

KANSAS STATE BOARD OF MORTUARY ARTS
700 SW JACKSON, SUITE #904
TOPEKA, KANSAS
The Board Meeting of Thursday, April 13, 2017

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 13, 2017:

- 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 Robert J. "Bob" Steil, Consumer, Lawrence. Assistant Attorney General Jan Arndt and KSBMA 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 *April Board Meeting*.

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

(Schwartz-Steil) To adopt the **January 12, 2017 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 **January 12, 2017** noting that **75%** (nine of twelve applicants) were **successful**.

The board reviewed results of the written **assistant funeral directors' examinations** administered from **February** through **April 2017** noting that **100%** (one applicant) was successful. Since the law requiring examination for assistant funeral directors was enacted in 2008, **69.7%** (175 of 251 applicants) have successfully passed the written examination.

The board reviewed the '**Interview Times**' and the '**List of Licensure Applicants**' scheduled to interview with the board at this meeting, noting that ten (10) applicants are scheduled to meet with the board: three (3) embalmer-funeral director applicants, four (4) funeral director applicants, one (1) embalmer applicant, one (1) reciprocal embalmer applicant and one (1) reciprocal embalmer-funeral director applicant. Following approval by the Board, ten (10) applicants are scheduled to be administered the written funeral directors' examination in conjunction with this meeting including two (2) retake applicants.

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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.

Quarterly apprentice progress reports of embalmer/funeral director apprentices and supervising licensees due March 15, 2017 were summarized by the executive secretary with copies of the individual reports available for board members to review.

III. **Investigative Committee Report:**

The Investigative Committee (IC) reported that they closed eight (8) complaints with six (6) complaints open at this time.

IV. **Legislative Update:**

- 1) The current **KSBMA Legislative Report** was provided and discussed. The report is fifteen (15) pages of bill histories from the current legislative session for bills involving the KSBMA in one way or another.
- 2) **SB 76**—Requires all state licensing agencies to waive fees for low-income individuals and military families. The Senate Federal and State Affairs Committee's Report recommends that the bill be passed as amended.
- 3) **SB 107**—Authorizes the Kansas Attorney General to establish a system of legal representation charges and collect such charges from state agencies. The bill was passed over but retained a place on the Senate Calendar.
- 4) **SB 245**—A bill that would require state agencies to review each of its regulations to determine the impact on business and economic development in Kansas. In addition, when a regulation is proposed, the agency must include in the economic impact statement a description of the businesses that would be directly affected by the regulation, the benefits of the regulations, and the measures to minimize the impact of the regulations on business and economic development.

- 5) **HB 2153**—Requires fee-funded agencies to notify all licensees whenever the legislature sweeps fee funds from them. Concerns involve the failure of licensees to maintain current email addresses and that this is another requirement that was not considered in any KSBMA budgets. The Senate Committee of the Whole added a provision that would allow notification to be posted on agency web sites, and the bill passed the Senate, 35-5.
- 6) **Sub for HB 2331**—Creates a Mega IT agency requiring all IT purchases and services for all state agencies to run through it. The bill passed the House, 90-28, but has met opposition in the Senate Ways and Means Committee, where the bill is currently positioned.

V. Board Business:

- 1) (Bedene-Steil) To approve the **quarterly lists of continuing education**. Carried. Lists approved were: *Scheduled Programs (Listing by Date of Program from the KSBMA web site)*, *Home-Study/ Correspondence Programs*, *Ongoing Programs*, and the list of *Crematory Operator Programs*. These items are updated regularly and are available on the board's website.
- 2) (Melby-Steil) To approve the list of **lapsed licenses**. Carried. This list contains 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 and 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 seven (7) assistant funeral director licenses, three (3) crematory operator licenses, seven (7) embalmer licenses and eight (8) 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 ten (10) embalmer licenses, twelve (12) funeral director licenses and no (0) crematory operator licenses for license renewals due through March 31, 2017. The board reviewed the following lists of information for the quarter: **Changes in Funeral Home and Crematory Ownership** with six (6) funeral homes (one main and five branch funeral establishments), and **Closed Funeral Homes and Crematories** with no closings to report this quarter.
- 3) (Schwartz-Melby) To approve the **FY 2017 third quarter (January 1-March 31, 2017) report** of KSBMA Funeral Home-Crematory Inspector Francis F. Mills. Carried. 239 inspections were conducted during the third quarter of FY 2017 with no (0) violations noted and one (1) investigation of a reported crematory fire. 7,294 miles were traveled involving visits to sixty-four (64) counties.
- 4) The Board reviewed the **current roster of apprentice embalmers and funeral directors**. A total of twenty-five (25) apprentices are currently registered with the board, including: fourteen (14) embalmer-funeral

- director apprentices, ten (10) funeral director apprentices and one (1) embalmer apprentice.
- 5) Discussion of articles/information of interest involving the agency, licensure, regulation and the funeral profession in general were provided to board members and legal counsel. Items included information on the deaths of former board members/presidents Darel D. Olliff and William H. "Bill" Young.
 - 6) **Remaining Board meeting dates for 2017:** July 13 and October 12.
 - 7) **Board Member Appointment**—No new information to report at this time.
 - 8) The board signed travel vouchers.
 - 9) Executive Secretary Smith reminded Board Members that **2017 Statements of Substantial Interests (SSI) must be filed between April 15 and April 30, 2017.** All board members, the executive secretary and inspector are required to complete these reports.
 - 10) The Cremation Association of America (CANA) submitted a request for approval of an on-line crematory operator program. CANA's request is for eight (8) hours. The Kansas requirement is for six (6) hours. (Bedene-Melby) To approve the request for six (6) hours to satisfy the requirement that must be met by no later than one (1) year following initial licensure as a crematory operator. Carried.

VI. Executive Secretary's Report:

- 1) **Budget Information**—Amounts approved by the 2017 Kansas Legislature:
 - a) **FY 2017** (July 1, 2016–June 30, 2017) The original amount requested by the KSBMA and approved (with no reductions) by the Division of the Budget (DOB) was \$317,503. The Governor recommended a reduction of KPERS payments of \$562, making the revised KSBMA budget \$316,941. The 2017 Kansas Legislature has approved a KSBMA budget of \$317,503 by deleting the Governor's reduction of \$562. By doing so and having a budget approved by the 2016 Legislature, we are no longer included in **S Sub for HB 2052** which is awaiting the signature of the Governor. No final budget for current FY 2017 has been finalized at this time.
 - b) **FY 2018** (July 1, 2017–June 30, 2018) The original amount requested by the KSBMA and approved (with no reductions) by the DOB was \$292,617. The Governor recommended a reduction of KPERS payments of \$2,055, making the revised KSBMA budget \$290,562. The 2017 Kansas Legislature has not approved budgets for FY 2018 at this time.
 - c) **FY 2019** (July 1, 2018–June 30, 2019) The original amount requested by the KSBMA and approved (with no reductions) by the DOB was \$321,958, which includes a replacement automobile for the agency. The Governor recommended a reduction of KPERS payments of \$2,370, making the revised KSBMA budget \$319,588. The 2017 Kansas Legislature has not yet approved budgets for FY 2019 at this time.
 - d) **Performance Based Budgeting (PBB)**—No new information to report at this time.

- 2) Information regarding the **International Conference of Funeral Service Examining Boards (ICFSEB)**:
 - a) *2016 Final Statistics for the National Board Examination (NBE)*, were discussed.
 - b) *2017 Statistics for the National Board Examination (NBE)*, were discussed.
 - c) The *113th Annual Meeting of the ICFSEB*—Mr. Smith provided a summary of the meeting that he described as about the best *continuing education* an executive secretary of a funeral regulatory board could ever get.
- 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) Information for the **Kansas Funeral Directors and Embalmers Association (KFDA)**:
 - a) The *January 2017 edition* of the *KFDA Journal* was reviewed.
 - b) The *February 2017 edition* of the *KFDA Journal* was reviewed.
 - c) The *March/April 2017 edition* of the *KFDA Journal* was reviewed.
 - d) *2017 KFDA Spring Regional Meetings* were held at four different locations on February 27–March 2, 2017. Executive Secretary Smith was unavailable to attend any of the meetings, but he provided a Board Update for KFDA Executive Director Pam Scott to present in his absence. KSBMA Inspector Mills attended the meeting that was held in Topeka.
 - e) The *2017 KFDA Annual Convention* will be held on Sunday-Wednesday, from April 30–May 3, 2017 in Wichita, Kansas. Mr. Smith and Mr. Mills hope to be able to attend at least part of the convention as their schedule permits.
- 6) The **KSBMA’s website**, <http://ksbma.ks.gov/> continues to be updated on a regular basis by KSBMA Office Manager Sherry Fergel and Executive Secretary Mack Smith with assistance from the Office of Information Technology Services (OITS.)
- 7) Information from the **National Funeral Directors Association (NFDA)**:
- 8) Information from the **Federal Trade Commission (FTC)** regarding the **FTC Funeral Rule**.
 - a) *Undercover inspections* were conducted in nine (9) states to ensure compliance with the Funeral Rule in 2015 and 2016 involving 133 funeral homes with failures to disclose pricing information to consumers discovered in 31 funeral homes.
- 9) There was no new information from the **American Board of Funeral Service Education (ABFSE)**.
- 10) There was no new information from the **Cremation Society of North America (CANA)**.
- 11) Information from the **Funeral Consumer’s Alliance (FCA)**:
 - a) The Fall 2016 edition of the FCA’s newsletter was discussed.
- 12) There was no new information from the **Funeral Consumer’s Alliance of Greater Kansas City (FCA-GKC)**.

- 13) There was no new information from the **Funeral Ethics Organization (FEO)**.
- 14) There was 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 met with KCKCC Mortuary Science Director Wiley Wright on February 16, 2017 to discuss mutual areas of interest.
- 16) There was no new information from the **Kansas Mass Fatality Planning Task Force**.
- 17) There was no new information from the **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. This is the system utilized in cases of emergencies by the State of Kansas for state agencies. COOP also sends monthly planning topics to all state agencies.
- 19) The next meeting of the **Non-Cabinet Agency Heads Meetings** is scheduled for: October 26, 2017.
- 20) The **Updated Roster of Kansas Largest Corporations/LLC's** was provided to the Board.

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

Embalmer Applicant: Mr. Michael J. Reeb

(Bedene-Schwartz) To grant an embalmer license upon completion of apprenticeship and payment of an initial license fee of \$21.00. Carried. With continuous employment, Mr. Reeb is scheduled to complete his embalmer apprenticeship on April 15, 2017 at Kevin Brennan Family Funeral Home located in Topeka, Kansas. Once issued, the renewal date for the license would be June 30, 2017. Mr. Reeb earned an Associate in Applied Science degree in Mortuary Science at Kansas City Kansas Community College.

Board Meeting Deadline/Funeral Director/Assistant Funeral Director Examination discussions

Executive Secretary Smith discussed a new policy he is considering regarding notification of applicants scheduled to appear at Board Meetings. Instead of sending out the initial letters on the first of the month prior to a meeting (such as March 1st for an April 13th meeting), he is considering sending out letters a month prior to the due date of the 15th of the month prior to a Board Meeting (February 15th for an April 13th meeting.) Applicants continue to struggle in meeting deadlines for a number of reasons. Providing them with notice two months earlier will hopefully help with deadlines being met. Information provided is similar to what is also provided at the beginning of apprenticeships. With no Board objections voiced, Mr. Smith will implement the change beginning with the next (July 2017) Board meeting.

Mr. Smith would like to schedule some time for the Board to review some new item bank draft questions at either the July and/or October meetings—depending

on the number of applicants meeting with the Board and the amount of time Mr. Smith is able to devote to the questions. So far, he has eighteen (18) possible questions drafted for the Board's consideration.

The Board directed Mr. Smith to ask the International Conference of Funeral Service Examining Boards (ICFSEB) what their cost would be to administer the Kansas funeral director examination.

Funeral Director Applicant: Ms. Megan N. Wright

(Schwartz-Bedene) To grant a funeral director license upon completion of apprenticeship, passing of the written funeral director examination, which will be administered later today and payment of an initial license fee of \$14.00. Carried. With continuous employment, Ms. Wright is scheduled to complete her funeral director apprenticeship on May 18, 2017 at Davidson Funeral Home in Topeka, Kansas. She worked the first portion of her apprenticeship at Capitol City Mortuary Services and Angels Above Cremation Services in Topeka, Kansas. Once issued, the renewal date for the license would be November 30, 2017. Ms. Wright earned an Associate in Applied Science degree in Mortuary Science at Kansas City Kansas Community College.

Funeral Director Applicant: Ms. Susan D. Galvan

(Schwartz-Steil) To grant a funeral director license upon passing the written funeral director examination, which will be administered later today and payment of an initial license fee of \$32.00. Carried. Ms. Galvan completed her funeral director apprenticeship on March 21, 2017 at Countryside Funeral Home in Howard, Kansas. Once issued, the renewal date for the license would be July 31, 2018. Ms. Galvan earned a Bachelor of Science degree in Education at Emporia State University located in Emporia, Kansas.

Embalmer-Funeral Director Applicant: Ms. Megan A. Burns

(Bedene-Steil) To grant an embalmer license upon payment of an initial license fee of \$77.00 and to grant a funeral director license upon passing of written funeral director examination, which will be administered later today, and payment of an initial license fee of \$22.00. Carried. Ms. Burns completed her embalmer and funeral director apprenticeships on March 16, 2017 at Smith Mortuary located in Derby, Kansas. Once issued, the renewal date for the licenses would be February 28, 2018. Ms. Burns earned an Associate in Applied Science degree in Mortuary Science at Kansas City Kansas Community College.

Funeral Director Applicant: Ms. Kailee E. (Headley) Treto

(Schwartz-Melby) To grant a funeral director license upon passing the written funeral director examination, which will be administered later today and payment of an initial license fee of \$34.00. Carried. Ms. Headley completed her funeral director apprenticeship on April 4, 2017 at Headley Funeral Chapel in Augusta, Kansas. Once issued, the renewal date for the license would be August 31, 2018. Ms. Headley earned a Bachelor of Science degree in Human Services/Psychology at Friends University located in Wichita, Kansas.

Embalmer-Funeral Director Applicant: Mr. Brent J. Weichers

(Melby-Steil) To grant an embalmer license upon completion of apprenticeship, payment of an initial license fee of \$49.00 and to grant a funeral director license upon completion of apprenticeship, passing of written funeral director examination, which will be administered later today, and payment of an initial license fee of \$14.00. Carried. With continuous employment, Mr. Weichers is scheduled to complete his embalmer apprenticeship at Yoder Embalming Service in Wichita, Kansas on May 4, 2017 and his funeral director apprenticeship at Wulf-Ast Mortuary located in Garden Plain, Kansas, also on May 4, 2017. Once issued, the renewal date for the licenses would be November 30, 2017. Mr. Weichers earned an Associate in Applied Science degree in Mortuary Science at Kansas City Kansas Community College.

Embalmer-Funeral Director Applicant: Ms. Keysha K. Tate

(Bedene-Steil) To grant an embalmer license upon completion of apprenticeship, payment of an initial license fee of \$35.00 and to grant a funeral director license upon completion of apprenticeship, passing the written funeral director examination, which will be administered later today, and payment of an initial license fee of \$10.00. Carried. With continuous employment, Ms. Tate is scheduled to complete her embalmer and funeral director apprenticeships on April 28, 2017 at Neill-Schwensen-Rook Funeral Home located in Clay Center, Kansas. Once issued, the renewal date for the licenses would be August 31, 2017. Ms. Tate earned an Associate in Applied Science degree in Mortuary Science at Kansas City Kansas Community College.

Funeral Director Applicant: Ms. Kimberly R. "Kim" Bateman

(Bedene-Melby) To grant a funeral director license upon passing the written funeral director examination, which will be administered later today, and payment of an initial license fee of \$22.00. Carried. Ms. Bateman completed her funeral director apprenticeship on March 22, 2017 at Bateman Funeral Home in Goodland, Kansas. Once issued, the renewal date for the license would be February 28, 2018. Ms. Bateman attended Northwest Kansas Technical College in Goodland, Kansas and Colby Community College in Colby, Kansas.

Reciprocal (Missouri) Embalmer Applicant: Ms. Rachel R. Caldwell

(Bedene-Melby) To grant a reciprocal embalmer license upon payment of the initial license fee of \$84.00. Carried. Ms. Caldwell is a licensed embalmer in the State of Missouri and has passed the National Board Examination (NBE) administered by the International Conference of Funeral Service Examining Boards (ICFSEB.) Once issued, the renewal date for the license would be March 31, 2018. She earned an Associate of Applied Science Degree in Funeral Service at Kansas City Kansas Community College in Kansas City, Kansas. Ms. Caldwell has completed a Kansas funeral director apprenticeship that was approved by the Board at the January 12, 2017 meeting. She will be administered the funeral director examination later today.

Reciprocal (Texas) Embalmer-Funeral Director Applicant: Mr. Dennis A. Mulheren

(Melby-Schwartz) To grant a reciprocal embalmer license upon payment of the initial license fee of \$154.00 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 \$209.50. Carried. Mr. Mulheren is licensed in the State of Texas and has passed the National Board Examination (NBE) administered by the International Conference of Funeral Service Examining Boards (ICFSEB.) Once issued, the renewal date for the license would be January 31, 2019. He earned an Associate in Applied Science Degree in Funeral Service at Mercer County Community College in Trenton, New Jersey. Mr. Mulheren is employed at Carlson-Geisendorf Funeral Home and Crematory in Salina, Kansas.

VIII. New/Old/Remaining Business/Adjournment

(Bedene-Melby) To adjourn—subject to recall by the president, vice president or executive secretary. Carried. The date of the next regularly scheduled board meeting is Thursday, July 13, 2017.

At approximately 1:30 p.m. Executive Secretary Smith read instructions to the funeral director 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.

Respectfully submitted:



William L. Cozine, President
Thursday, July 13, 2017
(Date)



Mack Smith, Executive Secretary
Thursday, July 13, 2017
(Date)