was awarded an Associate in Applied Science (AAS) Degree in Mortuary Science at Kansas City Kansas Community College located in Kansas City, Kansas. Mr. Brown has passed the National Board Examination (NBE) administered by the International Conference of Funeral Service Examining Boards (ICFSEB.) He is employed at Barnett Family Funeral Home in Oskaloosa, Kansas.

Funeral Director Applicant: Mr. Aaron C. Kucharik

(Melby-Cozine) 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 \$16.00. Carried. Mr. Kucharik completed his funeral directing apprenticeship on December 12, 2015 at Price Funeral Home in Scott City, Kansas. Once issued, the renewal date for the license would be November 30, 2016. Mr. Kucharik was awarded an Associate in Applied Science Degree in Mortuary Service at Kansas City Kansas Community College in Kansas City, Kansas.

Reciprocal (Missouri) Embalmer-Funeral Director Applicant: Mr. Andrew W. Buck

(Schwartz-Cozine) To grant a reciprocal embalmer license upon payment of an initial license fee of \$161.00, 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 \$218.50. Carried. Mr. Buck is licensed in the State of Missouri. Once issued, the renewal date for the license will be February 28, 2018. He was awarded an Associate in Applied Science (AAS) Degree in Mortuary Science at Kansas City Kansas Community College located in Kansas City, Kansas and has passed the National Board Examination (NBE) administered by the International Conference of Funeral Service

Examining Boards (ICFSEB.) He is employed at Heartland Cremation and Burial Society in Raytown, Missouri.

Assistant Attorney General/KSBMA's Litigation Attorney Lisa Mendoza entered the meeting.

The board recessed for purposes of a Kansas Administrative Procedure Act (KAPA) hearing.

Following the KAPA hearing, the Board reconvened.
Board Member Schwartz left the meeting.

VIII. Board Member Orientation/Training–Assistant Attorneys General Jan Arndt and Lisa Mendoza

Board Attorneys General Jan Arndt and Lisa Mendoza provided information for Board Member Orientation/Training and met with the Board to discuss items, including:

- Professional Licensing Board as a Creature of Statute
- Functions and Duties of a Licensing Board
- Statutes, Regulations and Policies
- Effectiveness as a Board Member
- Agency Investigation and Administrative Hearings
- The Kansas Tort Claims Act (KTCA)
- The Kansas Open Meetings Act (KOMA)
- The Kansas Open Records Act (KORA)

Assistant Attorney General/KSBMA Litigation Attorney Lisa Mendoza left the meeting.

IX. New/Old/Remaining Business/Adjournment

(Cozine-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, July 14, 2016.

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:



William L. Cozine, President

Thursday, July 14, 2016
(Date)



Mack Smith, Executive Secretary

Thursday, July 14, 2016
(Date)

I:\Content\Mortuary Arts\BOM\data & K:\Mack\Mack4-14-2016 Board Meeting\4-14-2016 Board Minutes.wpd