

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

**The Board Meeting of Thursday, July 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, July 12, 2018:**

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

Roll call by Executive Secretary Mack Smith found the following board members in attendance: Vice President Robert J. "Bob" Steil, Lawrence, Consumer (by telephone); Theresa Marcel Schwartz, Lawrence, Consumer; and Bridgette A. Tinsley, Salina, Licensee. President Barry W. Bedene, Arma, License and William L. "Bill" Cozine, Wichita, Licensee, sent their apologies but they are unable to attend the meeting today. Assistant Attorney General Jan Arndt and Executive Secretary Mack Smith were also in attendance.

The Board congratulated Mr. Steil on his reappointment to the Board by Governor Colyer. Mr. Steil's second term expires July 31, 2021.

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

(Tinsley-Schwartz) To adopt the April 12, 2018 regularly scheduled board meeting minutes. Carried. These minutes will be signed by President Bedene and Executive Secretary Smith, then displayed on the board's website.

(Schwartz-Tinsley) To adopt the KSBMA Report as presented by Mr. Smith on May 1, 2018 at the 121<sup>st</sup> Annual Convention of the Kansas Funeral Directors Association (KFDA.)

The board reviewed results of the written funeral directors' examination administered on April 12, 2018 noting that 100% (all eight applicants) were successful.

The board reviewed results of the written assistant funeral directors' examinations administered from May through July 2018 noting that 16% (one 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 69% (192 of 278 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 seven (7) applicants are scheduled to meet with the board: four (4) embalmer-funeral director applicants, two (2) reciprocal embalmer-funeral director applicants and one (1) reciprocal embalmer applicant. Following approval by the Board, seven (7) applicants—including one (1) retake applicant, are scheduled to be administered the written funeral directors' 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.

Quarterly apprentice progress reports of embalmer/funeral director apprentices and supervising licensees due June 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:**

Nine (9) files were closed with nine (9) files remaining open at this time.

---

IV. **2018 Kansas Legislative Session**

The Final Roster of *Passed Legislation* being followed by the KSBMA was reviewed along with KFDDA's Final Legislative Summary. Bills discussed, included:

Senate Substitute for Senate Substitute for House Bill 2386—formerly Senate Bill 421. This is a bill that changes how applicants for licensure with certain criminal convictions are to be considered for licensure by certain regulatory boards in the State of Kansas—including the KSBMA. The bill requires that agencies, including the KSBMA, promulgate regulations identifying specific criminal convictions relating to specific professions.

House Bill 2280. Concerns administrative rules and regulations and requires several additional steps with the filing of regulations by state agencies, again including the KSBMA.

Copies of Senate Substitute for House Bill 2184 (which increases the *worker's compensation death benefit* from \$5,000 to \$10,000 and House Bill 2472 (the *Revised Anatomical Gift Act*) were provided and discussed at the April 2018 meeting.

---

**V. Legal Discussion with Assistant Attorney General Jan Arndt**

Items discussed, included:

A draft regulation necessary due to the passage of Senate Substitute for Senate Substitute for House Bill 2386 involving potential disqualifying civil and criminal records; advisory opinion; fee. The Board directed Mr. Smith to begin the process to adopt the regulation with assistance from a board member.

Kansas Open Meetings Act (KOMA)/Kansas Open Records Act (KORA.)

Information regarding motions to go into executive sessions at an open meeting.

Guidelines for State Employees Concerning Meals, Gifts, Entertainment, and Travel from the Government Ethics Commission. The brochure is no longer on their website.

---

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

Embalmer-Funeral Director Applicant: Ms. Miranda E. Walker

(Schwartz-Tinsley) To grant an embalmer license upon completion of apprenticeship and payment of an initial license fee of \$112.00 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 \$32.00. Carried. With continuous employment, Ms. Walker will complete her embalmer and funeral director apprenticeships on August 16, 2018 at Overland Park Funeral Chapel located in Overland Park, Kansas. Once issued, the renewal date for the licenses would be November 30, 2019. Ms. Walker 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. Meagan R. Easley

(Tinsley-Schwartz) To grant an embalmer license upon completion of apprenticeship and payment of an initial license fee of \$161.00 and 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 \$46.00. Carried. With continuous employment, Ms. Easley will complete her embalmer and funeral director apprenticeships on July 17, 2018 at Broadway Colonial and Petersen Funeral Homes located in Newton, Kansas. Once issued, the renewal date for the licenses would be May 31, 2020. Ms. Easley 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 (Oklahoma) Embalmer Applicant: Mr. Autry J. "A. J." Edwards

(Tinsley-Schwartz) To grant a reciprocal embalmer license upon payment of an initial license fee of \$161.00. Carried. Mr. Edwards is licensed in the State of Oklahoma. He earned an Associate in Applied Science Degree in Funeral Service at the Dallas Institute of Funeral Service located in Dallas, Texas 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 license would be May 31, 2020. Mr. Edwards is a licensed Kansas crematory operator and will be employed at Resthaven Mortuary in Wichita, Kansas.

---

Embalmer-Funeral Director Applicant: Mr. Michael T. Morris

(Schwartz-Tinsley) To grant an embalmer license upon payment of an initial license fee of \$43.00 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 \$12.00. Carried. Mr. Morris completed his embalmer and funeral director apprenticeships on June 26, 2018 at Downing and Lahey Mortuary located in Wichita, Kansas. Once issued, the renewal date for the licenses would be January 31, 2019. Mr. Morris 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.) He is a licensed crematory operator.

Embalmer-Funeral Director Applicant: Mr. Joshua L. "Josh" Shoop

(Schwartz-Tinsley) To grant an embalmer license upon payment of an initial license fee of \$91.00 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 \$26.00. Carried. Mr. Shoop completed his embalmer and funeral director apprenticeships on July 3, 2018 at Potts Chapel located in Independence, Kansas. Once issued, the renewal date for the licenses would be July 31, 2019. Mr. Shoop 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.) He is a licensed crematory operator.

Reciprocal (Missouri) Embalmer-Funeral Director Applicant: Ms. Christina S. Harris

(Schwartz-Tinsley) To grant a reciprocal embalmer license upon payment of an initial license fee of \$182.00 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 \$247.00. Carried. Ms. Harris is licensed in the State of Missouri. She earned an Associate of Applied Science Degree in the Funeral Service Education at the University of Arkansas Hope-Texarkana located in Hope, Arkansas. Once issued, the renewal date for the licenses would be August 31, 2020. Ms. Harris will be employed at McGilley and Frye Funeral Home and Cremation Service in Olathe, Kansas.

Reciprocal (Texas) Embalmer-Funeral Director Applicant: Mr. Andrew Erik Hutchinson

(Schwartz-Tinsley) To grant a reciprocal embalmer license upon payment of an initial license fee of \$182.00 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 \$247.00. Carried. Mr. Hutchinson is licensed in the State of Texas. He was awarded a Bachelor of Applied Science Degree in the Funeral Service at the University of Central Oklahoma located in Edmond, Oklahoma. Once issued, the renewal date for the licenses would be August 31, 2020. Mr. Hutchinson will be employed at Penwell-Gabel Cremations, Funerals and Receptions—Mid-Town Chapel in Topeka, Kansas.

## **VII. Board Business:**

- 1) (Schwartz-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. These items are updated regularly and are available on the board's website.
- 2) (Schwartz-Tinsley) 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 one (1) assistant funeral director license, one (1) crematory operator license, five (5) embalmer licenses and five (5) 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 eleven (11) embalmer licenses, nine (9) funeral director licenses and five (5) crematory operator licenses for license renewals due through June 30, 2018. The board reviewed the following lists of information for the quarter: Changes in Funeral Home and Crematory Ownership with seven (7) funeral homes (four main and three branch establishments) changing ownership and one (1) new crematory now opened for business. There were no Closed Funeral Homes and Crematories to report this

quarter.

- 3) (Schwartz-Tinsley) To approve the FY 2018 Fourth (4th) Quarter Report (April 1--June 30, 2018) and FY 2018 Year End Final Report (July 1, 2017--June 30, 2018) of KSBMA Funeral Home-Crematory Inspector Francis F. Mills. Carried. 197 inspections were conducted during the 4th quarter of FY 2018 with three (3) violations noted and 7,393 miles traveled involving visits to sixty-eight (68) counties. 798 inspections were conducted during FY 2018 with nineteen (19) violations noted and 27,249 miles traveled involving visits to 220 counties.
- 4) The Board reviewed the current roster of apprentice embalmers and funeral directors. A total of eighteen (18) apprentices are currently registered with the board, including: fourteen (14) embalmer-funeral director apprentices 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 including articles on a wide range of subjects.
- 6) Remaining board meeting date for 2018: October 11, 2018.
- 7) (Tinsley-Schwartz) To adopt the following 2019 meeting dates: January 10, April 11, July 11 and October 10. Carried.
- 8) The Board reviewed their response to a coroner regarding Coroner's Authorization to Cremate for deaths occurring outside the State of Kansas.
- 9) 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 as was discussed at the April meeting.
- 10) A copy of a recent Kansas Department of Labor Safety Inspection of the KSBMA office was provided where no hazards were found.

---

#### **VIII. 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. It appears as though the agency will come in approximately \$29,000 under budget. An exact number will be available once all encumbered funding has been finalized. All remaining funds represent a saving and will remain in the Mortuary Arts Fee Fund for future expenditures.
  - 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 was submitted by the May 1, 2018 deadline with no changes requested by the Division of the Budget (DOB) with some minor recommendations suggested by Kansas Legislative Research Department (KLRD.)
- 2) Information regarding the International Conference of Funeral Service Examining Boards (ICFSEB):
  - a) The Spring 2018 Conference Report was reviewed.
  - b) 2018 NBE Results were reviewed.
  - c) An article written by ICFSEB Executive Director Dalene Paull, titled The Ethos of Public Protection was provided.

- d) The June 2018 edition of The Conference Report was provided.
  - e) Mr. Smith will be attending the upcoming ICFSEB Mid-Year Board Meeting.
- 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 2018 KFDA Annual Convention was discussed.
    - b) The May 2018 Journal was reviewed.
    - c) No information on the scheduling of the 2018 Fall District Meetings has been received. Mr. Smith and Mr. Mills will attend as their schedules permit.
  - 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) The American Board of Funeral Service Education (ABFSE)
    - a) The Board reviewed the Committee on Accreditation (COA) minutes from their meeting held on April 10-11, 2018.
  - 10) The Cremation Society of North America (CANA):
    - a) An article written by a CANA Historian, titled All Things Cremation, was provided with rave reviews by the Board.
  - 11) There was no new information from the Funeral Consumer's Alliance (FCA)
  - 12) The Funeral Consumer's Alliance of Greater Kansas City (FCA-GKC)
    - a) The Spring 2018 FCA-GKC Report was discussed.
  - 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) Kansas City Kansas Community College (KCKCC) Mortuary Science Program:
    - a) Mr. Smith attended the June 5, 2018 Advisory Board Meeting and provided information to the Board.
  - 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) 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) Non-Cabinet Agency Heads Meetings Update—Mr. Smith is planning on attending the next meeting on Thursday, July 19, 2018.
  - 20) Legal Representation Charges—The Board has been notified that effective

July 1, 2019, the Office of the Kansas Attorney General will be billing the agency for legal representation charges. (Schwartz-Tinsley) To authorize Mr. Smith to negotiate a flat rate charge for legal services with the Office of the Attorney General. Carried. If a tentative agreement is reached, information will be provided at a future Board Meeting for consideration by the Board.

- 21) Board Member Travel—An update was provided by Mr. Smith going over the reimbursement process for driving a state car or personal car.

---

**IX. Election of Officers**

a) (Schwartz-Tinsley) To nominate Mr. Steil as president. Carried. There were no other nominations.

b) (Schwartz-Steil) To nominate Ms. Tinsley as Vice president. Carried. There were no other nominations.

c) President Steil appointed the following members to KSBMA committees:

- 1) Investigative Committee: Board Members Bedene & Schwartz
- 2) Continuing Education Committee: Board Members Cozine & Tinsley
- 3) Hearing Committee: Board Members: Cozine, Tinsley & Steil

The Board congratulated the newly elected officers and appointed committee members.

Mr. Steil thanked Ms. Schwartz and Mr. Cozine for their efforts during their time serving on the Board. Ms. Tinsley joined Mr. Steil with her appreciation of all the hard work and dedication by Ms. Schwartz and Mr. Cozine. Ms. Schwartz has served for three (3) terms totaling nine (9) years as a consumer board member, while Mr. Cozine has served for two (2) terms totaling six (6) years. Both will continue to serve until such time that the Governor has named their replacements as their terms expire July 31, 2018.

**X. New/Old/Remaining Business/Adjournment**

(Schwartz-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, October 11, 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, President  
Thursday, October 11, 2018  
(Date)



---

Mack Smith, Executive Secretary  
Thursday, October 11, 2018  
(Date)