

**KANSAS STATE BOARD OF MORTUARY ARTS**  
**700 SW JACKSON, SUITE #904**  
**TOPEKA, KANSAS**  
**Thursday, October 8, 2015**

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**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.

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**Thursday, October 8, 2015:**

- 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, and Theresa Marcel Schwartz, Lawrence, Consumer. Newly appointed board member Robert J. "Bob" Steil, Consumer, Lawrence, was unable to attend the meeting due to a commitment made prior to his appointment. Mr. Steil is looking forward to being a KSBMA board member and attending future meetings. Assistant Attorney General Jan Arndt and Executive Secretary Mack Smith were also in attendance.

Governor Sam Brownback has reappointed Licensee William L. "Bill" Cozine, Wichita and Consumer Theresa Marcel Schwartz, Lawrence, to additional three (3) year terms expiring July 31, 2018. Governor Brownback appointed Consumer Bob Steil, Lawrence to a three-year term expiring July 31, 2018. Mr. Steil replaces Randy Duncan. Congratulations were extended to these two reappointments and new appointment. A thank-you card for Mr. Duncan was signed by board members and staff.

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 *October Board Meeting*.

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

Due to an ambitious agenda, lunch for the Board and staff will be ordered in.

(Melby-Schwartz) To adopt the **July 9, 2015 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.

The board reviewed results of the written **funeral directors' examination** administered on **July 9, 2015** noting that **57.1%** (four of seven applicants) were **successful**.

The board reviewed results of the written **assistant funeral directors' examinations** administered from **August** through **September of 2015** noting that **50.0%** (one of two applicants) were successful. Since the law requiring examination for assistant funeral directors was enacted in 2008, **71.0%** (142 of 200 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 are scheduled to meet with the board: two (2) embalmer-funeral director applicants, two (2) funeral director applicants, one (1) reciprocal embalmer applicant and one (1) reciprocal funeral director applicant. A total of nine (9) applicants are scheduled to be administered the written funeral director's examination in conjunction with this meeting—including four (4) individuals retaking the examination.

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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 Florentine Room of the Jayhawk Tower.

The Board reviewed two (2) quarterly apprentice embalmer-funeral director progress reports from an apprentice and supervising licensee. After review and discussion, no action was taken. The apprentice is no longer employed at the funeral home in which the apprenticeship was being served.

The Board reviewed the second quarter progress reports of an apprentice embalmer-funeral director. Concerns reviewed by the Board have already been addressed by Executive Secretary Smith.

All remaining quarterly apprentice progress reports of embalmer/funeral director apprentices and supervising licensees due September 15, 2015 were summarized by the executive secretary with copies of the individual reports available for board members to review as desired.

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**III. Investigative Committee Report:**

The Investigative Committee (IC) reported that they closed nine (9) complaints with twelve (12) files remaining open at this time.

An updated copy of Assistant Attorney General Jan Arndt's *Proceedings Under the Kansas Administrative Procedure Act (KAPA)* was provided to Board members.

#### IV. Board Business:

- 1) (Bedene-Melby) To approve the **quarterly lists of continuing education**. Carried. Four (4) lists containing *Scheduled Programs, Home-Study/ Correspondence Programs, Ongoing Programs* and the list of *Crematory Operator Certification Programs* were reviewed and approved by the Board. Carried. These lists are regularly updated and available on the board's web site.
- 2) (Schwartz-Melby) 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 included six (6) assistant funeral director licenses, one (1) crematory operator license, five (5) embalmer licenses and seven (7) 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 four (4) embalmer licenses, nine (9) funeral director licenses and one (1) crematory operator license renewals due through September 30, 2015. The board reviewed the list of **Changes in Establishment Ownership** that include five (5) funeral homes and two (2) crematories this quarter. This list includes three (3) new funeral homes and one (1) new crematory. Suggestions were made by Mr. Bedene to amend the list to contain additional information. Mr. Smith said he would amend the current list and change the format for all future lists to be provided to the Board. No **funeral homes and crematories have closed** since last reviewed on April 9, 2015.
- 3) (Bedene-Melby) To approve the **FY 2016 first quarter (July 1- September 30, 2015) report** of KSBMA Funeral Home-Crematory Inspector Francis F. Mills. Carried. 242 inspections were conducted during the first quarter of FY 2016 with five (5) violations noted. 8,484 miles were traveled involving visits to 68 counties.
- 4) Reviewed the **current roster of apprentice embalmers and funeral directors**. A total of 26 apprentices are currently registered with the board, including: 14 embalmer-funeral directors and 12 funeral directors.
- 5) Discussion of information provided involving the agency, licensure/regulation and funeral profession were provided to board members and legal counsel, including:
  - a) *Occupational Licensing: A Framework for Policymakers*—a document from the *White House*.
  - b) Obituary information for former KFSA Executive Director Jim Snyder.
  - c) An article discussing Shawnee County's situation involving *cremated remains*.
- 6) A reminder of the **2016 Board meeting dates**: January 14, April 14, July

- 14, and October 13.
- 7) The board signed travel vouchers.
  - 8) The Board reviewed the Funeral Director Reinstatement Application Order for Patrick S. Post.

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**V. Executive Secretary's Report:**

- 1) **Budget Information–**
  - a) The Board reviewed and discussed their FY 2016 & FY 2017 Budget Requests submitted to the Division of the Budget (DOB) on September 15, 2015. No additional funds were requested in either year from what was previously approved by the 2015 Kansas Legislature and Governor Brownback.
  - a) **FY 2015** (July 1, 2014–June 30, 2015) The KSBMA's Budget Limitation was \$292,002. With expenditures of approximately \$266,484, the Board came in approximately \$25,518 under budget (8.7 %) with all unused funds automatically placed in the KSBMA Fee Fund to be used in future budgets.
  - b) The **FY 2016** (July 1, 2015–June 30, 2016) A Budget of \$306,862 was approved by the 2015 Kansas Legislature and Governor Brownback.
  - c) The **FY 2017** (July 1, 2016–June 30, 2017) A Budget of \$318,644 was approved by the 2015 Kansas Legislature and Governor Brownback.
  - d) A review of the KSBMA *Carry-Over Fund* indicated a Carry-Over Balance of \$209,416 into FY 2018. While an increase in fees will not be necessary January 1, 2016 as was anticipated, it appears that an increase will most definitely be required January 1, 2018. Fees will have remained unchanged for twelve (12) years. The agency was able to come in approximately \$49,000 under budget the past two (2) fiscal years (approximately \$24,000 in FY 2014 and approximately \$25,000 in FY 2015.)
- 2) Updated information regarding the **International Conference of Funeral Service Examining Boards (ICFSEB):**
  - a) *National Board Examination (NBE) results for January-August 2015* were reviewed. 74% of first time tested applicants were successful with the Arts Section of the NBE and 75% on the Science Section.
  - b) A copy of the 2015-2016 Professional Directory was provided to Board Members.
  - c) Mr. Smith attended the September ICFSEB Board Meeting at no expense to the State of Kansas.
- 3) There was no new information from the **Council on Licensure, Enforcement and Regulation (CLEAR).**
- 4) There was no new information from **Federation of Associations of Regulatory Boards (FARB).**
- 5) Updated information for the **Kansas Funeral Directors and Embalmers Association (KFDA):**
  - a) The 2015 KFDA Fall District Meetings were discussed.
  - b) The July edition of the KFDA Journal was reviewed.
  - c) The August edition of the KFDA Journal was reviewed.
- 6) The **KSBMA's new web site**, <http://ksbma.ks.gov/> continues to be updated after going live on June 3, 2015. The web site continues to be

maintained and updated by Mr. Smith and Ms. Fergel with assistance and guidance from the Office of Information Technology (OITS) and Applications Developer/ Professional Services, Christine Griffie—who has been wonderful to work with. The new web site was one of the topics discussed by Executive Secretary Smith during his Fall 2015 KFDDA District Meeting KSBMA Update presentation during the Business Portion of the meeting.

- 7) The **2015 National Funeral Directors Association (NFDA)** International Convention & Expo is scheduled for October 18-21, 2015 in Indianapolis, Indiana. Kansas funeral director W. Ashley Cozine and son of KSBMA President William L. “Bill” Cozine, is currently the 2014-2015 NFDA Treasurer and is scheduled to become the 2015-2016 NFDA President-Elect.
  - 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 **Cremation Society of North America (CANA)**.
  - 11) There was no new information from **Funeral Ethics Association (FEA)**.
  - 12) There was no new information from **Funeral Consumer’s Alliance (FCA)** and the **Funeral Consumer’s Alliance of Greater Kansas City (FCA-GKC)**.
  - 13) There was no new information from **Funeral Ethics Organization (FEO)**.
  - 14) There was no new information from **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 **Kansas Mass Fatality Planning Task Force**.
  - 17) There was no new information from **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.
  - 19) The *List of Largest Kansas (funeral homes/crematories) Corporations* was updated and provided to Board Members.
  - 20) The Board reviewed an *Updated Roster of Board Member Appointments*.
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- VI. The board met with *Applicants for Licensure* to discuss their applications and apprenticeships:

**Embalmer-Funeral Director Applicant: Ms. Jennifer “Jenny” L. Moore-Jansen**

(Bedene-Schwartz) 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 the written funeral directors’ examination, which will be administered later today and payment of an initial license fee of \$32.00. Carried. Ms. Moore-Jansen completed her apprenticeships on September 24, 2015 at Downing and Lahey Mortuary in Wichita, Kansas. Once issued, the renewal date for the licenses would be January 31, 2017. Ms. Moore-Jansen attended Newman University in Wichita, Kansas, Wichita State University in Wichita, Kansas, Parkland College in Champaign, Illinois and received an Associate in Applied Science Degree in Mortuary Science at Kansas City Kansas Community College in Kansas City, Kansas.

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**Funeral Director Applicant: Ms. Amber D. Bourell**

(Melby-Bedene) 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 \$10.00. Carried. Ms. Bourell completed her funeral directing apprenticeship on September 24, 2015 at Elliott Mortuary in Hutchinson, Kansas. Once issued, the renewal date for the license would be February 28, 2016. Ms. Bourell attended Colby Community College in Colby, Kansas, Fort Hays State University in Hays, Kansas and was awarded an Associate of Arts Degree in Liberal Arts at Johnson County Community College in Overland Park, Kansas.

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**Funeral Director Applicant: Ms. Tiffany Y. Parsons**

(Bedene-Schwartz) 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 \$36.00. Carried. With continuous employment, Ms. Parsons is scheduled to complete her funeral directing apprenticeship on November 19, 2015 at Parsons Funeral Home in Ellsworth, Kansas. Once issued, the renewal date for the license would be April 30, 2017. Ms. Parsons attended Hutchinson Community College in Hutchinson, Kansas, Barton County Community College in Great Bend, Kansas and earned a Bachelor of Science Degree in Business Administration at Kansas State University in Manhattan, Kansas.

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**Reciprocal (Oklahoma) Embalmer: Mr. John C. Decker**

(Bedene-Schwartz) To grant a reciprocal embalmer license upon payment of an initial license fee of \$49.00. Carried. Mr. Decker is a licensed embalmer in the State of Oklahoma and has passed the National Board Examination (NBE) of the International Conference of Funeral Service Examining Boards. Once issued, the renewal date for the license will be April 30, 2016. Mr. Decker was awarded a Bachelor of Science Degree in Funeral Service from the University of Central Oklahoma (UCO.) Mr. Decker is employed at Lanman Funeral Home, Inc. in Helena, Oklahoma and will be employed at the Kiowa, Kansas location following Kansas licensure.

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**Reciprocal (Missouri) Funeral Director: Mr. Anthony M. Spomer**

(Cozine-Schwartz) 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 \$209.00. Carried. Mr. Spomer is a licensed funeral director in the State of Missouri. Once issued, the renewal date for the license will be July 31, 2017. Mr. Spomer attended Colorado Mountain College located in Glenwood Springs, Colorado where he earned an Associate in Applied Science (AAS) Degree in Resort Management, and he was awarded an Associate in Applied Science (AAS) Degree in Mortuary Science at Kansas City Kansas Community College located in Kansas City, Kansas.

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**Embalmer-Funeral Director Applicant: Ms. Misty M. Nuckolls**

(Cozine-Bedene) To grant an embalmer license upon payment of an initial license fee of \$119.00 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 \$34.00. Carried. Ms. Nuckolls completed her apprenticeships on September 15, 2015 at Highland Park Funeral Home and Crematory in Kansas City, Kansas. Once issued, the renewal date for the licenses would be February 28, 2017. Ms. Nuckolls earned an Associate in Applied Science Degree in Mortuary Science at Kansas City Kansas Community College in Kansas City, Kansas.

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

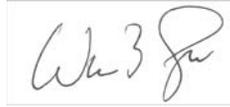
(Bedene-Melby) To adjourn—subject to recall by the president, vice president or executive secretary. Carried. The date of the next regularly scheduled board meeting is Thursday, January 14, 2016.

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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.

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Respectfully submitted:



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William L. Cozine, President  
Thursday, January 14, 2016  
(Date)



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Mack Smith, Executive Secretary  
Thursday, January 14, 2016  
(Date)

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