

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

Wednesday-Thursday, October 9-10, 2013

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.

Wednesday, October 9, 2013:

- I. The Investigative Committee (IC) of the board met to discuss and make recommendations to the Board on open complaints. Those in attendance included Barry W. Bedene, Arma, Licensee, who participated via telephone, with administrative staff assistance provided by Assistant Attorney General Steve Phillips and Executive Secretary, Mack Smith. Theresa M. Schwartz, Lawrence, Consumer, was unable to attend the meeting. Prior to the beginning of the meeting Mr. Bedene recited the Oath of Office. Recommendations and Actions from this committee meeting are contained within these minutes.

Thursday, October 10, 2013:

- II. The regularly scheduled meeting of the Kansas State Board of Mortuary Arts (KSBMA) was called to order by Vice President Steve Melby.

Roll call by Executive Secretary Mack Smith found the following board members in attendance: Vice President Steven G. "Steve" Melby, Mankato, Licensee; William L. "Bill" Cozine, Wichita, Licensee, and Randy Duncan, Brookville, Consumer. President Theresa M. Schwartz, Lawrence, Consumer, and Barry W. Bedene, Arma, Licensee were unable to attend the meeting.

The board noted this meeting's tentative agenda that is displayed on the agency's website at: <http://www.kansas.gov/ksbma/> under the heading of *Agency Information and Tentative Board Agenda*.

(Duncan-Cozine) To approve a **final agenda** for this meeting. Carried.

(Cozine-Duncan) If time allows, the board decided to eat lunch at Classic Bean. Carried.

(Melby-Cozine) To adopt the **July 3 and July 18, 2013 regularly scheduled board meeting minutes** as amended. Carried. These minutes will be signed by Vice President Steve Melby and Executive Secretary Mack Smith, then displayed on the board's website.

The board reviewed results of the written **funeral directors' examination** administered on **July 18, 2013** noting that **86.7% (thirteen of fifteen applicants)** were **successful**.

The board reviewed results of the written **assistant funeral directors' examinations** administered in **August, September and October 2013** noting that **60% (3 of 5 applicants)** were successful. Since the law requiring examination for assistant funeral directors was enacted in 2008, **72.3% (107 of 148 applicants)** have successfully passed the written examination.

Assistant Attorney General Lisa Mendoza entered the meeting.

The board reviewed the '**List of Licensure Applicants**' scheduled to interview with the board at this meeting, noting the following applicants scheduled to meet with the board include: four (4) embalmer-funeral director applicants, two (2) funeral director applicants and one (1) reciprocal embalmer-funeral director applicant. Two (2) applicants have registered to retake the funeral directors' examination—for a total of nine (9) applicants scheduled to be administered the written funeral directors' examination in conjunction with this meeting. One assistant funeral director application will also be considered by the Board.

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- III.** 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 Senate Room of the Jayhawk Tower.

The board reviewed a letter sent to an apprentice embalmer-funeral director regarding a lack of funeral directing activity during the third quarter of apprenticeship resulting from board review at the July 18, 2013 meeting advising the apprentice that in order for the board to permit her to take the examination at this meeting there needs to be a drastic increase in the amount of time spent on funeral directing activities during the last quarter of apprenticeship. Copies of the letter were provided to both supervising licensees.

All other quarterly apprentice progress reports of embalmer/funeral director apprentices and supervising licensees due September 15, 2013 were summarized by the executive secretary with copies of the individual reports available for board members to review as desired.

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- IV.** **Legal Discussion: Individual Complaints/Investigations are listed numerically. The board did not necessarily take action in the order listed below:**

Complaints and legal concerns:

The board reviewed correspondence involving complaints resulting from actions taken and recommendations made at the meeting of July 18, 2013.

Information on open complaints:

The Board's Investigative Committee, which is composed of Board Members Theresa Schwartz and Barry Bedene met with Litigation Attorney Steve Phillips and KSBMA Executive Secretary Smith on Wednesday, October 9, 2013 at 3:00 p.m. to discuss and make recommendations on open complaints. Ms. Schwartz was unable to attend the meeting, and Mr. Bedene participated via telephone. Investigative Committee recommendations are included with the following individual complaints.

#13-12—(Cozine-Duncan) Following review of correspondence to close the file. Carried. The consumer was informed that no evidence of a prefinanced funeral agreement was discovered. Both parties were notified of no apparent violations of laws enforced by the KSBMA. The complaint involves the inability of the funeral home to locate a prefinanced funeral agreement at the time of death.

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#13-16 & #13-17—(Cozine-Duncan) Following review of correspondence to close the file. Carried. The KSBMA expressed sympathy for the family's loss, but explained that there were no apparent violations of laws enforced by the board. The licensee was informed that more sensitivity should have been utilized when visiting with the family. The complaint involves unprofessional conduct.

#13-19—(Duncan-Cozine) To adopt the recommendations of the Investigative Committee and to notify both parties of no apparent violations of laws enforced by the KSBMA. Carried. Suggest that the consumer and funeral home/cemetery meet to go over the concerns of the consumer with one possibility being to drop the memorial bench off the contract for the time being in order to decrease the monthly cost to the consumer. Carried. The complaint involves the value of a prefinanced funeral agreement following death and unprofessional conduct.

#13-20—(Duncan-Cozine) To adopt the recommendations of the Investigative Committee to notify the funeral director to do a better job of filing death certificates in a timely manner. Carried. The complaint involves failure to file death certificates in a timely manner.

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#13-24—(Duncan-Cozine) To adopt the recommendations of the Investigative Committee to notify the funeral director to be better aware of Kansas laws in future decisions and to keep a Kansas rule book on hand as a reference tool. Carried. The complaint involves failure of a funeral home to apply for an application to move the funeral home to a new location in a timely manner.

#13-25—(Duncan-Cozine) To adopt the recommendations of the Investigative Committee to notify the funeral director to be better aware of Kansas laws in future decisions and to keep a Kansas rule book on hand as a reference tool. Carried. The complaint involves failure of a crematory to apply for the appropriate license after moving the attached funeral home to a new location in a timely manner.

#13-26 & #13-27—No action necessary at this time.

#13-28—(Duncan-Cozine) To adopt the recommendations of the Investigative Committee and close the file. Carried. The complaint involves Corporate ownership status forfeited with the Office of the Kansas Secretary of State that has since been filed.

#13-29—No action necessary at this time.

#12-30—No action necessary at this time.

#12-31—No action necessary at this time.

V. Board Business:

- 1) (Cozine-Melby) To approve the **quarterly lists of continuing education (CE.)** Carried. Three lists containing *on-site programs, correspondence/home study programs* and *programs pertaining to cremation for crematory operators* were provided to the Board. These lists are regularly updated and available on the board's web site.
- 2) (Duncan-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 includes five (5) assistant funeral director licenses, three (3) crematory operator licenses, 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 includes twelve (12) embalmer licenses and fourteen (14) funeral directors license renewals due through September 30, 2013. The board reviewed the list of **funeral homes and crematories that have closed** since July 18, 2013. This list includes one (1) funeral home.

- 3) (Cozine-Melby) To approve the **FY 2014 first quarter** (July 1-September 30, 2013) **Report** of KSBMA Funeral Home-Crematory Inspector Francis F. Mills. Carried. 174 inspections were conducted during the first quarter of FY 2014 with five (5) preparation room and two (2) other violations noted. 8,713 miles was traveled involving 69 counties during this time frame.
- 4) Reviewed the **current roster of apprentice embalmers and funeral directors**. A total of 25 apprentices are currently registered with the board, including: eighteen (18) embalmer-funeral directors, one (1) embalmer and six (6) funeral directors.
- 5) Discussion of **news articles** relating to the funeral profession that has been provided to board members and legal counsel for their review, including an article from the August 2013 National Funeral Directors Association (NFDA) magazine, The Director, rating state cremation regulatory laws. Kansas was given the highest rating of excellent. Two articles discussing Creutzfeldt-Jakob Disease (CJD) were also reviewed.
- 6) A reminder of the upcoming **2014 Board meeting dates**: January 9, April 10, July 10 and October 9.
- 7) The board signed travel vouchers.

VI. Executive Secretary's Report:

- 1) **Budget Information–**
 - a) The budget request for the **FY 2014** (July 1, 2013 through June 30, 2014) **budget** remained at \$286,893 with no enhancement request. The budget request for the **FY 2015** (July 1, 2014 through June 30, 2015) **budget** remained at \$288,647 with no enhancement requests. There are no salary increases included in any of the budgets with some employees having not received a pay increase for the past seven (7) years with none scheduled for the upcoming two (2) years. Updated information for these requests was submitted to the Division of the Budget (DOB) by the filing deadline of September 16, 2013 with copies provided to the board.
 - b) Division of the Budget (DOB) Principal Analyst Jeff Arpin, who is the budget analyst assigned to the KSBMA, went on an inspection of two funeral homes and a crematory.
- 2) Updated information regarding the **International Conference of Funeral**

Service Examining Boards (ICFSEB).

- a) An ICFSEB *Board Meeting and Examination Bidders Conference* will be attended by Mr. Smith later this month.
 - b) The *September 2013 Conference Update newsletter* was discussed.
 - c) KSBMA Board President continues her work on the ICFSEB's *Model Practice Act Committee*.
- 3) No updated information was provided for the **Council on Licensure, Enforcement and Regulation (CLEAR.)**
 - 4) No updated information was provided for the **Federation of Associations of Regulatory Boards (FARB.)**
 - 5) Updated information on the **Kansas Funeral Directors and Embalmers Association (KFDA)**
 - a) **2013 KFDA Fall District Meetings**—Executive Secretary Smith presented a *Board Update* at these six (6) meetings. A copy of the presentation along with a summary of other program content was provided to the Board by Mr. Smith.
 - 6) Information relating to the **board's web site**, <http://www.kansas.gov/ksbma/>, was discussed along with the new web site using the software program *Sitefinity*.
 - 7) Updated information was provided for the **National Funeral Directors Association (NFDA)**
 - a) The NFDA's International Convention and Expo begins October 20, 2013. Kansas licensed funeral director Ashley Cozine, son of KSBMA Board Member Bill Cozine, is the NFDA's At-Large Representative to their Executive Board.
 - 8) No updated information was provided for the **Federal Trade Commission (FTC)** regarding the **FTC Funeral Rule**.
 - 9) No updated information was provided for the **American Board of Funeral Service Education (ABFSE)**.
 - 10) Updated information from the **Cremation Society of North America (CANA)** relating to continuing education for crematory operators was discussed.
 - 11) No updated information was provided for the **Funeral Ethics Association (FEA)**.
 - 12) No updated information was provided for the **Funeral Consumer's Alliance (FCA)**.
 - 13) No updated information was provided for the **Funeral Consumer's Alliance (FCA) of Greater Kansas City**.
 - 14) No updated information was provided for the **Funeral Ethics Organization (FEO)**.
 - 15) *The Embalmers Quarterly Journal for July of 2013* of the **American Society of Embalmers (ASE)** was reviewed and contained a photo of Kansas licensee and ASE President Mark McDonald from Beloit, Kansas.
 - 16) No updated information was provided for the **Kansas Department of Health and Environment (KDHE), Office of Vital Statistics (OVS)**.
 - 17) Information was provided for the **Kansas City Kansas Community**

College (KCKCC) Mortuary Science Program.

a) Executive Secretary Smith met with Mortuary College Director Wiley Wright on Thursday, September 26, 2013 in Kansas City.

- 18) No updated information was provided for the **Kansas Mass Fatality Planning Task Force.**

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

Embalmer-Funeral Director Applicant: Ms. Jamie K. Reed

(Melby-Duncan) To grant an embalmer license upon payment of an initial license fee of \$147.00. Carried.

(Melby-Duncan) To extend the funeral directing apprenticeship for one additional quarter. Carried. Mr. Smith will send the appropriate paperwork to the apprentice and her supervising funeral director.

Ms. Reed completed her embalming apprenticeship on September 13, 2013 at Mid-America Mortuary Service in Kansas City, Kansas. Once issued, the renewal date for the embalming license would be June 30, 2015. Ms. Reed attended Southwest Missouri State University in Springfield, Missouri, Missouri Southern State College in Joplin, Missouri and earned an Associate in Applied Science Degree in Mortuary Science at Kansas City Kansas Community College (KCKCC) in Kansas City, Kansas.

Embalmer-Funeral Director Applicant: Mr. William F. "Bill" Stack, III

(Duncan-Cozine) To grant an embalmer license upon completion of apprenticeship, payment of an initial license fee of \$154.00 and to grant a funeral director license upon completion of apprenticeship, passing of the written funeral directors' examination, which will be administered later today and payment of an initial license fee of \$44.00. Carried. With continuous employment, Mr. Stack is scheduled to complete his apprenticeships on November 13, 2013 at Maple Hill Funeral Home in Kansas City, Kansas. Once issued, the renewal date for the licenses would be July 31, 2015. Mr. Stack earned an Associate in Applied Science Degree in Mortuary Science at Kansas City Kansas Community College (KCKCC) in Kansas City, Kansas.

Embalmer-Funeral Director Applicant: Mr. Kevin M. Kuhn

(Duncan-Melby) To grant an embalmer license upon payment of an initial license fee of \$98.00 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 \$28.00. Carried. Mr. Kuhn completed his apprenticeships on September 20, 2013 at Plumer-Overlease Funeral Home in Stockton, Kansas. Once issued, the renewal date for the licenses would be November 30, 2014. Mr. Kuhn attended Fort Hays State University in Hays, Kansas and earned an Associate in Applied Science Degree in Mortuary Science

Funeral Director Applicant: Ms. Carrie A. Lally

(Duncan-Melby) To grant a funeral director license upon completion of apprenticeship, passing the written funeral directors' examination, which will be administered later today, and payment of an initial license fee of \$28.00. Carried. With continuous employment, Ms. Lally is scheduled to complete her funeral directing apprenticeship on November 19, 2013 at Skradski Funeral Home in Kansas City, Kansas. Once issued, the renewal date for the license will be December 31, 2014. She earned an Associate in Arts Degree at Kansas City Kansas Community College in Kansas City, Kansas, a Bachelor of Science Degree at Emporia State University in Emporia, Kansas, and a Masters Degree at Sterling College in Sterling, Kansas.

Funeral Director Applicant: Ms. Sylvia R. Kelly-Schoen

(Duncan-Cozine) To grant a funeral director license upon completion of apprenticeship, passing the written funeral directors' examination, which will be administered later today, and payment of an initial license fee of \$26.00. Carried. With continuous employment, Ms. Kelly is scheduled to complete her funeral directing apprenticeship on November 13, 2013 at Harrison Funeral Home in Beloit, Kansas. Once issued, the renewal date for the license will be November 30, 2014. She attended Cloud County Community College in Concordia, Kansas, and was awarded an Associate of Applied Science Degree at Arapahoe Community College in Littleton, Colorado. She is currently serving an embalming apprenticeship.

Embalmer-Funeral Director Applicant: Ms. Chelsea A. Bryant

(Duncan-Cozine) To grant an embalmer license upon payment of an initial license fee of \$35.00 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 \$10.00. Carried. Ms. Bryant completed her apprenticeships on October 4, 2013 at Kevin Brennan Family Funeral Home in Topeka, Kansas. Once issued, the renewal date for the licenses would be February 28, 2014. Ms. Bryant attended Johnson County Community College in Overland Park, Kansas and earned an Associate in Applied Science Degree in Mortuary Science at Kansas City Kansas Community College (KCKCC) in Kansas City, Kansas.

Reciprocal (Nebraska) Embalmer-Funeral Director Applicant: Mr. Joseph W. "Joe" Davis

(Cozine-Duncan) To grant a reciprocal embalmer license upon payment of a \$49.00 initial license fee and to grant a funeral director license upon passing the written funeral directors' examination, which will be administered later today, and payment of an initial license fee of \$66.50. Carried. The renewal date for the licenses would be April 30, 2014. Mr. Davis was granted Nebraska embalmer-funeral director licenses in 1991. He attended Peru State College in Peru, Nebraska, the University of Nebraska in Lincoln, Nebraska and was awarded an Associate Degree in Applied Sciences at Mid-America College of Funeral Service in Jeffersonville, Indiana. Mr. Davis has passed the National Board Examination

(NBE) administered by International Conference of Funeral Service Examining Boards (ICFSEB.) He is employed at Wherry Mortuary in Pawnee, Nebraska.

Assistant Funeral Director Applicant: Mr. Matthew James Seago

(Melby-Cozine) To grant an assistant funeral director license upon passing the written assistant funeral directors' examination, which will be administered to Mr. Seago later today and payment of an initial license fee of \$165.00. Carried. The renewal date for the license would be July 31, 2015. Mr. Davis was awarded an Associate Degree in Applied Sciences at Kansas City Kansas Community College in Kansas City, Kansas and has passed the National Board Examination (NBE) administered by International Conference of Funeral Service Examining Boards (ICFSEB.) He currently holds probationary embalmer and funeral director licenses in the State of Missouri.

VIII. New/Old/Remaining Business/Adjournment

(Melby-Cozine) 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 9, 2014.

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 Senate Room of the Jayhawk Tower. The results of that examination are a part of these minutes.

Respectfully submitted:

Steve Melby, Vice President
Thursday, January 9, 2014
(Date)

Mack Smith, Executive Secretary
Thursday, January 9, 2014
(Date)

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- 1) **Budget Information–**
 - a) The budget request for the **FY 2014** (July 1, 2013 through June 30, 2014) **budget** remained at \$286,893 with no enhancement request. The budget request for the **FY 2015** (July 1, 2014 through June 30, 2015) **budget** remained at \$288,647 with no enhancement requests. There are no salary increases included in any of the budgets with some employees having not received a pay increase for the past seven (7) years with none scheduled for the upcoming two (2) years. Updated information for these requests was submitted to the Division of the Budget (DOB) by the filing deadline of September 16, 2013 with copies provided to the board.
 - b) Division of the Budget (DOB) Principal Analyst Jeff Arpin, who is the budget analyst assigned to the KSBMA, went on an inspection of two funeral homes and a crematory.
- 2) Updated information regarding the **International Conference of Funeral**

Service Examining Boards (ICFSEB).

- a) An ICFSEB *Board Meeting and Examination Bidders Conference* will be attended by Mr. Smith later this month.
 - b) The *September 2013 Conference Update newsletter* was discussed.
 - c) KSBMA Board President continues her work on the ICFSEB's *Model Practice Act Committee*.
- 3) No updated information was provided for the **Council on Licensure, Enforcement and Regulation (CLEAR.)**
 - 4) No updated information was provided for the **Federation of Associations of Regulatory Boards (FARB.)**
 - 5) Updated information on the **Kansas Funeral Directors and Embalmers Association (KFDA)**
 - a) **2013 KFDA Fall District Meetings**—Executive Secretary Smith presented a *Board Update* at these six (6) meetings. A copy of the presentation along with a summary of other program content was provided to the Board by Mr. Smith.
 - 6) Information relating to the **board's web site**, <http://www.kansas.gov/ksbma/>, was discussed along with the new web site using the software program *Sitefinity*.
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 - a) The NFDA's International Convention and Expo begins October 20, 2013. Kansas licensed funeral director Ashley Cozine, son of KSBMA Board Member Bill Cozine, is the NFDA's At-Large Representative to their Executive Board.
 - 8) No updated information was provided for the **Federal Trade Commission (FTC)** regarding the **FTC Funeral Rule**.
 - 9) No updated information was provided for the **American Board of Funeral Service Education (ABFSE)**.
 - 10) Updated information from the **Cremation Society of North America (CANA)** relating to continuing education for crematory operators was discussed.
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 - 12) No updated information was provided for the **Funeral Consumer's Alliance (FCA)**.
 - 13) No updated information was provided for the **Funeral Consumer's Alliance (FCA) of Greater Kansas City**.
 - 14) No updated information was provided for the **Funeral Ethics Organization (FEO)**.
 - 15) *The Embalmers Quarterly Journal for July of 2013* of the **American Society of Embalmers (ASE)** was reviewed and contained a photo of Kansas licensee and ASE President Mark McDonald from Beloit, Kansas.
 - 16) No updated information was provided for the **Kansas Department of Health and Environment (KDHE), Office of Vital Statistics (OVS)**.
 - 17) Information was provided for the **Kansas City Kansas Community**

College (KCKCC) Mortuary Science Program.

a) Executive Secretary Smith met with Mortuary College Director Wiley Wright on Thursday, September 26, 2013 in Kansas City.

- 18) No updated information was provided for the **Kansas Mass Fatality Planning Task Force.**

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

Embalmer-Funeral Director Applicant: Ms. Jamie K. Reed

(Melby-Duncan) To grant an embalmer license upon payment of an initial license fee of \$147.00. Carried.

(Melby-Duncan) To extend the funeral directing apprenticeship for one additional quarter. Carried. Mr. Smith will send the appropriate paperwork to the apprentice and her supervising funeral director.

Ms. Reed completed her embalming apprenticeship on September 13, 2013 at Mid-America Mortuary Service in Kansas City, Kansas. Once issued, the renewal date for the embalming license would be June 30, 2015. Ms. Reed attended Southwest Missouri State University in Springfield, Missouri, Missouri Southern State College in Joplin, Missouri and earned an Associate in Applied Science Degree in Mortuary Science at Kansas City Kansas Community College (KCKCC) in Kansas City, Kansas.

Embalmer-Funeral Director Applicant: Mr. William F. "Bill" Stack, III

(Duncan-Cozine) To grant an embalmer license upon completion of apprenticeship, payment of an initial license fee of \$154.00 and to grant a funeral director license upon completion of apprenticeship, passing of the written funeral directors' examination, which will be administered later today and payment of an initial license fee of \$44.00. Carried. With continuous employment, Mr. Stack is scheduled to complete his apprenticeships on November 13, 2013 at Maple Hill Funeral Home in Kansas City, Kansas. Once issued, the renewal date for the licenses would be July 31, 2015. Mr. Stack earned an Associate in Applied Science Degree in Mortuary Science at Kansas City Kansas Community College (KCKCC) in Kansas City, Kansas.

Embalmer-Funeral Director Applicant: Mr. Kevin M. Kuhn

(Duncan-Melby) To grant an embalmer license upon payment of an initial license fee of \$98.00 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 \$28.00. Carried. Mr. Kuhn completed his apprenticeships on September 20, 2013 at Plumer-Overlease Funeral Home in Stockton, Kansas. Once issued, the renewal date for the licenses would be November 30, 2014. Mr. Kuhn attended Fort Hays State University in Hays, Kansas and earned an Associate in Applied Science Degree in Mortuary Science

Funeral Director Applicant: Ms. Carrie A. Lally

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Funeral Director Applicant: Ms. Sylvia R. Kelly-Schoen

(Duncan-Cozine) To grant a funeral director license upon completion of apprenticeship, passing the written funeral directors' examination, which will be administered later today, and payment of an initial license fee of \$26.00. Carried. With continuous employment, Ms. Kelly is scheduled to complete her funeral directing apprenticeship on November 13, 2013 at Harrison Funeral Home in Beloit, Kansas. Once issued, the renewal date for the license will be November 30, 2014. She attended Cloud County Community College in Concordia, Kansas, and was awarded an Associate of Applied Science Degree at Arapahoe Community College in Littleton, Colorado. She is currently serving an embalming apprenticeship.

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(NBE) administered by International Conference of Funeral Service Examining Boards (ICFSEB.) He is employed at Wherry Mortuary in Pawnee, Nebraska.

Assistant Funeral Director Applicant: Mr. Matthew James Seago

(Melby-Cozine) To grant an assistant funeral director license upon passing the written assistant funeral directors' examination, which will be administered to Mr. Seago later today and payment of an initial license fee of \$165.00. Carried. The renewal date for the license would be July 31, 2015. Mr. Davis was awarded an Associate Degree in Applied Sciences at Kansas City Kansas Community College in Kansas City, Kansas and has passed the National Board Examination (NBE) administered by International Conference of Funeral Service Examining Boards (ICFSEB.) He currently holds probationary embalmer and funeral director licenses in the State of Missouri.

VIII. New/Old/Remaining Business/Adjournment

(Melby-Cozine) 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 9, 2014.

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 Senate Room of the Jayhawk Tower. The results of that examination are a part of these minutes.

Respectfully submitted:

Steve Melby, Vice President
Thursday, January 9, 2014
(Date)

Mack Smith, Executive Secretary
Thursday, January 9, 2014
(Date)

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KANSAS STATE BOARD OF MORTUARY ARTS
700 SW JACKSON, SUITE #904
TOPEKA, KANSAS
Wednesday-Thursday, October 9-10, 2013

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.

Wednesday, October 9, 2013:

- I. The Investigative Committee (IC) of the board met to discuss and make recommendations to the Board on open complaints. Those in attendance included Barry W. Bedene, Arma, Licensee, who participated via telephone, with administrative staff assistance provided by Assistant Attorney General Steve Phillips and Executive Secretary, Mack Smith. Theresa M. Schwartz, Lawrence, Consumer, was unable to attend the meeting. Prior to the beginning of the meeting Mr. Bedene recited the Oath of Office. Recommendations and Actions from this committee meeting are contained within these minutes.
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Thursday, October 10, 2013:

- II. The regularly scheduled meeting of the Kansas State Board of Mortuary Arts (KSBMA) was called to order by Vice President Steve Melby.

Roll call by Executive Secretary Mack Smith found the following board members in attendance: Vice President Steven G. "Steve" Melby, Mankato, Licensee; William L. "Bill" Cozine, Wichita, Licensee, and Randy Duncan, Brookville, Consumer. President Theresa M. Schwartz, Lawrence, Consumer, and Barry W. Bedene, Arma, Licensee were unable to attend the meeting.

The board noted this meeting's tentative agenda that is displayed on the agency's website at: <http://www.kansas.gov/ksbma/> under the heading of *Agency Information and Tentative Board Agenda*.

(Duncan-Cozine) To approve a **final agenda** for this meeting. Carried.

(Cozine-Duncan) If time allows, the board decided to eat lunch at Classic Bean. Carried.

(Melby-Cozine) To adopt the **July 3 and July 18, 2013 regularly scheduled board meeting minutes** as amended. Carried. These minutes will be signed by Vice President Steve Melby and Executive Secretary Mack Smith, then displayed on the board's website.

The board reviewed results of the written **funeral directors' examination** administered on **July 18, 2013** noting that **86.7% (thirteen of fifteen applicants)** were **successful**.

The board reviewed results of the written **assistant funeral directors' examinations** administered in **August, September and October 2013** noting that **60% (3 of 5 applicants)** were successful. Since the law requiring examination for assistant funeral directors was enacted in 2008, **72.3% (107 of 148 applicants)** have successfully passed the written examination.

Assistant Attorney General Lisa Mendoza entered the meeting.

The board reviewed the '**List of Licensure Applicants**' scheduled to interview with the board at this meeting, noting the following applicants scheduled to meet with the board include: four (4) embalmer-funeral director applicants, two (2) funeral director applicants and one (1) reciprocal embalmer-funeral director applicant. Two (2) applicants have registered to retake the funeral directors' examination—for a total of nine (9) applicants scheduled to be administered the written funeral directors' examination in conjunction with this meeting. One assistant funeral director application will also be considered by the Board.

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- III.** 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 Senate Room of the Jayhawk Tower.

The board reviewed a letter sent to an apprentice embalmer-funeral director regarding a lack of funeral directing activity during the third quarter of apprenticeship resulting from board review at the July 18, 2013 meeting advising the apprentice that in order for the board to permit her to take the examination at this meeting there needs to be a drastic increase in the amount of time spent on funeral directing activities during the last quarter of apprenticeship. Copies of the letter were provided to both supervising licensees.

All other quarterly apprentice progress reports of embalmer/funeral director apprentices and supervising licensees due September 15, 2013 were summarized by the executive secretary with copies of the individual reports available for board members to review as desired.

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- IV.** **Legal Discussion: Individual Complaints/Investigations are listed numerically. The board did not necessarily take action in the order listed below:**

Complaints and legal concerns:

The board reviewed correspondence involving complaints resulting from actions taken and recommendations made at the meeting of July 18, 2013.

Information on open complaints:

The Board's Investigative Committee, which is composed of Board Members Theresa Schwartz and Barry Bedene met with Litigation Attorney Steve Phillips and KSBMA Executive Secretary Smith on Wednesday, October 9, 2013 at 3:00 p.m. to discuss and make recommendations on open complaints. Ms. Schwartz was unable to attend the meeting, and Mr. Bedene participated via telephone. Investigative Committee recommendations are included with the following individual complaints.

#13-12—(Cozine-Duncan) Following review of correspondence to close the file. Carried. The consumer was informed that no evidence of a prefinanced funeral agreement was discovered. Both parties were notified of no apparent violations of laws enforced by the KSBMA. The complaint involves the inability of the funeral home to locate a prefinanced funeral agreement at the time of death.

#13-14—(Cozine-Duncan) Following review of correspondence to close the file. Carried. Due to the passage of time, no evidence of any apparent violations and the fact that the crematory in question is located in Missouri, both parties were notified of no apparent violations of laws enforced by the board. The complaint involves the cremation process of two family members several years apart.

#13-16 & #13-17—(Cozine-Duncan) Following review of correspondence to close the file. Carried. The KSBMA expressed sympathy for the family's loss, but explained that there were no apparent violations of laws enforced by the board. The licensee was informed that more sensitivity should have been utilized when visiting with the family. The complaint involves unprofessional conduct.

#13-19—(Duncan-Cozine) To adopt the recommendations of the Investigative Committee and to notify both parties of no apparent violations of laws enforced by the KSBMA. Carried. Suggest that the consumer and funeral home/cemetery meet to go over the concerns of the consumer with one possibility being to drop the memorial bench off the contract for the time being in order to decrease the monthly cost to the consumer. Carried. The complaint involves the value of a prefinanced funeral agreement following death and unprofessional conduct.

#13-20—(Duncan-Cozine) To adopt the recommendations of the Investigative Committee to notify the funeral director to do a better job of filing death certificates in a timely manner. Carried. The complaint involves failure to file death certificates in a timely manner.

#13-21—(Duncan-Cozine) To adopt the recommendations of the Investigative Committee to notify the funeral director to do a better job of filing death certificates in a timely manner. Carried. The complaint involves failure to file death certificates in a timely manner.

#13-22—(Duncan-Cozine) To adopt the recommendations of the Investigative Committee to notify the funeral director to do a better job of filing death certificates in a timely manner. Carried. The complaint involves failure to file death certificates in a timely manner.

#13-23—(Duncan-Cozine) To adopt the recommendations of the Investigative Committee to notify the funeral director to do a better job of filing death certificates in a timely manner. Carried. The complaint involves failure to file death certificates in a timely manner, including three certificates where death occurred approximately two months ago.

#13-24—(Duncan-Cozine) To adopt the recommendations of the Investigative Committee to notify the funeral director to be better aware of Kansas laws in future decisions and to keep a Kansas rule book on hand as a reference tool. Carried. The complaint involves failure of a funeral home to apply for an application to move the funeral home to a new location in a timely manner.

#13-25—(Duncan-Cozine) To adopt the recommendations of the Investigative Committee to notify the funeral director to be better aware of Kansas laws in future decisions and to keep a Kansas rule book on hand as a reference tool. Carried. The complaint involves failure of a crematory to apply for the appropriate license after moving the attached funeral home to a new location in a timely manner.

#13-26 & #13-27—No action necessary at this time.

#13-28—(Duncan-Cozine) To adopt the recommendations of the Investigative Committee and close the file. Carried. The complaint involves Corporate ownership status forfeited with the Office of the Kansas Secretary of State that has since been filed.

#13-29—No action necessary at this time.

#12-30—No action necessary at this time.

#12-31—No action necessary at this time.

V. Board Business:

- 1) (Cozine-Melby) To approve the **quarterly lists of continuing education (CE.)** Carried. Three lists containing *on-site programs*, *correspondence/home study programs* and *programs pertaining to cremation for crematory operators* were provided to the Board. These lists are regularly updated and available on the board's web site.
- 2) (Duncan-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 includes five (5) assistant funeral director licenses, three (3) crematory operator licenses, 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 includes twelve (12) embalmer licenses and fourteen (14) funeral directors license renewals due through September 30, 2013. The board reviewed the list of **funeral homes and crematories that have closed** since July 18, 2013. This list includes one (1) funeral home.

- 3) (Cozine-Melby) To approve the **FY 2014 first quarter** (July 1-September 30, 2013) **Report** of KSBMA Funeral Home-Crematory Inspector Francis F. Mills. Carried. 174 inspections were conducted during the first quarter of FY 2014 with five (5) preparation room and two (2) other violations noted. 8,713 miles was traveled involving 69 counties during this time frame.
- 4) Reviewed the **current roster of apprentice embalmers and funeral directors**. A total of 25 apprentices are currently registered with the board, including: eighteen (18) embalmer-funeral directors, one (1) embalmer and six (6) funeral directors.
- 5) Discussion of **news articles** relating to the funeral profession that has been provided to board members and legal counsel for their review, including an article from the August 2013 National Funeral Directors Association (NFDA) magazine, The Director, rating state cremation regulatory laws. Kansas was given the highest rating of excellent. Two articles discussing Creutzfeldt-Jakob Disease (CJD) were also reviewed.
- 6) A reminder of the upcoming **2014 Board meeting dates**: January 9, April 10, July 10 and October 9.
- 7) The board signed travel vouchers.

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- 1) **Budget Information–**
 - a) The budget request for the **FY 2014** (July 1, 2013 through June 30, 2014) **budget** remained at \$286,893 with no enhancement request. The budget request for the **FY 2015** (July 1, 2014 through June 30, 2015) **budget** remained at \$288,647 with no enhancement requests. There are no salary increases included in any of the budgets with some employees having not received a pay increase for the past seven (7) years with none scheduled for the upcoming two (2) years. Updated information for these requests was submitted to the Division of the Budget (DOB) by the filing deadline of September 16, 2013 with copies provided to the board.
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Thursday, October 10, 2013:

- II. The regularly scheduled meeting of the Kansas State Board of Mortuary Arts (KSBMA) was called to order by Vice President Steve Melby.

Roll call by Executive Secretary Mack Smith found the following board members in attendance: Vice President Steven G. "Steve" Melby, Mankato, Licensee; William L. "Bill" Cozine, Wichita, Licensee, and Randy Duncan, Brookville, Consumer. President Theresa M. Schwartz, Lawrence, Consumer, and Barry W. Bedene, Arma, Licensee were unable to attend the meeting.

The board noted this meeting's tentative agenda that is displayed on the agency's website at: <http://www.kansas.gov/ksbma/> under the heading of *Agency Information and Tentative Board Agenda*.

(Duncan-Cozine) To approve a **final agenda** for this meeting. Carried.

(Cozine-Duncan) If time allows, the board decided to eat lunch at Classic Bean. Carried.

(Melby-Cozine) To adopt the **July 3 and July 18, 2013 regularly scheduled board meeting minutes** as amended. Carried. These minutes will be signed by Vice President Steve Melby and Executive Secretary Mack Smith, then displayed on the board's website.

The board reviewed results of the written **funeral directors' examination** administered on **July 18, 2013** noting that **86.7% (thirteen of fifteen applicants)** were **successful**.

The board reviewed results of the written **assistant funeral directors' examinations** administered in **August, September and October 2013** noting that **60% (3 of 5 applicants)** were successful. Since the law requiring examination for assistant funeral directors was enacted in 2008, **72.3% (107 of 148 applicants)** have successfully passed the written examination.

Assistant Attorney General Lisa Mendoza entered the meeting.

The board reviewed the '**List of Licensure Applicants**' scheduled to interview with the board at this meeting, noting the following applicants scheduled to meet with the board include: four (4) embalmer-funeral director applicants, two (2) funeral director applicants and one (1) reciprocal embalmer-funeral director applicant. Two (2) applicants have registered to retake the funeral directors' examination—for a total of nine (9) applicants scheduled to be administered the written funeral directors' examination in conjunction with this meeting. One assistant funeral director application will also be considered by the Board.

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- III.** 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 Senate Room of the Jayhawk Tower.

The board reviewed a letter sent to an apprentice embalmer-funeral director regarding a lack of funeral directing activity during the third quarter of apprenticeship resulting from board review at the July 18, 2013 meeting advising the apprentice that in order for the board to permit her to take the examination at this meeting there needs to be a drastic increase in the amount of time spent on funeral directing activities during the last quarter of apprenticeship. Copies of the letter were provided to both supervising licensees.

All other quarterly apprentice progress reports of embalmer/funeral director apprentices and supervising licensees due September 15, 2013 were summarized by the executive secretary with copies of the individual reports available for board members to review as desired.

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- IV.** **Legal Discussion: Individual Complaints/Investigations are listed numerically. The board did not necessarily take action in the order listed below:**

Complaints and legal concerns:

The board reviewed correspondence involving complaints resulting from actions taken and recommendations made at the meeting of July 18, 2013.

Information on open complaints:

The Board's Investigative Committee, which is composed of Board Members Theresa Schwartz and Barry Bedene met with Litigation Attorney Steve Phillips and KSBMA Executive Secretary Smith on Wednesday, October 9, 2013 at 3:00 p.m. to discuss and make recommendations on open complaints. Ms. Schwartz was unable to attend the meeting, and Mr. Bedene participated via telephone. Investigative Committee recommendations are included with the following individual complaints.

#13-12—(Cozine-Duncan) Following review of correspondence to close the file. Carried. The consumer was informed that no evidence of a prefinanced funeral agreement was discovered. Both parties were notified of no apparent violations of laws enforced by the KSBMA. The complaint involves the inability of the funeral home to locate a prefinanced funeral agreement at the time of death.

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#13-19—(Duncan-Cozine) To adopt the recommendations of the Investigative Committee and to notify both parties of no apparent violations of laws enforced by the KSBMA. Carried. Suggest that the consumer and funeral home/cemetery meet to go over the concerns of the consumer with one possibility being to drop the memorial bench off the contract for the time being in order to decrease the monthly cost to the consumer. Carried. The complaint involves the value of a prefinanced funeral agreement following death and unprofessional conduct.

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#12-30—No action necessary at this time.

#12-31—No action necessary at this time.

V. Board Business:

- 1) (Cozine-Melby) To approve the **quarterly lists of continuing education (CE.)** Carried. Three lists containing *on-site programs*, *correspondence/home study programs* and *programs pertaining to cremation for crematory operators* were provided to the Board. These lists are regularly updated and available on the board's web site.
- 2) (Duncan-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 includes five (5) assistant funeral director licenses, three (3) crematory operator licenses, 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 includes twelve (12) embalmer licenses and fourteen (14) funeral directors license renewals due through September 30, 2013. The board reviewed the list of **funeral homes and crematories that have closed** since July 18, 2013. This list includes one (1) funeral home.

- 3) (Cozine-Melby) To approve the **FY 2014 first quarter** (July 1-September 30, 2013) **Report** of KSBMA Funeral Home-Crematory Inspector Francis F. Mills. Carried. 174 inspections were conducted during the first quarter of FY 2014 with five (5) preparation room and two (2) other violations noted. 8,713 miles was traveled involving 69 counties during this time frame.
- 4) Reviewed the **current roster of apprentice embalmers and funeral directors**. A total of 25 apprentices are currently registered with the board, including: eighteen (18) embalmer-funeral directors, one (1) embalmer and six (6) funeral directors.
- 5) Discussion of **news articles** relating to the funeral profession that has been provided to board members and legal counsel for their review, including an article from the August 2013 National Funeral Directors Association (NFDA) magazine, The Director, rating state cremation regulatory laws. Kansas was given the highest rating of excellent. Two articles discussing Creutzfeldt-Jakob Disease (CJD) were also reviewed.
- 6) A reminder of the upcoming **2014 Board meeting dates**: January 9, April 10, July 10 and October 9.
- 7) The board signed travel vouchers.

VI. Executive Secretary's Report:

- 1) **Budget Information–**
 - a) The budget request for the **FY 2014** (July 1, 2013 through June 30, 2014) **budget** remained at \$286,893 with no enhancement request. The budget request for the **FY 2015** (July 1, 2014 through June 30, 2015) **budget** remained at \$288,647 with no enhancement requests. There are no salary increases included in any of the budgets with some employees having not received a pay increase for the past seven (7) years with none scheduled for the upcoming two (2) years. Updated information for these requests was submitted to the Division of the Budget (DOB) by the filing deadline of September 16, 2013 with copies provided to the board.
 - b) Division of the Budget (DOB) Principal Analyst Jeff Arpin, who is the budget analyst assigned to the KSBMA, went on an inspection of two funeral homes and a crematory.
- 2) Updated information regarding the **International Conference of Funeral**

Service Examining Boards (ICFSEB).

- a) An ICFSEB *Board Meeting and Examination Bidders Conference* will be attended by Mr. Smith later this month.
 - b) The *September 2013 Conference Update newsletter* was discussed.
 - c) KSBMA Board President continues her work on the ICFSEB's *Model Practice Act Committee*.
- 3) No updated information was provided for the **Council on Licensure, Enforcement and Regulation (CLEAR.)**
 - 4) No updated information was provided for the **Federation of Associations of Regulatory Boards (FARB.)**
 - 5) Updated information on the **Kansas Funeral Directors and Embalmers Association (KFDA)**
 - a) **2013 KFDA Fall District Meetings**—Executive Secretary Smith presented a *Board Update* at these six (6) meetings. A copy of the presentation along with a summary of other program content was provided to the Board by Mr. Smith.
 - 6) Information relating to the **board's web site**, <http://www.kansas.gov/ksbma/>, was discussed along with the new web site using the software program *Sitefinity*.
 - 7) Updated information was provided for the **National Funeral Directors Association (NFDA)**
 - a) The NFDA's International Convention and Expo begins October 20, 2013. Kansas licensed funeral director Ashley Cozine, son of KSBMA Board Member Bill Cozine, is the NFDA's At-Large Representative to their Executive Board.
 - 8) No updated information was provided for the **Federal Trade Commission (FTC)** regarding the **FTC Funeral Rule**.
 - 9) No updated information was provided for the **American Board of Funeral Service Education (ABFSE)**.
 - 10) Updated information from the **Cremation Society of North America (CANA)** relating to continuing education for crematory operators was discussed.
 - 11) No updated information was provided for the **Funeral Ethics Association (FEA)**.
 - 12) No updated information was provided for the **Funeral Consumer's Alliance (FCA)**.
 - 13) No updated information was provided for the **Funeral Consumer's Alliance (FCA) of Greater Kansas City**.
 - 14) No updated information was provided for the **Funeral Ethics Organization (FEO)**.
 - 15) *The Embalmers Quarterly Journal for July of 2013* of the **American Society of Embalmers (ASE)** was reviewed and contained a photo of Kansas licensee and ASE President Mark McDonald from Beloit, Kansas.
 - 16) No updated information was provided for the **Kansas Department of Health and Environment (KDHE), Office of Vital Statistics (OVS)**.
 - 17) Information was provided for the **Kansas City Kansas Community**

College (KCKCC) Mortuary Science Program.

a) Executive Secretary Smith met with Mortuary College Director Wiley Wright on Thursday, September 26, 2013 in Kansas City.

- 18) No updated information was provided for the **Kansas Mass Fatality Planning Task Force.**

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

Embalmer-Funeral Director Applicant: Ms. Jamie K. Reed

(Melby-Duncan) To grant an embalmer license upon payment of an initial license fee of \$147.00. Carried.

(Melby-Duncan) To extend the funeral directing apprenticeship for one additional quarter. Carried. Mr. Smith will send the appropriate paperwork to the apprentice and her supervising funeral director.

Ms. Reed completed her embalming apprenticeship on September 13, 2013 at Mid-America Mortuary Service in Kansas City, Kansas. Once issued, the renewal date for the embalming license would be June 30, 2015. Ms. Reed attended Southwest Missouri State University in Springfield, Missouri, Missouri Southern State College in Joplin, Missouri and earned an Associate in Applied Science Degree in Mortuary Science at Kansas City Kansas Community College (KCKCC) in Kansas City, Kansas.

Embalmer-Funeral Director Applicant: Mr. William F. "Bill" Stack, III

(Duncan-Cozine) To grant an embalmer license upon completion of apprenticeship, payment of an initial license fee of \$154.00 and to grant a funeral director license upon completion of apprenticeship, passing of the written funeral directors' examination, which will be administered later today and payment of an initial license fee of \$44.00. Carried. With continuous employment, Mr. Stack is scheduled to complete his apprenticeships on November 13, 2013 at Maple Hill Funeral Home in Kansas City, Kansas. Once issued, the renewal date for the licenses would be July 31, 2015. Mr. Stack earned an Associate in Applied Science Degree in Mortuary Science at Kansas City Kansas Community College (KCKCC) in Kansas City, Kansas.

Embalmer-Funeral Director Applicant: Mr. Kevin M. Kuhn

(Duncan-Melby) To grant an embalmer license upon payment of an initial license fee of \$98.00 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 \$28.00. Carried. Mr. Kuhn completed his apprenticeships on September 20, 2013 at Plumer-Overlease Funeral Home in Stockton, Kansas. Once issued, the renewal date for the licenses would be November 30, 2014. Mr. Kuhn attended Fort Hays State University in Hays, Kansas and earned an Associate in Applied Science Degree in Mortuary Science

Funeral Director Applicant: Ms. Carrie A. Lally

(Duncan-Melby) To grant a funeral director license upon completion of apprenticeship, passing the written funeral directors' examination, which will be administered later today, and payment of an initial license fee of \$28.00. Carried. With continuous employment, Ms. Lally is scheduled to complete her funeral directing apprenticeship on November 19, 2013 at Skradski Funeral Home in Kansas City, Kansas. Once issued, the renewal date for the license will be December 31, 2014. She earned an Associate in Arts Degree at Kansas City Kansas Community College in Kansas City, Kansas, a Bachelor of Science Degree at Emporia State University in Emporia, Kansas, and a Masters Degree at Sterling College in Sterling, Kansas.

Funeral Director Applicant: Ms. Sylvia R. Kelly-Schoen

(Duncan-Cozine) To grant a funeral director license upon completion of apprenticeship, passing the written funeral directors' examination, which will be administered later today, and payment of an initial license fee of \$26.00. Carried. With continuous employment, Ms. Kelly is scheduled to complete her funeral directing apprenticeship on November 13, 2013 at Harrison Funeral Home in Beloit, Kansas. Once issued, the renewal date for the license will be November 30, 2014. She attended Cloud County Community College in Concordia, Kansas, and was awarded an Associate of Applied Science Degree at Arapahoe Community College in Littleton, Colorado. She is currently serving an embalming apprenticeship.

Embalmer-Funeral Director Applicant: Ms. Chelsea A. Bryant

(Duncan-Cozine) To grant an embalmer license upon payment of an initial license fee of \$35.00 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 \$10.00. Carried. Ms. Bryant completed her apprenticeships on October 4, 2013 at Kevin Brennan Family Funeral Home in Topeka, Kansas. Once issued, the renewal date for the licenses would be February 28, 2014. Ms. Bryant attended Johnson County Community College in Overland Park, Kansas and earned an Associate in Applied Science Degree in Mortuary Science at Kansas City Kansas Community College (KCKCC) in Kansas City, Kansas.

Reciprocal (Nebraska) Embalmer-Funeral Director Applicant: Mr. Joseph W. "Joe" Davis

(Cozine-Duncan) To grant a reciprocal embalmer license upon payment of a \$49.00 initial license fee and to grant a funeral director license upon passing the written funeral directors' examination, which will be administered later today, and payment of an initial license fee of \$66.50. Carried. The renewal date for the licenses would be April 30, 2014. Mr. Davis was granted Nebraska embalmer-funeral director licenses in 1991. He attended Peru State College in Peru, Nebraska, the University of Nebraska in Lincoln, Nebraska and was awarded an Associate Degree in Applied Sciences at Mid-America College of Funeral Service in Jeffersonville, Indiana. Mr. Davis has passed the National Board Examination

(NBE) administered by International Conference of Funeral Service Examining Boards (ICFSEB.) He is employed at Wherry Mortuary in Pawnee, Nebraska.

Assistant Funeral Director Applicant: Mr. Matthew James Seago

(Melby-Cozine) To grant an assistant funeral director license upon passing the written assistant funeral directors' examination, which will be administered to Mr. Seago later today and payment of an initial license fee of \$165.00. Carried. The renewal date for the license would be July 31, 2015. Mr. Davis was awarded an Associate Degree in Applied Sciences at Kansas City Kansas Community College in Kansas City, Kansas and has passed the National Board Examination (NBE) administered by International Conference of Funeral Service Examining Boards (ICFSEB.) He currently holds probationary embalmer and funeral director licenses in the State of Missouri.

VIII. New/Old/Remaining Business/Adjournment

(Melby-Cozine) 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 9, 2014.

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 Senate Room of the Jayhawk Tower. The results of that examination are a part of these minutes.

Respectfully submitted:

Steve Melby, Vice President
Thursday, January 9, 2014
(Date)

Mack Smith, Executive Secretary
Thursday, January 9, 2014
(Date)

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KANSAS STATE BOARD OF MORTUARY ARTS
700 SW JACKSON, SUITE #904
TOPEKA, KANSAS
Wednesday-Thursday, October 9-10, 2013

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.

Wednesday, October 9, 2013:

- I. The Investigative Committee (IC) of the board met to discuss and make recommendations to the Board on open complaints. Those in attendance included Barry W. Bedene, Arma, Licensee, who participated via telephone, with administrative staff assistance provided by Assistant Attorney General Steve Phillips and Executive Secretary, Mack Smith. Theresa M. Schwartz, Lawrence, Consumer, was unable to attend the meeting. Prior to the beginning of the meeting Mr. Bedene recited the Oath of Office. Recommendations and Actions from this committee meeting are contained within these minutes.
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Service Examining Boards (ICFSEB).

- a) An ICFSEB *Board Meeting and Examination Bidders Conference* will be attended by Mr. Smith later this month.
 - b) The *September 2013 Conference Update newsletter* was discussed.
 - c) KSBMA Board President continues her work on the ICFSEB's *Model Practice Act Committee*.
- 3) No updated information was provided for the **Council on Licensure, Enforcement and Regulation (CLEAR.)**
 - 4) No updated information was provided for the **Federation of Associations of Regulatory Boards (FARB.)**
 - 5) Updated information on the **Kansas Funeral Directors and Embalmers Association (KFDA)**
 - a) **2013 KFDA Fall District Meetings**—Executive Secretary Smith presented a *Board Update* at these six (6) meetings. A copy of the presentation along with a summary of other program content was provided to the Board by Mr. Smith.
 - 6) Information relating to the **board's web site**, <http://www.kansas.gov/ksbma/>, was discussed along with the new web site using the software program *Sitefinity*.
 - 7) Updated information was provided for the **National Funeral Directors Association (NFDA)**
 - a) The NFDA's International Convention and Expo begins October 20, 2013. Kansas licensed funeral director Ashley Cozine, son of KSBMA Board Member Bill Cozine, is the NFDA's At-Large Representative to their Executive Board.
 - 8) No updated information was provided for the **Federal Trade Commission (FTC)** regarding the **FTC Funeral Rule**.
 - 9) No updated information was provided for the **American Board of Funeral Service Education (ABFSE)**.
 - 10) Updated information from the **Cremation Society of North America (CANA)** relating to continuing education for crematory operators was discussed.
 - 11) No updated information was provided for the **Funeral Ethics Association (FEA)**.
 - 12) No updated information was provided for the **Funeral Consumer's Alliance (FCA)**.
 - 13) No updated information was provided for the **Funeral Consumer's Alliance (FCA) of Greater Kansas City**.
 - 14) No updated information was provided for the **Funeral Ethics Organization (FEO)**.
 - 15) *The Embalmers Quarterly Journal for July of 2013* of the **American Society of Embalmers (ASE)** was reviewed and contained a photo of Kansas licensee and ASE President Mark McDonald from Beloit, Kansas.
 - 16) No updated information was provided for the **Kansas Department of Health and Environment (KDHE), Office of Vital Statistics (OVS)**.
 - 17) Information was provided for the **Kansas City Kansas Community**

College (KCKCC) Mortuary Science Program.

a) Executive Secretary Smith met with Mortuary College Director Wiley Wright on Thursday, September 26, 2013 in Kansas City.

- 18) No updated information was provided for the **Kansas Mass Fatality Planning Task Force.**

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

Embalmer-Funeral Director Applicant: Ms. Jamie K. Reed

(Melby-Duncan) To grant an embalmer license upon payment of an initial license fee of \$147.00. Carried.

(Melby-Duncan) To extend the funeral directing apprenticeship for one additional quarter. Carried. Mr. Smith will send the appropriate paperwork to the apprentice and her supervising funeral director.

Ms. Reed completed her embalming apprenticeship on September 13, 2013 at Mid-America Mortuary Service in Kansas City, Kansas. Once issued, the renewal date for the embalming license would be June 30, 2015. Ms. Reed attended Southwest Missouri State University in Springfield, Missouri, Missouri Southern State College in Joplin, Missouri and earned an Associate in Applied Science Degree in Mortuary Science at Kansas City Kansas Community College (KCKCC) in Kansas City, Kansas.

Embalmer-Funeral Director Applicant: Mr. William F. "Bill" Stack, III

(Duncan-Cozine) To grant an embalmer license upon completion of apprenticeship, payment of an initial license fee of \$154.00 and to grant a funeral director license upon completion of apprenticeship, passing of the written funeral directors' examination, which will be administered later today and payment of an initial license fee of \$44.00. Carried. With continuous employment, Mr. Stack is scheduled to complete his apprenticeships on November 13, 2013 at Maple Hill Funeral Home in Kansas City, Kansas. Once issued, the renewal date for the licenses would be July 31, 2015. Mr. Stack earned an Associate in Applied Science Degree in Mortuary Science at Kansas City Kansas Community College (KCKCC) in Kansas City, Kansas.

Embalmer-Funeral Director Applicant: Mr. Kevin M. Kuhn

(Duncan-Melby) To grant an embalmer license upon payment of an initial license fee of \$98.00 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 \$28.00. Carried. Mr. Kuhn completed his apprenticeships on September 20, 2013 at Plumer-Overlease Funeral Home in Stockton, Kansas. Once issued, the renewal date for the licenses would be November 30, 2014. Mr. Kuhn attended Fort Hays State University in Hays, Kansas and earned an Associate in Applied Science Degree in Mortuary Science

Funeral Director Applicant: Ms. Carrie A. Lally

(Duncan-Melby) To grant a funeral director license upon completion of apprenticeship, passing the written funeral directors' examination, which will be administered later today, and payment of an initial license fee of \$28.00. Carried. With continuous employment, Ms. Lally is scheduled to complete her funeral directing apprenticeship on November 19, 2013 at Skradski Funeral Home in Kansas City, Kansas. Once issued, the renewal date for the license will be December 31, 2014. She earned an Associate in Arts Degree at Kansas City Kansas Community College in Kansas City, Kansas, a Bachelor of Science Degree at Emporia State University in Emporia, Kansas, and a Masters Degree at Sterling College in Sterling, Kansas.

Funeral Director Applicant: Ms. Sylvia R. Kelly-Schoen

(Duncan-Cozine) To grant a funeral director license upon completion of apprenticeship, passing the written funeral directors' examination, which will be administered later today, and payment of an initial license fee of \$26.00. Carried. With continuous employment, Ms. Kelly is scheduled to complete her funeral directing apprenticeship on November 13, 2013 at Harrison Funeral Home in Beloit, Kansas. Once issued, the renewal date for the license will be November 30, 2014. She attended Cloud County Community College in Concordia, Kansas, and was awarded an Associate of Applied Science Degree at Arapahoe Community College in Littleton, Colorado. She is currently serving an embalming apprenticeship.

Embalmer-Funeral Director Applicant: Ms. Chelsea A. Bryant

(Duncan-Cozine) To grant an embalmer license upon payment of an initial license fee of \$35.00 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 \$10.00. Carried. Ms. Bryant completed her apprenticeships on October 4, 2013 at Kevin Brennan Family Funeral Home in Topeka, Kansas. Once issued, the renewal date for the licenses would be February 28, 2014. Ms. Bryant attended Johnson County Community College in Overland Park, Kansas and earned an Associate in Applied Science Degree in Mortuary Science at Kansas City Kansas Community College (KCKCC) in Kansas City, Kansas.

Reciprocal (Nebraska) Embalmer-Funeral Director Applicant: Mr. Joseph W. "Joe" Davis

(Cozine-Duncan) To grant a reciprocal embalmer license upon payment of a \$49.00 initial license fee and to grant a funeral director license upon passing the written funeral directors' examination, which will be administered later today, and payment of an initial license fee of \$66.50. Carried. The renewal date for the licenses would be April 30, 2014. Mr. Davis was granted Nebraska embalmer-funeral director licenses in 1991. He attended Peru State College in Peru, Nebraska, the University of Nebraska in Lincoln, Nebraska and was awarded an Associate Degree in Applied Sciences at Mid-America College of Funeral Service in Jeffersonville, Indiana. Mr. Davis has passed the National Board Examination

(NBE) administered by International Conference of Funeral Service Examining Boards (ICFSEB.) He is employed at Wherry Mortuary in Pawnee, Nebraska.

Assistant Funeral Director Applicant: Mr. Matthew James Seago

(Melby-Cozine) To grant an assistant funeral director license upon passing the written assistant funeral directors' examination, which will be administered to Mr. Seago later today and payment of an initial license fee of \$165.00. Carried. The renewal date for the license would be July 31, 2015. Mr. Davis was awarded an Associate Degree in Applied Sciences at Kansas City Kansas Community College in Kansas City, Kansas and has passed the National Board Examination (NBE) administered by International Conference of Funeral Service Examining Boards (ICFSEB.) He currently holds probationary embalmer and funeral director licenses in the State of Missouri.

VIII. New/Old/Remaining Business/Adjournment

(Melby-Cozine) 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 9, 2014.

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 Senate Room of the Jayhawk Tower. The results of that examination are a part of these minutes.

Respectfully submitted:

Steve Melby, Vice President
Thursday, January 9, 2014
(Date)

Mack Smith, Executive Secretary
Thursday, January 9, 2014
(Date)

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