

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

The Board Meeting of Thursday, April 12, 2018

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 12, 2018:

- I. The regularly scheduled meeting of the Kansas State Board of Mortuary Arts (KSBMA) was called to order by President Barry W. Bedene.

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

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.

(Tinsley-Schwartz) To adopt the **January 11, 2018 regularly scheduled board meeting minutes**. Carried. These minutes will be signed by Vice President Steil and Executive Secretary Smith, then displayed on the board's website.

The board reviewed results of the written **funeral directors' examination** administered on **January 11, 2018** noting that **80%** (four of five applicants) were successful.

The board reviewed results of the written **assistant funeral directors' examinations** administered from **February** through **April 2018** noting that **100%** (2 of 2 applicants) were successful along with examination information for all applicants since the law requiring examination for assistant funeral directors was enacted in 2008 where **70.2%** (191 of 272 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 eight (8) applicants are scheduled to meet with the board: one (1) embalmer

applicant, two (2) embalmer-funeral director applicants, four (4) funeral director applicants, one (1) reciprocal embalmer-funeral director applicant and one (1) reciprocal funeral director applicant. Following approval by the Board, nine (9) applicants—including one (1) retake applicant, 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 March 15, 2018 were summarized by the executive secretary with copies of the individual reports available for board members to review.

III. Investigative Committee (IC) Report:

The Investigative Committee (IC) is scheduled to meet later this month.

IV. 2018 Kansas Legislative Session

A Roster of Legislation being followed by the KSBMA was reviewed and discussed where 57 bills are being tracked.

Senate Substitute for Senate Substitute for House Bill 2386—formerly **Senate Bill 421**. This is the bill that would require a number of new regulations and would effect consideration of applicants/prospective applicants for licensure with certain criminal convictions. Quite a story behind this bill as the ACLU KS & Americans for Prosperity were on the same side that introduced the bill along with the Opportunity Solutions Project (OSP.) Everyone else either took a neutral stand or opposed the bill—which didn't seem to make any difference to the Senate Federal & State Affairs Committee. The original bill, **SB 421**, was amended in the Senate Committee, passed out of committee where the contents were placed in HB 2386, amended again on the floor of the Senate before passing, 40-0. The House non-concurred, so the bill is now in a conference committee. The bill has not (and will not) have a hearing on the House side.

Senate Substitute for HB 2184—The death benefit involving a *worker's compensation death* will increase from \$5,000 to \$10,000 effective July 1, 2018.

HB 2572—The *Revised Anatomical Gift Act*. Changes include the section on Declaration of Intent to Gift and Persons Authorized to Make a Gift, effective July 1, 2018.

V. Board Business:

- 1) (Cozine-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) (Tinsley-Cozine) 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 three (3) assistant funeral director licenses, one (1) crematory operator license, thirteen (13) embalmer licenses and fifteen (15) 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 nine (9) embalmer licenses, seven (7) funeral director licenses and three (3) crematory operator licenses for license renewals due through March 31, 2018. The board reviewed the following lists of information for the quarter: **Changes in Funeral Home and Crematory Ownership** with no (0) changes to report and **Closed Funeral Homes and Crematories** with one (1) branch funeral establishment closed this quarter.
 - 3) (Schwartz-Steil) To approve the **FY 2018 third (3rd) quarter (January 1-March 31, 2018) Report** of KSBMA Funeral Home-Crematory Inspector Francis F. Mills. Carried. 212 inspections were conducted during the 3rd quarter of FY 2018 with six (6) violations noted. 6,947 miles were traveled involving visits to seventy (70) counties.
- 4) The Board reviewed the **current roster of apprentice embalmers and funeral directors**. A total of twenty (22) apprentices are currently registered with the board, including: fifteen (15) embalmer-funeral director apprentices, six (6) 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, including: information on the West Virginia Board of Funeral Service Examiners, the Wisconsin Supreme Court hearing on the case challenging the joint ownership ban of funeral homes and cemeteries, a Colorado funeral home accused of operating a body donation business out of the funeral home, employees of an out-of-state funeral home accused of embezzling \$1.3 million, an article concerning a situation at

the American Academy McAllister Institute (AAMI) Mortuary College, a Michigan funeral home's suspension due to multiple violations, and posting of funeral home prices online.

- 6) **Remaining board meeting dates for 2018:** July 12 and October 11, 2018.
- 7) An **updated Board Information** including a roster of board appointments and information on Mr. Bedene's reappointment was provided.
- 8) The **Order** for Case No. 17-26 was discussed.
- 9) **Coroner's Authorization to Cremate requirement**—A letter and email from Robert L. Prosser, Jr., MD, Coroner, was reviewed and discussed. The Board directed Mr. Smith to draft a letter explaining that they disagree with his interpretation of the law.
- 10) Kansas Funeral Directors Association (KFDA) Executive Director Pam Scott was present and provided information on a meeting she attended where a discussion was held about **delays in the filing of death certificates**. The Office of Vital Statistics (OVS) is going to be conducting a study on the delay of the filing of death certificates involving coroner cases and improving the current coroner system for expediency in the filing of death certificates. The Board directed Mr. Smith to work with the KFDA and OVS in the review of existing laws pertaining to coroner's permits and death certificates.
- 11) Updated Board Member Information was discussed.
- 12) **Statements of Substantial Interest (SSI)** were discussed with a reminder that they are due by no later than April 30, 2018.

VI. Executive Secretary's Report:

- 1) **Budget Information** from the **Senate Subcommittee:**
 - a) **FY 2018** (July 1, 2017–June 30, 2018) The amount approved was \$295,273.
 - b) **FY 2019** (July 1, 2018–June 30, 2019) The amount approved was \$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) 2017 National Board Examination (NBE) Results were reviewed.
 - b) 2018 NBE Results were reviewed.
 - c) An update from 2018 Annual Meeting was provided by Mr. Smith—who represented the KSBMA at the meeting.
 - d) The *March 2018 edition of The Conference Update* 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) The *January 2018 Journal* was reviewed.
- b) The *2018 Regional Meetings KSBMA Update* was reviewed.
- c) The *February 2018 Journal* was reviewed.
- d) The *March/April 2018 Journal* was reviewed.
- 6) The **KSBMA's website**, <http://ksbma.ks.gov/> continues to be updated on a regular basis by the KSBMA administrative staff with new information posted as it becomes available.
- 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) There was no new information from the **American Board of Funeral Service Education (ABFSE)**.
- 10) There was no new information from the **Cremation Society of North America (CANA)**.
- 11) **Funeral Consumer's Alliance (FCA)**
 - a) The Board reviewed information regarding *Online Funeral Prices*.
 - b) The Fall-Winter 2017 FCA Newsletter was reviewed.
 - c) The Newsletter about the *FCA 2018 Conference* was reviewed.
- 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 Update**—A meeting is being held today with the next meeting scheduled for July 19, 2018.

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

Embalmer Applicant: Mr. Kaleb Smith

(Schwartz-Tinsley) To grant an embalmer license upon payment of an initial license fee of \$105.00 and completion of apprenticeship. Carried. With continuous employment, Mr. Smith is scheduled to complete his embalmer apprenticeship on May 15, 2018 at Mercer Funeral Home located in Holton, Kansas. Once issued, the renewal date for the license would be July 31, 2019. Mr. Smith earned an Associate in Applied Science Degree in Mortuary Science

at Kansas City Kansas Community College. He is a licensed funeral director.

Reciprocal (Missouri) Funeral Director Applicant Mr. Elliott S. Eley, II

(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 \$247.00. Carried. Mr. Eley is licensed in the State of Missouri. Mr. Eley earned a Bachelor of Science Degree in Business Administration at the University of Central Missouri located in Warrensburg, Missouri. Once issued, the renewal date for the license would be May 31, 2020. Mr. Eley is employed at E.S. Eley & Sons Funeral Chapel in Kansas City, Missouri.

Embalmer-Funeral Director Applicant: Ms. Eryn C. (Thomas) Clark

(Schwartz-Tinsley) To grant an embalmer license upon payment of an initial license fee of \$112.00 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 \$32.00. Carried. Ms. Clark completed her embalmer and funeral director apprenticeships on March 2, 2018 at Amos Family Funeral Home and Crematory located in Shawnee, Kansas. Once issued, the renewal date for the licenses would be August 31, 2019. Ms. Clark earned an Associate in Applied Science Degree in Mortuary Science at Kansas City Kansas Community College.

Embalmer-Funeral Director Applicant: Ms. Jessica I. Wood

(Steil-Tinsley) To grant an embalmer license upon payment of an initial license fee of \$133.00 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 \$38.00. Carried. Ms. Wood completed her embalmer and funeral director apprenticeships on April 3, 2018 at Davis Funeral Home Chapel located in Leavenworth, Kansas. Once issued, the renewal date for the licenses would be November 30, 2019. Ms. Wood earned an Associate in Applied Science Degree in Mortuary Science at Kansas City Kansas Community College.

Funeral Director Applicant: Ms. Whitney Davis Moulden

(Tinsley-Steil) To grant a funeral director license upon passing of written funeral director examination, which will be administered later today, completion of apprenticeship and payment of an initial license fee of \$18.00. Carried. With continuous employment, Ms. Moulden is scheduled to complete her funeral director apprenticeship on May 9, 2018 at Davis Funeral Chapel located in Leavenworth, Kansas. Once issued, the renewal date for the license would be January 31, 2019. Ms. Moulden earned a Master of Arts in Counseling Degree at Mid America Nazarene University in Olathe, Kansas.

Funeral Director Applicant: Ms. Alyssa A. Parker

(Steil-Cozine) 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 \$26.00. Carried. Ms. Parker completed her funeral director apprenticeship on March 8, 2018 at Bath-Naylor Funeral Home and Crematory located in Pittsburg, Kansas. Once issued, the renewal date for the license would be April 30, 2019. Ms. Parker earned an Associate in Applied Science Degree in Mortuary Science at Kansas City Kansas Community College.

Funeral Director Applicant: Mr. Charles T. “Chuck” Bowman

(Cozine-Schwartz) 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 \$48.00. Carried. Mr. Bowman completed his funeral director apprenticeship on March 13, 2018 at Brenneman Funeral and Cremation Services located in Liberal, Kansas. Once issued, the renewal date for the license would be February 28, 2020. Mr. Bowman earned an Associate of Applied Science Degree in Mortuary Science at Arapahoe Community College in Littleton, Colorado.

Funeral Director Applicant: Ms. Ann M. Hugunin

(Tinsley-Cozine) To grant a funeral director license upon passing of written funeral director examination, which will be administered later today, completion of apprenticeship and payment of an initial license fee of \$10.00. Carried. With continuous employment, Ms. Hugunin is scheduled to complete her funeral director apprenticeship on April 17, 2018 at Hays Memorial Chapel Funeral Home located in Hays, Kansas. Once issued, the renewal date for the license would be August 31, 2018. Ms. Hugunin earned a Bachelor of Science Degree in Education at Fort Hays State University located in Hays, Kansas.

Reciprocal (Missouri) Embalmer-Funeral Director Applicant Mr. Steven W. “Steve” Lewis

(Steil-Cozine) To grant a reciprocal 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 \$85.50. Carried. Mr. Lewis is licensed in the States of Missouri and Illinois. He earned a Bachelor of Science Degree in the Speech Communication at Central Missouri State University located in Warrensburg, Missouri and graduated from Worsham College of Mortuary Science in Des Plaines, Illinois. Once issued, the renewal date for the licenses would be December 31, 2018. Mr. Lewis will be employed at Porter Funeral Home and Crematory in Lenexa, 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, July 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:



Robert J. Steil, Vice President
Thursday, July 12, 2018
(Date)



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