

KANSAS STATE BOARD OF MORTUARY ARTS
700 SW JACKSON, SUITE #904
TOPEKA, KANSAS
Thursday, January 14, 2016

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, January 14, 2016:

- I. The regularly scheduled meeting of the Kansas State Board of Mortuary Arts (KSBMA) was called to order by President William L. "Bill" Cozine.

Roll call by Executive Secretary Mack Smith found the following board members in attendance: President William L. "Bill" Cozine, Wichita, Licensee; Vice President Barry W. Bedene, Arma, Licensee; Steven G. "Steve" Melby, Mankato, Licensee; Theresa Marcel Schwartz, Lawrence, Consumer and recently appointed board member Robert J. "Bob" Steil, Consumer, Lawrence, who sited the Oath of Office and was welcomed by Board Members and Administrative Staff to the Board. Assistant Attorney General Jan Arndt and Executive Secretary Mack Smith were also 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 *January Board Meeting*.

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

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

The board reviewed results of the written **funeral directors' examination** administered on **October 8, 2015** noting that **44.4%** (four of nine applicants) were **successful**.

The board reviewed results of the written **assistant funeral directors' examinations** administered from **October 2015** through **January of 2016** noting that **70%** (seven of ten applicants) were successful. Since the law requiring examination for assistant funeral directors was enacted in 2008, **71% (149 of 210)** 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 five (5) applicants are scheduled to meet with the board: two (2) embalmer-funeral director applicants, one (1) funeral director applicant and two (2) reciprocal embalmer-funeral director applicants. 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 and one (1) applicant whose apprenticeship was approved but has never been administered the examination.

One funeral director apprentice applicant failed to file the required paperwork and fees by the December 15, 2015 filing deadline. If that applicant meets the March 15, 2016 filing deadline, the individual will meet with the Board in conjunction with the April 14, 2016 meeting for review and possible approval of their funeral directing apprenticeship. Three (3) funeral director examination retake applicants failed to meet the December 15, 2015 filing deadline and will have to be administered a future examination. One individual, whose apprenticeship was approved by the Board in 1997, will be administered the funeral director examination later today. Because there is no deadline for when the funeral director examination must be taken following the Board’s approval of apprenticeship, it is not necessary for the applicant to meet with the Board today.

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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 proctored 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 December 15, 2015 were summarized by the executive secretary with copies of the individual reports available for board members to review as desired.

Assistant Attorney General Lisa Mendoza entered the meeting.

III. Investigative Committee Report:

The Investigative Committee (IC) reported that they closed six (6) complaints with ten (10) complaints remaining open at this time.

IV. Pam Scott, Kansas Funeral Directors Association (KFDA) Executive Director

The KFDA will be introducing legislation requiring the mandatory filing of death certificates—using the Kansas Electronic Death Registration System (EDRS) this legislative session.

The Kansas Insurance Department is considering requesting a bill introduction

that would increase the continuing education requirements. The bill may not be introduced until next year, but the KFDA will be monitoring the situation. The KFDA will be watching to see if there will be a bill that would once again require insurance preneed sellers to be required to earn continuing education.

After discussion, the Board decided to hold a conference call prior to taking a position on the bill once a copy of the bill becomes available.

An Occupational Safety and Health Administration (OSHA) state wide program possibility has been discussed in the past, but the price tag may make the concept cost prohibitive at this time.

Another possibility that has been discussed by previous legislatures is a tax on services—such as funeral services. The KFDA will be monitoring this situation also.

V. Jan Arndt & Lisa Mendoza, Assistant Attorneys General

Ms. Arndt and Ms. Mendoza addressed the Board regarding training for the Kansas Open Meetings Act (KOMA), the Kansas Administrative Procedure Act (KAPA) and the Kansas Tort Claims Act (KTCA.) Time will be scheduled at the end of the April 2016 meeting for a Board Review to be presented by Assistant Attorneys General Jan Arndt and Lisa Mendoza.

VI. KSBMA Legislative Update

The KSBMA does not anticipate introducing any legislation this session. Budgets for current FY 2016 and upcoming FY 2017 will be monitored.

VII. Board Business:

- 1) (Bedene-Schwartz) To approve the **quarterly lists of continuing education**. Carried. Four (4) lists containing *Scheduled Programs (Listing by Date of Program from the KSBMA web site), Home-Study/ Correspondence Programs, Ongoing Programs* and the list of *Crematory Operator Certification Programs* were reviewed and approved by the Board. Carried. These lists are regularly updated and available on the board's web site.
- 2) (Bedene-Schwartz) 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, no (0) crematory operator licenses, one (1) embalmer license and three (3) 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 eight (8) embalmer licenses, nine (9) funeral director licenses and one (1) crematory operator license renewals due through December 31, 2015. The board reviewed the list of **Changes in Funeral Home and Crematory Ownership** that include: three (3) funeral home ownership changes, two (2) new crematories and one (1) crematory ownership change this quarter. A revised list from October 2015 was also provided that include: three (3) new funeral homes, two (2) funeral home ownership changes, one (1) new crematory and one (1) crematory ownership change. The suggestions made by Mr. Bedene at the October Board Meeting to amend the list to contain additional information have been made and are now included in this report. Two (2) **funeral homes have closed** this quarter.

- 3) (Schwartz-Bedene) To approve the **FY 2016 second quarter (October 1-December 31, 2015) report** of KSBMA Funeral Home-Crematory Inspector Francis F. Mills. Carried. 167 inspections were conducted during the second quarter of FY 2016 with six (6) violations noted. 6,604 miles were traveled involving visits to sixty-one (61) counties.
- 4) Reviewed the **current roster of apprentice embalmers and funeral directors**. A total of twenty-eight (28) apprentices are currently registered with the board, including: thirteen (13) embalmer-funeral directors and fifteen (15) funeral directors.
- 5) Discussion of articles/information provided involving the agency, licensure/regulation and the funeral profession were provided to board members and legal counsel.
- 6) A reminder of the remaining **2016 Board meeting dates**: April 14, July 14, and October 13.
- 7) The board signed travel vouchers.
- 8) An updated **Board Member and Administrative Staff Roster** was provided.
- 9) Documentation from the October Board Meeting was provided.
- 10) (Bedene-Cozine) To approve the revised **Application for Licensure** document. Carried. Assistant Attorney Generals Jan Arndt and Lisa Mendoza compiled this document as well as a *Memorandum for Applicants* to assist the Board and staff with the licensure process.
- 11) Executive Secretary Smith provided information regarding calling cards that will be expiring and will not be replaced by the State of Kansas.

VIII. Executive Secretary's Report:

- 1) **Budget Information**—The Board reviewed and discussed their FY 2016 & FY 2017 Budget Recommendations from the Division of the Budget (DOB) and the Governor in which no additional funds were requested:
 - a) The **FY 2016** (July 1, 2015–June 30, 2016) As the KSBMA requested, a budget of \$306,862 was recommended.
 - b) The **FY 2017** (July 1, 2016–June 30, 2017) As the KSBMA requested, a budget of \$318,644 was recommended.

- c) The **Division of the Budget's Evaluation** stated: "The Board of Mortuary Arts continues to have a well thought-out strategic plan. The agency has given thorough consideration of its goals and objectives to carry out its mission. The Agency has excellent performance measures that accurately determine its progress."
- d) Governor's Budget Recommendations—No adjustments were made by Governor Brownback to current FY 2016 and FY 2017 budget recommendations for the KSBMA.
- 2) Updated information regarding the **International Conference of Funeral Service Examining Boards (ICFSEB)**:
- a) The *October 2015 Conference Update* was provided.
- b) The *Fall 2015 Report newsletter* was provided.
- c) *National Board Examination (NBE) results* for 2015 were reviewed. 74% of first time tested applicants were successful with the Arts Section of the NBE and 76% on the Science Section for the time frame of January 1, 2015–December 31, 2015.
- d) The *December 2015 edition of The Conference Update* was provided.
- e) The current *draft* of the **Model Application for Funeral Service** was discussed. KSBMA Board Member Theresa Schwartz served on this ICFSEB Committee that put this document together.
- 3) There was no new information from the **Council on Licensure, Enforcement and Regulation (CLEAR)**.
- 4) Information from the **Federation of Associations of Regulatory Boards (FARB)** involving the *Federal Trade Commission's (FTC) Staff Guidance on Active Supervision of State Regulatory Boards Controlled by Market Participants* was distributed and discussed.
- 5) Updated information for the **Kansas Funeral Directors and Embalmers Association (KFDA)**:
- a) The *September-October 2015* edition of the *KFDA Journal* was provided.
- b) The *November-December 2015* edition of the *KFDA Journal* was provided. Pages 12-13 include information about KSBMA Board members.
- 6) The **KSBMA's web site**, <http://ksbma.ks.gov/> continues to be updated on a regular basis by KSBMA Office Manager Sherry Fergel and Executive Secretary Mack Smith.
- 7) At the **2015 National Funeral Directors Association (NFDA)** International Convention & Expo held on October 18-21, 2015 in Indianapolis, Indiana, Kansas funeral director W. Ashley Cozine and son of KSBMA President William L. "Bill" Cozine, was elected the 2015-2016 NFDA President-Elect.
- 8) No new information from the **Federal Trade Commission (FTC)** regarding the **FTC Funeral Rule** was provided. The *FTC's Staff Guidance on Active Supervision of State Regulatory Boards Controlled by Market Participants* was previously discussed.
- 9) The *Accreditation Committee* of the **American Board of Funeral Service Education (ABFSE)** made their seven (7) year visit to Kansas City Kansas Community College on November 15-17, 2015.

- 10) There was no new information from **Cremation Society of North America (CANA)**.
- 11) Information from **Funeral Consumer's Alliance (FCA)** discussing their desire for all funeral homes to be required to display their price lists on their funeral home web sites was discussed.
- 12) The *Fall 2015 edition of the FCA Report* from the **Funeral Consumer's Alliance of Greater Kansas City (FCA-GKC)** was provided.
- 13) There was no new information from **Funeral Ethics Organization (FEO)**.
- 14) There was no new information from **Kansas Department of Health and Environment (KDHE), Office of Vital Statistics (OVS)**.
- 15) I reported on attending the *Advisory Board Meeting* of the **Kansas City Kansas Community College (KCKCC) Mortuary Science Program** at the college on 10/28/2015. I also attended a luncheon at the college on 11/16/2015 as a part of the *accreditation visit* from representatives of the *American Board of Funeral Service Education (ABFSE) Accreditation Committee*.
- 16) There was no new information from **Kansas Mass Fatality Planning Task Force**.
- 17) There was no new information from **Kansas Ebola Preparedness and Response Plan**.
- 18) The agency's **Continuity of Operations Planning System (COOP)** continues to be updated quarterly or more often as is needed.
- 19) **Presentations:** I provided information to the *Topeka Downtown Kiwanis* organization regarding the mission of the KSBMA on 10/26/2015.
- 20) The Board discussed the Efficiency Review Report that was sanctioned by the Legislature with recommendations released earlier this week.

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

Embalmer-Funeral Director Applicant: Mr. Daniel A. Nicolas

(Bedene-Melby) To grant an embalmer license upon payment of an initial license fee of \$91.00 and completion of apprenticeship and 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 \$26.00. Carried. With continuous employment, Mr. Nicolas is scheduled to complete his apprenticeships on February 19, 2016 at Downing and Lahey Mortuary in Wichita, Kansas. Once issued, the renewal date for the licenses would be February 28, 2017. Mr. Nicolas was awarded an Associate in Applied Science Degree in Mortuary Science at Kansas City Kansas Community College in Kansas City, Kansas.

Embalmer-Funeral Director Applicant: Mr. Adler M. Pruett

(Schwartz-Melby) To grant an embalmer license upon payment of an initial license fee of \$112.00 and completion of apprenticeship and 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 \$32.00. Carried. With continuous employment, Mr. Pruett is scheduled to complete his apprenticeships on January 26, 2016 at Arensberg-Pruett Funeral Home in Atchison, Kansas. Once issued, the renewal date for the licenses would be April 30, 2017. Mr. Pruett attended Benedictine College in Atchison and was awarded an Associate in Applied Science Degree in Mortuary Science at Kansas City Kansas Community College in Kansas City, Kansas.

Funeral Director Applicant: Mr. James L. Williams

(Melby-Bedene) 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 \$46.00. Carried. With continuous employment, Mr. Williams is scheduled to complete his funeral directing apprenticeship on January 23, 2016 at Prairie Rose Funeral Home in Anthony, Kansas. Once issued, the renewal date for the license would be November 30, 2017. Mr. Williams attended Coffeyville Community College in Coffeyville, Kansas, Cowley County Community College in Arkansas City, Kansas, Pratt Community College in Pratt, Kansas, and Barton County Community College in Great Bend, Kansas

Reciprocal (New York) Embalmer: Mr. Walter C. Anderson

(Schwartz-Bedene) To grant a reciprocal embalmer license upon payment of an initial license fee of \$175.00. Carried. Mr. Anderson is licensed in the State of New York. Once issued, the renewal date for the license will be January 31, 2018. Mr. Anderson attended Modesto Junior College located in Modesto, California, Pacific Union College located in Angwin, California, Walla Walla College located in Walla Walla, Washington, Union College-Nebraska located in Lincoln, Nebraska and was awarded an Associate in Applied Science (AAS) Degree in Mortuary Science at Kansas City Kansas Community College located in Kansas City, Kansas. Mr. Anderson has passed the National Board Examination (NBE) administered by the International Conference of Funeral Service Examining Boards (ICFSEB.) Mr. Anderson will apply for a reciprocal funeral director license in conjunction with the July 2016 KSBMA Board Meeting, when he will have been licensed in the State of New York for one (1) year—which is a requirement for a Kansas reciprocal funeral director license.

Reciprocal (Missouri) Embalmer-Funeral Director: Mr. Adam L. Knarr

(Melby-Schwartz) To grant a reciprocal embalmer license upon payment of an initial license fee of \$77.00, 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 \$22.00. Carried. Mr. Knarr is a licensed embalmer-funeral director in the State of Missouri and is a licensed assistant funeral director in Kansas. Once issued, the renewal date for the license will be November 30, 2016. He attended Northern State University located in Aberdeen, South Dakota, Kansas University in Lawrence, Kansas and was awarded an Associate in Applied Science (AAS) Degree in Mortuary Science at Kansas City Kansas Community College located in Kansas City, Kansas. Mr. Knarr has passed the National Board Examination (NBE) administered by the International Conference of Funeral Service Examining Boards (ICFSEB.) He is employed at Johnson County Funeral Chapel in Overland Park, Kansas. Mr. Knarr is an assistant funeral director.

X. New/Old/Remaining Business/Adjournment

(Bedene-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, April 14, 2016.

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:



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



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