

KANSAS STATE BOARD OF MORTUARY ARTS
700 SW JACKSON, SUITE #904
TOPEKA, KANSAS
Thursday, April 9, 2015

FORMAT OF MINUTES:

On each motion there appear the names of two board members in a parenthesis. The first named made the motion, and the second named made the second. Ayes and Nays will be recorded at a voter's request.

Thursday, April 9, 2015:

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

Roll call by Executive Secretary Mack Smith found the following board members in attendance: President Steven G. "Steve" Melby, Mankato, Licensee; Vice President William L. "Bill" Cozine, Wichita, Licensee; Randy Duncan, Brookville, Consumer, and Theresa Marcel Schwartz, Lawrence, Consumer. Assistant Attorney General Jan Arndt and Executive Secretary Mack Smith were also in attendance. Board member Barry W. Bedene, Arma, Licensee, was not in attendance.

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*.

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

(Schwartz-Duncan) To adopt the **January 8, 2015 regularly scheduled board meeting minutes**. Carried. These minutes will be signed by President Melby and Executive Secretary Smith, then displayed on the board's website.

The board reviewed results of the written **funeral directors' examination** administered on **January 8, 2015** noting that **66.7%** (four of six applicants) were **successful**.

The board reviewed results of the written **assistant funeral directors' examinations** administered in **January through April of 2015** noting that **58.3%** (seven of twelve applicants) were successful. Since the law requiring examination for assistant funeral directors was enacted in 2008, **70.3%** (135 of 192 applicants) have successfully passed the written examination.

Board Member Barry W. Bedene, Arma, Licensee, entered the meeting.

The board reviewed the '**List of Licensure Applicants**' scheduled to interview with the board at this meeting, noting the following seven (7) applicants are scheduled to meet with the board: one (1) embalmer-funeral director applicant, two (2) funeral director applicants, two (2) reciprocal embalmer-funeral director applicants, one (1) reciprocal funeral director applicant and one (1) funeral director relicensure applicant. A total of eight (8) applicants are scheduled to be administered the written funeral director's examination in conjunction with this meeting—including two (2) 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.

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

III. Investigative Committee Report:

The Investigative Committee (IC) reported that they closed seven (7) complaints with eight (8) files remaining open at this time.

IV. Legislative Update:

The Board reviewed bills affecting the agency and the funeral profession, including:

House Bill 2299 Directing the Secretary of Labor to submit a statewide plan for state enforcement of the *Federal Occupational Safety and Health Act Standards (OSHA)*.

The greater majority of bills this legislative session have dealt with the many aspects of State Government.

V. Board Business:

- 1) (Bedene-Schwartz) To approve the **quarterly lists of continuing education (CE.)** Carried. Three lists containing *on-site programs, correspondence/home study programs* and *crematory operator certification programs* were provided to the Board. These lists are regularly updated and available on the board's web site.
 - 2) (Schwartz-Cozine) 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 nine (9) assistant funeral director licenses, four (4) crematory operator licenses, four (4) embalmer licenses and five (5) funeral director licenses. This information is provided for a number of reasons, including use by the Office of Vital Statistics (OVS) for purposes of licensure verification used on death certificates. The board reviewed the list of **automatically suspended licenses.** This list contains the names of individuals who have not paid their license renewal fees by the appropriate due date and have not requested that their licenses be dropped. Once a license is six months in arrears, it is then automatically placed on the lapsed license list for purposes of being dropped. This list included eleven (11) embalmer licenses, sixteen (16) funeral director licenses and four (4) crematory operator licenses renewals due through March 31, 2015. No **funeral homes and crematories have closed** since January 8, 2015. The board also reviewed the list of **Changes in Establishment Ownership** that include seven (7) funeral homes this quarter.
 - 3) (Bedene-Duncan) To approve the **FY 2015 third quarter (January 1-March 31, 2015) report** of KSBMA Funeral Home-Crematory Inspector Francis F. Mills. Carried. 203 inspections were conducted during the third quarter of FY 2015 with two (2) violations noted. 8,108 miles were traveled involving visits to 68 counties during the third quarter of FY 2015.
 - 4) Reviewed the **current roster of apprentice embalmers and funeral directors.** A total of seventeen (17) apprentices are currently registered with the board, including: eight (8) embalmer-funeral directors and nine (9) funeral directors.
 - 5) Discussion of several **news articles** relating to the funeral profession were provided to board members and legal counsel for their review. Included was a resolution passed by the Shawnee County Commission involving *Corner Permit to Cremate* and a *Relinquished Body Fee.*
 - 6) A reminder of the remaining **2015 Board meeting dates:** July 9, and October 8.
 - 7) The board signed travel vouchers.
 - 8) The executive secretary reminded board members that **Statements of Substantial Interest (SSI)** must be filed between April 15–30, 2015.
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VI. Executive Secretary's Report:

- 1) **Budget Information– Governor’s Budget Recommendations** from his January 15, 2015 State of the State Address:
 - a) The current **FY 2015** (July 1, 2014–June 30, 2015) Governor’s Budget Recommendation is \$292,002.
 - b) The **FY 2016** (July 1, 2015–June 30, 2016) Governor’s Budget Recommendation is \$309,481.
 - c) The **FY 2017** (July 1, 2016–June 30, 2017) Governor’s Budget Recommendation is \$323,392.
- 1a) **Legislature’s Budget Recommendations:**
 - a) The current **FY 2015** (July 1, 2014–June 30, 2015) Recommendation is \$292,002.
 - b) The **FY 2016** (July 1, 2015–June 30, 2016) Recommendation is \$309,481.
 - c) The **FY 2017** (July 1, 2016–June 30, 2017) Recommendation is \$323,392.
- 2) Updated information regarding the **International Conference of Funeral Service Examining Boards (ICFSEB):**
 - a) Executive Secretary Smith represented the KSBMA at the ICFSEB’s 111th Annual Meeting. Mr. Smith was reelected to a second three-year term on the ICFSEB’s Board of Directors and is the Chairperson of the Board Member Training Committee.
 - b) The Model Practice Act was approved at the Annual Convention. KSBMA Board Member Theresa Marcel Schwartz was a member of the Model Practice Act Committee. The Board commended her for her involvement with the committee.
 - c) Statistics for the 2014 National Board Examination were as follows: 77% of the first time examinees passed the Arts section of the NBE while 78% of the first time examinees passed the Science section of the NBE.
 - d) Information from the January 2015 Update was discussed.
 - e) A very brief update on some pending litigation was provided by Mr. Smith.
 - f) The Conference Update–April 2015 Edition was reviewed and discussed.
- 3) There was no new information from the **Council on Licensure, Enforcement and Regulation (CLEAR).**
- 4) There was no new information from the **Federation of Associations of Regulatory Boards (FARB).**
- 5) Updated information for the **Kansas Funeral Directors and Embalmers Association (KFDA):**
 - a) Mr. Smith and Mr. Mills represented the KSBMA at the January 27, 2015 Embalming Seminar in Salina, Kansas. Information from the seminar was shared with the Board.
 - b) Mr. Smith presented a Board Update at the 2015 Spring Regional Meetings. Mr. Mills attended the Topeka Regional Meeting.

- 6) The **KSBMA's web site**, <http://www.kansas.gov/ksbma/>: The administrative staff met with the Office of Information Technology (OITS) on January 26, 2015. A new web site is in the process as is training for staff to be able to learn Sitefinity software—which is how the web site will be published and maintained.
- 7) The **National Funeral Directors Association (NFDA)** continues to provide their Certified Crematory Operators Program throughout the country. The organization applies for continuing education for Kansas licensees with those programs published on the KSBMA web site. The NFDA also has six (6) programs approved for crematory operators' continuing education—available via on-line/home study/correspondence.
- 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) The **Cremation Society of North America (CANA)** continues to provide their Crematory Operations Certification Program throughout the country. The organization applies for continuing education for Kansas licensees with those programs published on the KSBMA web site.
- 11) No new information for the **Funeral Ethics Association (FEA)**.
- 12) No new information for both the **Funeral Consumer's Alliance (FCA)** and the **Funeral Consumer's Alliance of Greater Kansas City (FCA-GKC)**.
- 13) No new information for the **Funeral Ethics Organization (FEO)**.
- 14) Information from the **American Society of Embalmers (ASE)**:
 - a) The ASE closed their doors as of January 31, 2015. The efforts of the organization will be missed by the 600+ licensed embalmers who were members of ASE. Mr. Smith contacted ASE Executive Director Melissa Johnson Williams and thanked her for the ten (10) years of the organization and for all of her efforts. Information from the January 2015 Final Newsletter, the Embalmers Quarterly Journal, was discussed.
- 15) No new information from the **Kansas Department of Health and Environment (KDHE), Office of Vital Statistics (OVS)**.
- 16) **Kansas City Kansas Community College (KCKCC) Mortuary Science Program**.
 - a) Executive Secretary Smith continues to be in contact with KCKCC Mortuary Science Director Wiley Wright. The majority of Kansas embalmer applicants graduate from KCKCC.
- 17) An update from the **Kansas Mass Fatality Planning Task Force** was provided as the task force is currently working on the *Family Assistance Center* portion of the plan.
- 18) **Kansas Ebola Preparedness and Response Plan**—Mr. Smith attended a *Tabletop Exercise* on January 9, 2015, and he shared some of the information provided and learned.
- 19) With the two (2) hour **continuing education requirement for crematory operators** now in effect, programs are beginning to be provided, including several on-line/home study programs approved as provided by Funeral CE, "Cremation Best Practices"—three hours and Funeral Review.com's "What Every Funeral Director and Cemeterian Should Know About

Cremation”—also three hours. Practicum Strategies offers three programs approved for three (3) hours each for crematory operators: “The Concept, The Client, The Caring,” “The Process” and “Yesterday, Today, Tomorrow.” CANA and the NFDA also offer programs previously mentioned.

- 20) The agency’s **Continuity of Operations Planning System (COOP)** continues to be updated quarterly.
- 21) The **Office Lease** expires August 31, 2015. The previous lease was for two years with a third year option. The agency is in the option year at this time and will attempt to obtain a new lease at the current location.

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

Embalmer-Funeral Director Applicant: Ms. Melissa M. Prosser

(Bedene-Duncan) To grant an embalmer license upon payment of an initial license fee of \$175.00 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 \$230.00. Carried. Ms. Prosser completed her apprenticeships on March 25, 2015 at Foster Mortuary in Wilson, Kansas after serving the greater majority of her apprenticeship at Pohlman-Varner-Peeler Mortuary in Russell, Kansas. Once issued, the renewal date for the licenses would be April 30, 2017. Ms. Prosser attended Barton County Community College in Great Bend, Kansas and received an Associate in Applied Science Degree in Mortuary Science at Arapahoe Community College in Littleton, Colorado.

Funeral Director Applicant: Mr. Ryan H. Bilby

(Schwartz-Cozine) 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 \$22.00. Carried. Mr. Bilby completed his funeral directing apprenticeship on February 28, 2015 at Countryside Funeral Home in Chanute, Kansas. Once issued, the renewal date for the license would be February 28, 2016. Mr. Bilby received a Bachelor of Science Degree in Social Science Education at Southwest Baptist University in Bolivar, Missouri.

Funeral Director Applicant: Ms. Mary Ellen Welshhon

(Cozine-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 \$16.00. Carried. Ms. Welshhon completed her funeral directing apprenticeship on March 25, 2015 at Mickey-Leopold Funeral Home in Hoxie, Kansas. Once issued, the renewal date for the license would be November 30, 2015. Ms. Welshhon attended the University of Missouri-Kansas City in Kansas City, Missouri and earned a Master of Science Degree in Special Education at Fort Hays State University in Fort Hays, Kansas.

Reciprocal (Oklahoma) Funeral Director Applicant: Mr. Mickey K. Wilkinson

(Bedene-Schwartz) To grant a reciprocal funeral directors' license upon passing the funeral directors' examination, which will be administered later today, and payment of an initial license fee of \$76.50. Carried. Mr. Wilkinson is a licensed funeral director in the State of Oklahoma. Once issued, the renewal date for the license will be November 30, 2015. Mr. Wilkinson attended Oscar Rose Jr. College in Midwest City, Oklahoma, Northwestern Oklahoma State University in Alva, Oklahoma and Central State University in Edmond, Oklahoma. He is employed at Wilkinson Funeral Service in Buffalo, Oklahoma.

Reciprocal (Missouri) Embalmer-Funeral Director Applicant: Mr. Weylin A. Dittmar

(Bedene-Duncan) To grant a reciprocal embalmer license upon payment of an initial license fee of \$91.00 and to grant a reciprocal funeral director license upon passing the funeral directors' examination, which will be administered later today, and payment of an initial license fee of \$123.50. Carried. Mr. Dittmar is a licensed embalmer and funeral director in the State of Missouri. Once issued, the renewal date for the licenses will be April 30, 2016. Mr. Dittmar attended Highland Community College in Highland, Kansas, Garden City Community College in Garden City, Kansas and earned a Bachelor of Arts Degree in Corporate Communication/Public Relations at Doane College in Crete, Nebraska. He earned an Associate of Applied Science Degree in Mortuary Science at the Cincinnati College of Mortuary Science in Cincinnati, Ohio and passed the National Board Examination (NBE.) He is employed at Porter Funeral Home and Crematory in Lenexa, Kansas.

Reciprocal (Missouri) Embalmer-Funeral Director Applicant: Ms. Patricia D. "Patty" Yewell

(Duncan-Schwartz) To grant a reciprocal embalmer license upon payment of an initial license fee of \$63.00 and to grant a reciprocal funeral director license upon passing the funeral directors' examination, which will be administered later today, and payment of an initial license fee of \$85.50. Carried. Ms. Yewell is a licensed embalmer and funeral director in the State of Missouri. Once issued, the renewal date for the licenses will be December 31, 2015. Ms. Yewell attended Metropolitan Community College in Kansas City, Missouri and earned an Associate in Applied Science Degree in Mortuary Science at Kansas City Kansas Community College in Kansas City, Kansas and passed the National Board Examination (NBE). She is employed at the Noland Road Chapel in Independence, Missouri.

Relicensure Funeral Director Applicant: Mr. Patrick S. "Pat" Post

Mr. Post met with the Board in conjunction with his application for relicensure of his funeral director's license. Following meeting with Mr. Post:

(Schwartz-Cozine) To recess into Quasi Judicial Deliberations. Carried. The only people present during deliberations were Board Members and legal council Jan Arndt.

The Board reconvened following Quasi Judicial Deliberations.

Board Member Duncan left the meeting.

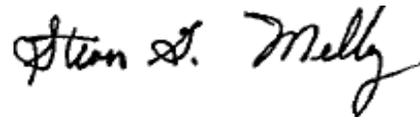
The Board advised Mr. Post that they were not done with deliberations. Mr. Post was also advised that the Board would give him an opportunity to present additional information in support of his application at the next regularly scheduled meeting or at a special meeting; if so, the Board would consider the additional information before completing its deliberations.

VIII. New/Old/Remaining Business/Adjournment

(Schwartz-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, July 9, 2015.

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.

Respectfully submitted:



Steven G. "Steve" Melby, President
Thursday, July 9, 2015
(Date)



Mack Smith, Executive Secretary
Thursday, July 9, 2015
(Date)

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