

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

The Board Meeting of Thursday, January 10, 2019

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 10, 2019:

- I. The regularly scheduled meeting of the Kansas State Board of Mortuary Arts (KSBMA) was called to order by President Robert J. Steil.

Newly appointed Board Member, Craig Boomhower, was administered the Oath of Office by President Steil and was welcomed to the Board by all in attendance. Mr. Boomhower was appointed to the Board on November 15, 2018 by Kansas Governor Jeff Colyer—replacing William L. “Bill” Cozine. Mr. Cozine was a board member for six (6) years and was elected Board president twice in 2015-2016 and 2016-2017. Mr. Boomhower was previously appointed to the Board for three (3) years (2001-2004) and was elected Board president for a one (1) year term in 2003-2004. A text message from former board member Cozine was read to the Board congratulating Mr. Boomhower on his appointment to the Board.

Roll call by Executive Secretary Mack Smith found the following board members in attendance: President Robert J. “Bob” Steil, Lawrence, Consumer; Vice President Bridgette A. Tinsley, Salina, Licensee; Barry W. Bedene, Arma, Licensee; and Craig Boomhower, Dighton, Licensee. Theresa Marcel Schwartz, Lawrence, Consumer, was unable to attend the meeting. Executive Secretary Mack Smith was 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*.

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

(Tinsley-Bedene) To adopt the October 11, 2018 regularly scheduled board meeting minutes. Carried. These minutes will be signed by 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 October 11, 2018 noting that 100% (eight of eight applicants) were successful.

The board reviewed results of the written assistant funeral directors' examinations administered from November 2018 through January 2019 noting that 50% (three of six applicants) were successful along with examination information for all applicants since the law requiring examination for assistant funeral directors was enacted in 2008 where 68.2% (199 of 292 applicants) were successful.

Assistant Attorney Jan Arndt entered the meeting.

The board reviewed the 'Interview Times' and the 'List of Licensure Applicants' scheduled to interview with the board at this meeting, noting that four (4) applicants are scheduled to meet with the board: two (2) embalmer-funeral director applicants, one (1) reciprocal funeral director applicant and one (1) reciprocal embalmer-funeral director applicant. Following approval by the Board, those same four (4) applicants 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.

The Board reviewed a letter denying a quarter of an embalming apprenticeship resulting from action taken at the October 2018 meeting.

Quarterly apprentice progress reports of embalmer/funeral director apprentices and supervising licensees that were due December 15, 2018 were summarized by the executive secretary with copies of the individual reports available for board members to review.

(Bedene-Tinsley) To write the supervising licensee who is supervising an apprentice embalmer-funeral director and advise them that the issues need to be addressed and resolved. Carried.

III. **Investigative Committee (IC) Report:**

Thirteen (13) files were closed with six (6) files remaining open at this time.

IV. **Regulation (K.A.R.) Discussion**

The Board discussed proposed regulation, K.A.R. 63-5-3--which is a result of stipulations placed in Senate Substitute for Senate Substitute for House Bill 2386 from the 2018 Legislative Session.

ADOPTION OF KAR 63-5-3

A public hearing was held at 10:00 a.m. on Thursday, December 27, 2018 to

discuss the proposed new K.A.R. 63-5-3. There were no members from the public in attendance and no public comments were submitted regarding the proposed regulation.

A copy of the letter dated December 21, 2018 resulting from the December 10, 2018 meeting of the Joint Committee on Administrative Rules and Regulations (JCARR) was made a part of the public record.

A copy of the regulation, economic impact statement to the proposed regulation, a copy of the December 21, 2018 letter from the JCARR, the *Notice of Public Hearing* and the email address (mack.smith@ks.gov) in which written comments could be submitted to the Kansas State Board of Mortuary Arts (KSBMA) regarding the proposed regulation have been published on the KSBMA web site since publication in the Kansas Register on October 25, 2018 with copies made available for distribution at the hearing.

(Bedene-Boomhower) To adopt K.A.R. 63-5-3 as presented. Carried.

Roll call vote:

	<u>Steil</u>	<u>Tinsley</u>	<u>Bedene</u>	<u>Boomhower</u>
K.A.R. 63-2-26	Yes	Yes	Yes	Yes

A copy of the regulation is included as a part of these minutes.

Certified by:

SEAL

Mack Smith, Executive Secretary
Kansas State Board of Mortuary Arts

(Boomhower-Bedene) To delegate the Investigative Committee to review applications and issue advisory opinions as is outlined in KAR 63-5-3. Carried.

V. Legislative Discussion

The Board discussed the upcoming 2019 Legislation Session which is scheduled to begin on Monday, January 14, 2019 at 2:00 p.m. The Board has no plans to introduce any legislation this upcoming legislative session. Mr. Smith briefed the Board on potential KFSA legislation—which will not be finalized until considered by the KFSA Board of Directors at an upcoming meeting.

VI. Board Business:

- 1) (Bedene-Tinsley) 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—none at this time. These items are updated regularly and are available on the board's website.
- 2) (Tinsley-Bedene) 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 five (5) assistant funeral director licenses, four (4) crematory operator licenses, six (6) embalmer licenses and six (6) 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 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 seven (7) embalmer licenses, six (6) funeral director licenses and four (4) crematory operator licenses for license renewals due through December 31, 2018. The board reviewed the following lists of information for the quarter: Changes in Funeral Home and Crematory Ownership with one new crematory opening. The list of Closed Funeral Homes and Crematories to report this quarter. The one funeral home on the list closed recently with an existing funeral home moving into the location.

3) (Bedene-Tinsley) To approve the FY 2019 Second Quarter Report (October 1, 2018–December 31, 2018) of KSBMA Funeral Home-Crematory Inspector Francis F. Mills. Carried. 195 inspections were conducted during the 2nd quarter of FY 2019 with eight (8) violations noted and 7,375 miles traveled involving visits to fifty-four (54) counties. Based on mileage, a new replacement automobile will probably be ordered during the next quarter.

- 4) The Board reviewed the current roster of apprentice embalmers and funeral directors. A total of nineteen (19) apprentices are currently registered with the board, including: eleven (11) embalmer-funeral director apprentices, four (4) embalmers and four (4) funeral director apprentices.
- 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 regarding articles on a wide range of subjects, including: Preneed Theft in the State of Pennsylvania, proposed amendments to KAR 30-4-98/the Funeral Assistance Program, a wrongful cremation case in the State of California, recomposition, Cremation Authorization, Heritage Cremation Providers, board member re-appointment and an article on actions taken against out-of-state licensees.
- 6) Remaining Board meeting dates for 2019 are: April 11, July 11 and October 10.
- 7) Mr. Smith has not been notified of any meetings with the Office of Vital Statistics (OVS) and the Kansas Funeral Directors Association (KFDA) regarding Coroner Permits to Cremate and Death Certificates.
- 8) The Board reviewed an Order approving an application for a crematory operator license.

VII. Executive Secretary's Report:

- 1) Budget Information based on the budget request that was due September 16, 2018:
 - a) Current FY 2019 (July 1, 2018–June 30, 2019) The amount approved by the 2017 Legislature and recommended by the Division of the Budget (DOB) is \$330,887.
 - b) FY 2020 (July 1, 2019–June 30, 2020) The amount requested and recommended by the DOB is \$318,862.
 - c) FY 2021 (July 1, 2020–June 30, 2021) The amount requested and approved by the DOB is \$325,571.
 - d) Performance Based Budgeting (PBB)–Nothing new to report at this time.
- 2) Information regarding the International Conference of Funeral Service Examining Boards (ICFSEB):
 - a) A draft of the Model Internship Program was discussed.
 - b) 2018 NBE Results were provided.
 - c) Fall 2018 Conference Report was provided.
 - d) Mr. Smith will represent the Board at the upcoming Annual Meeting.
- 3) There was no new information to report from the Council on Licensure, Enforcement and Regulation (CLEAR).
- 4) Information regarding the Federation of Associations of Regulatory Boards (FARB):
 - a) Mr. Smith is scheduled to attend the upcoming 43rd Annual FARB Forum representing the ICFSEB.
- 5) Information for the Kansas Funeral Directors Association (KFDA):
 - a) The September/October 2018 KFDDA Journal was provided to the Board for their review.
 - b) The November/December 2018 KFDDA Journal
 - c) The KFDDA Legislative Committee met on Wednesday, December 19, 2018 with final decision of any proposed legislation to be considered by the KFDDA Board of Directors at their upcoming meeting.
 - d) Executive Secretary Smith will attend the upcoming Embalming Seminar.
- 6) The KSBMA's website, located at <http://ksbma.ks.gov/>, continues to be maintained by staff and updated on a regular basis.
- 7) There was no new information to report from the National Funeral Directors Association (NFDA).
- 8) There was no new information to report from the Federal Trade Commission (FTC) regarding the FTC Funeral Rule.
- 9) Information from the American Board of Funeral Service Education (ABFSE.)
 - a) The Board reviewed minutes from the October 11-12, 2018 meeting of the ABFSE's Committee on Accreditation (COA.)
- 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 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 to report from the 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) The COOP Plan 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.
 - 19) Information from the Non-Cabinet Agency Heads Meeting of Thursday, November 8, 2018 was discussed. Topics included a presentations from Momentum Leadership Consulting, Office of Information Technology Services (OITS) and Kansas Active Shooter Mitigation by the Kansas Highway Patrol (KHP.)
 - 20) Legal Representation Charges—Nothing new to report at this time. The annual amount stated orally was a flat fee of \$14,000 (based on an estimate of 175 hours @ \$80.00 per hour), but nothing has been provided in writing at this time.

VIII. Examination Questions

Board President Steil directed board member Tinsley to work with the executive secretary on reviewing and approving examination questions.

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

Reciprocal (Missouri) Funeral Director Applicant: Ms. Kathryn D. “Kathy” May

(Bedene-Boomhower) 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 \$237.50. Carried. Ms. May is licensed in the State of Missouri. She earned a Bachelor of Science Degree in Criminal Justice Administration at the University of Central Missouri in Warrensburg, Missouri. Once issued, the renewal date for the license would be January 31, 2021. Ms. May is employed at Lawrence A. Jones and Sons Funeral Chapel in Kansas City, Missouri.

Embalmer-Funeral Director Applicant: Mr. Jason W. Dorman

(Tinsley-Bedene) 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. Mr. Dorman completed his embalmer and funeral director apprenticeships on December 7, 2018 at

Becker-Dyer-Stanton Funeral Home located in Atchison, Kansas. Once issued, the renewal date for the licenses would be April 30, 2020. Mr. Dorman earned an Associate in Applied Science Degree in Mortuary Science at Kansas City Kansas Community College and passed the National Board Examination (NBE) administered by the International Conference of Funeral Service Examining Boards (ICFSEB.)

Embalmer-Funeral Director Applicant: Ms. Michaela R. Keimig

(Boomhower-Tinsley) To grant an embalmer license upon completion of apprenticeship and payment of an initial license fee of \$154.00 and to grant a funeral director license upon completion of apprenticeship, passing of written funeral director examination, which will be administered later today and payment of an initial license fee of \$44.00. Carried. With continuous employment, Ms. Keimig will complete her embalmer and funeral director apprenticeships on February 6, 2019 at Elliott Mortuary located in Hutchinson, Kansas. Once issued, the renewal date for the licenses would be November 30, 2020. Ms. Keimig earned an Associate in Applied Science Degree in Mortuary Science at Kansas City Kansas Community College and passed the National Board Examination (NBE) administered by the International Conference of Funeral Service Examining Boards (ICFSEB.)

Reciprocal (California) Embalmer-Funeral Director Applicant: Mr. Alexander M. "Alex" Farnstrom

(Bedene-Tinsley) To grant a reciprocal embalmer license upon payment of an initial license fee of \$126.00 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 \$171.00. Carried. Mr. Farnstrom is licensed in the State of California. He earned an Associate in Applied Science Degree in Mortuary Science at Mount Hood Community College in Gresham, Oregon and passed the National Board Examination (NBE) administered by the International Conference of Funeral Service Examining Boards (ICFSEB.). Once issued, the renewal date for the licenses would be June 30, 2020. Mr. Farnstrom is employed at Penwell-Gabel Cremation, Funerals and Receptions—Mid-Town Chapel in Topeka, Kansas.

X. New/Old/Remaining Business/Adjournment

(Tinsley-Boomhower) 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 11, 2019.

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, President
Thursday, April 11, 2019
(Date)



Mack Smith, Executive Secretary
Thursday, April 11, 2019
(Date)