

KANSAS STATE BOARD OF MORTUARY ARTS
700 SW JACKSON, SUITE #904
TOPEKA, KANSAS
Thursday, July 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, July 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, and Barry W. Bedene, Arma, Licensee. Assistant Attorney General Jan Arndt and Executive Secretary Mack Smith were also in attendance. Randy Duncan, Brookville, Consumer and Theresa Marcel Schwartz, Lawrence, Consumer, were not in attendance.

The board noted this meeting's tentative agenda that is displayed on the agency's website at: <http://ksbma.ks.gov/> under the heading of *Events* and *July Board Meeting*.

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

(Bedene-Cozine) To adopt the **April 9, 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 **April 9, 2015** noting that **87.5%** (seven of eight applicants) were **successful**. The Board also reviewed two exit comments from examinees but took no action.

(Cozine-Bedene) To adopt the KSBMA Report presented by President Melby at the 2015 Kansas Funeral Directors Association (KFDA) Convention in Topeka, Kansas on Tuesday, May 12, 2015. Carried.

The board reviewed results of the written **assistant funeral directors' examinations** administered in **May** through **July of 2015** noting that **100.00%** (six of six applicants) were successful. Since the law requiring examination for assistant funeral directors was enacted in 2008, **71.2%** (141 of 198 applicants) have successfully passed the written examination.

The board reviewed the '**List of Licensure Applicants**' scheduled to interview with the board at this meeting, noting the following six (6) applicants are scheduled to meet with the board: three (3) embalmer-funeral director applicants, two (2) funeral director applicants and one (1) reciprocal embalmer-funeral director applicant. A total of seven (7) applicants are scheduled to be administered the written funeral director's examination in conjunction with this meeting—including one (1) individual 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 June 15, 2015 were summarized by the executive secretary with copies of the individual reports available for board members to review as desired.

Board Member Theresa Marcel Schwartz, Lawrence, Consumer, entered the meeting.

III. Investigative Committee Report:

The Investigative Committee (IC) reported that they closed eleven (11) complaints with four (4) files remaining open at this time.

IV. Legislative Update:

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

The *Final 2015 Legislative Report* of bills involving the KSBMA, their employees, state government and any other related areas were summarized by Executive Secretary Smith. The report included approximately forty (40) bills.

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)*. While this bill was not worked, it will be eligible to be worked in 2016.

House Substitute for Senate Bill 112 The *Mega Budget Bill* containing the budget for state agencies, including the KSBMA, was reviewed.

Senate Substitute for House Bill 2135 The *Trailer Bill* to the Mega Budget Bill was reviewed.

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

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

Ms. Arndt discussed legal options involving the Kansas Administrative Procedure Act (KAPA) as it affects the KSBMA. A handout was provided.

VI. **Board Business:**

- 1) (Cozine-Schwartz) To approve the **quarterly lists of continuing education**. Carried. Three lists containing *Scheduled Programs, Home-Study or Correspondence Programs* and *on-Going Programs* were provided to the Board. *Crematory Operator Certification Programs* have their own separate list but are also included in the three lists previously mentioned. *Crematory Operator Programs* are also included in the lists and are highlighted to designate approval for crematory operator continuing education credit. These lists are regularly updated and available on the board's web site.
- 2) (Cozine-Bedene) 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 three (3) assistant funeral director licenses, five (5) crematory operator licenses, twelve (12) embalmer licenses and sixteen (16) 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 two (2) embalmer licenses, five (5) funeral director licenses and one (1) crematory operator licenses renewals due through June 30, 2015. No **funeral homes and crematories have closed** since last reviewed on April 9, 2015. The board also reviewed the list of **Changes in Establishment Ownership** that include six (6) funeral homes this quarter.

Board Member Randy Duncan, Brookville, Consumer, entered the meeting.

- 3) (Schwartz-Cozine) To approve the **FY 2015 fourth quarter (April 1-June 30, 2015) report** of KSBMA Funeral Home-Crematory Inspector Francis F. Mills. Carried. 154 inspections were conducted during the fourth quarter of FY 2015 with one (1) violation noted. 4,986 miles were traveled involving visits to 50 counties.
- 4) (Melby-Cozine) To approve the **FY 2015 (July 1, 2014-June 30, 2015) Report** of KSBMA Funeral Home-Crematory Inspector Francis F. Mills. Carried. 767 inspections were conducted during FY 2015 with eight (8) violations noted. 28,486 miles were traveled involving visits to 214 counties.
- 5) Reviewed the **current roster of apprentice embalmers and funeral directors**. A total of twenty-three (23) apprentices are currently registered with the board, including: thirteen (13) embalmer-funeral directors and ten (10) funeral directors.
- 6) Discussion of several **news articles** relating to the funeral profession were provided to board members and legal counsel for their review.
- 7) A reminder of the remaining **2015 Board meeting date**: October 8.
- 8) (Schwartz-Cozine) To approve the following **2016 Board meeting dates**: January 14, April 14, July 14 and October 13.
- 9) The board signed travel vouchers.

VII. Executive Secretary's Report:

- 1) **Budget Information–**
 - a) The current **FY 2015** (July 1, 2014–June 30, 2015) Budget was approved for \$292,002 by the 2015 Kansas Legislature and Governor Brownback.
 - b) The **FY 2016** (July 1, 2015–June 30, 2016) Budget was approved for \$306,862 by the 2015 Kansas Legislature and Governor Brownback.
 - c) The **FY 2017** (July 1, 2016–June 30, 2017) Budget was approved for \$318,684 by the 2015 Kansas Legislature and Governor Brownback.
 - d) A review of the KSBMA *Carry-Over Fund* indicated a Carry-Over Balance of \$176,898 into FY 2018 indicating a need to increase fees for the first time in ten (10) years effective January 1, 2016. Information will be considered by the Board at the October 2015 meeting.
- 2) Updated information regarding the **International Conference of Funeral Service Examining Boards (ICFSEB)**:
 - a) *National Board Examination (NBE) results* for 2014 and for the *first five months of 2015* were reviewed.
 - b) The *Spring 2015 ICFSEB Conference Report* was provided to the Board.
 - c) The *June 2015 ICFSEB Update* was provided.
 - d) A *press release dated June 24, 2015 involving the ICFSEB's continued investigation of individuals involved in the NBE security breach at the American Academy McAllister Institute of Funeral Service* was provided.
 - e) A copy of the *2015 Regulations in Funeral Service Licensing, Continuing Education and Preneed* booklet was provided.

- 3) There was no new information from the **Council on Licensure, Enforcement and Regulation (CLEAR)**.
- 4) The **Federation of Associations of Regulatory Boards (FARB)**.
 - a) Assistant Attorney General Arndt discussed the May 2015 FARB FOCUS newsletter article involving a recent United States Supreme Court Opinion concerning the authority of a South Carolina state agency.
- 5) Updated information for the **Kansas Funeral Directors and Embalmers Association (KFDA)**:
 - a) Mr. Smith and Mr. Mills represented the KSBMA at the 2015 Annual KFDA Convention and were present, along with Board Member Cozine, when KSBMA President Melby presented the Annual KSBMA Report.
 - b) The upcoming 2015 KFDA Fall District Meetings were discussed.
 - c) The March-April edition of the KFDA Journal was reviewed.
 - d) The May edition of the KFDA Journal was reviewed.
 - e) The June edition of the KFDA Journal was reviewed.
 - f) As his schedule allows, Mr. Smith will represent the KSBMA at the upcoming Fall District Meetings.
- 6) The **KSBMA's web site**, <http://www.kansas.gov/ksbma/> went live on Wednesday, June 3, 2015. The web site will be maintained and updated by Mr. Smith and Ms. Fergel with assistance and guidance from the Office of Information Technology (OITS) and Applications Developer/ Professional Services, Christine Griffie.
- 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 several programs approved for crematory operators' continuing education—available via on-line/home study/correspondence.
 - a) An article from the *June 18, 2015 Memorial Business Journal* titled: "AAMI Student Files Complaint Against The Conference Over NBE Dispute" was mentioned.
- 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) The **Funeral Consumer's Alliance (FCA)** and the **Funeral Consumer's Alliance of Greater Kansas City (FCA-GKC)**.
 - a) The *Spring 2015 edition of the FCA-GKC Report* was provided.
 - b) The *Spring 2015 edition of the Grim Reader* from the FCA was provided.
- 13) No new information for the **Funeral Ethics Organization (FEO)**.
- 14) No new information from the **Kansas Department of Health and Environment (KDHE), Office of Vital Statistics (OVS)**.

- 15) **Kansas City Kansas Community College (KCKCC) Mortuary Science Program.**
 - a) Executive Secretary Smith continues to be in contact with KCKCC Mortuary Science Director Wiley Wright. The majority of Kansas embalmer applicants graduate from KCKCC.
- 16) An update from the **Kansas Mass Fatality Planning Task Force** was provided as the task force continues to work on the *Family Assistance Center* portion of the plan.
- 17) **Kansas Ebola Preparedness and Response Plan**—No new information at this time.
- 18) 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.
- 19) The agency's **Continuity of Operations Planning System (COOP)** continues to be updated quarterly.
- 20) 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 is in negotiations for a long-term lease at the current location.

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

Embalmer-Funeral Director Applicant: Mr. Andrew “Drew” G. Sollars

(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. Mr. Sollars completed his apprenticeships on June 26, 2015 at Warren-McElwain Mortuary in Lawrence, Kansas. Once issued, the renewal date for the licenses would be July 31, 2017. Mr. Sollars attended the University of Kansas in Lawrence, Kansas and received an Associate in Applied Science Degree in Mortuary Science at Kansas City Kansas Community College in Kansas City, Kansas.

Embalmer-Funeral Director Applicant: Mr. James L. Cedeno, II

(Bedene-Schwartz) To grant an embalmer license upon payment of an initial license fee of \$63.00 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 \$18.00. Carried. Mr. Cedeno completed his apprenticeships on June 29, 2015 at Quiring-Old Mission Mortuary in Wichita, Kansas. He also served the majority of his apprenticeships at Bryant Funeral Home in Great Bend, Kansas. Once issued, the renewal date for the licenses would be March 31, 2016. Mr. Cedeno attended Barton County Community College in Great Bend, Kansas, Hutchinson Community College in Hutchinson, Kansas and received an Associate in Applied Science Degree in Funeral Service at the Dallas Institute of Funeral Service in Dallas, Texas.

Embalmer-Funeral Director Applicant: Mr. Clay T. Bruggeman

(Schwartz-Duncan) To grant an embalmer license upon payment of an initial license fee of \$56.00 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 \$16.00. Carried. Mr. Bruggeman completed his apprenticeships on July 2, 2015 at Baalman Mortuary in Oakley, Kansas. Once issued, the renewal date for the licenses would be February 28, 2016. Mr. Bruggeman received an Associate in Applied Science Degree in Mortuary Science at Kansas City Kansas Community College in Kansas City, Kansas.

Funeral Director Applicant: Mr. David E. Fuqua

(Bedene-Schwartz) To grant a funeral director license upon passing of the written funeral directors' examination, which will be administered later today, completion of apprenticeship and payment of an initial license fee of \$24.00. Carried. With continuous employment, Mr. Fuqua is scheduled to complete his funeral directing apprenticeship on August 18, 2015 at Potts Chapel in Caney, Kansas. Once issued, the renewal date for the license would be June 30, 2016. Mr. Fuqua attended Coffeyville Community College in Coffeyville, Kansas, Oklahoma Wesleyan University in Bartlesville, Oklahoma, Independence Community College in Independence, Kansas and earned an Associate in Applied Science Degree in Mortuary Science at Kansas City Kansas Community College in Kansas City, Kansas.

Funeral Director Applicant: Ms. Victoria L. "Vickie" Bell

(Schwartz-Duncan) 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. Bell completed her funeral directing apprenticeship on June 16, 2015 at Wulf-Ast Mortuary in Garden Plain, Kansas. Once issued, the renewal date for the license would be February 28, 2016. Ms. Bell attended Butler County Community College in El Dorado, Kansas, Newman University in Wichita, Kansas and earned a Bachelor of Science Degree in Business Management at Friends University in Wichita, Kansas.

Reciprocal (New York) Embalmer-Funeral Director Applicant: Ms. Heather E. (Reszka) Miller

(Cozine-Schwartz) To grant a reciprocal embalmer license upon payment of an initial license fee of \$133.00, and 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 \$180.50. Carried. Ms. Miller is a licensed embalmer-funeral director in the State of New York and has passed the National Board Examination (NBE) of the International Conference of Funeral Service Examining Boards. Once issued, the renewal date for the licenses will be January 31, 2017. Ms. Miller attended Niagara University in Niagara, New York, the University at Buffalo–State University of New York (SUNY) in Buffalo, New York, D'Youville College in Buffalo, New York, Canisius College in Buffalo, New York, Clarkson University in Potsdam, New York and earned an Associate in Applied Science (AAS) Degree in Mortuary Science and a Bachelor of Technology Degree in Funeral Service Administration at the SUNY College of Technology at Canton in Canton, New York. Ms. Miller is employed at Newcomer Funeral Home in Lakewood, Colorado.

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

Mr. Post did not appear in person nor by counsel for the continued hearing with the Board on his application for reinstatement of his funeral director license.

(Schwartz-Cozine) To recess into Quasi Judicial Deliberations regarding Mr. Post's application. Carried. The only people present during deliberations were Board Members and legal counsel Jan Arndt.

The Board reconvened following Quasi Judicial Deliberations.

(Schwartz-Bedene) To deny licensure due to failure of Mr. Post to provide sufficient evidence showing rehabilitation to warrant the public trust and to authorize President Melby to approve and sign the order on behalf of the Board. Carried.

IX. Election of Officers

1) (Bedene-Schwartz) To nominate Bill Cozine as the KSBMA President. Carried. Motions ceased and Mr. Cozine was elected the KSBMA President.

2) (Cozine-Duncan) To nominate Barry Bedene as the KSBMA Vice President. Carried. Motions ceased and Mr. Bedene was elected the KSBMA Vice President.

3) President Cozine appointed Board Members to the following committees:
a) Investigative Committee: Barry Bedene and Theresa Schwartz
b) Hearing Committee: Bill Cozine, Randy Duncan and Steve Melby
c) Continuing Education Committee: Bill Cozine & Steve Melby

X. New/Old/Remaining Business/Adjournment

(Duncan-Schwartz) To adjourn—subject to recall by the president, vice president or executive secretary. Carried. The date of the next regularly scheduled board meeting is Thursday, October 8, 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:



Bill Cozine, President
Thursday, October 8, 2015
(Date)



Mack Smith, Executive Secretary
Thursday, October 8, 2015
(Date)

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