

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

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**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.

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**Thursday, July 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 *July Board Meeting*.

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

(Melby-Steil) To adopt the **April 13, 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.

(Bedene-Melby) To adopt the **Board Update** provided at the **120<sup>th</sup> Annual Convention of the Kansas Funeral Directors Association (KFDA)** held in Wichita, Kansas with a convention theme of "Tailgating With the KFDA."

The board reviewed results of the written **funeral directors' examination** administered on **April 13, 2017** noting that **50%** (five of ten applicants) were **successful**.

The board reviewed results of the written **assistant funeral directors' examinations** administered from **May** through **July 2017** along with examination information for applicants since the law requiring examination for assistant funeral directors was enacted in 2008.

The board reviewed the '**Interview Times**' and the '**List of Licensure Applicants**' scheduled to interview with the board at this meeting, noting that seven (7) applicants are scheduled to meet with the board: five (5) embalmer-funeral director applicants, one (1) funeral director applicant, and two (2) reciprocal embalmer-funeral director applicants. Following approval by the Board, twelve (12) applicants are scheduled to be administered the written funeral directors' examination in conjunction with this meeting including four (4) retake applicants.

The board discussed an apprentice progress report due June 15, 2017. After discussion, no action was taken

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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 June 15, 2017 were summarized by the executive secretary with copies of the individual reports available for board members to review.

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**III. Investigative Committee Report:**

No new information to report at this time.

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**IV. Legislative Update:**

- 1) The current **KSBMA Legislative Report** was provided and discussed. The report contains bill histories from the current legislative session for bills involving the KSBMA in one way or another. 2017 is year one of a two-year legislative session. Sine Die was held on Monday, June 26, 2017 when the Legislature adjourned until 2:00 p.m. on Monday, January 8, 2018.
- 2) **SB 76**—Requires all state licensing agencies to waive fees for low-income individuals and military families. The bill is on General Orders of the Senate.
- 3) **SB 149**—Authorizes the Kansas Attorney General to establish a system of legal representation charges and collect such charges from state agencies. The bill was published in the June 1, 2017 edition of the Kansas Register.
- 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. The bill remains

- in the Senate Ways and Means Committee.
- 5) **HB 2054** (formerly in HB 2153)–The bill does several things, including requiring fee-funded agencies to notify licensees whenever the legislature sweeps fee funds from them. A provision to allow for notification to be made on an agency’s website was added by the Conference Committee in the bill that passed and became law July 1, 2017.
  - 6) **HB 2301**–Open government and a number of related issues—including procedure and justifications for closed or executive meetings. Became law July 1, 2017.
  - 7) **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, and is currently in the Senate Ways and Means Committee.
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**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) (Schwartz-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 five (5) assistant funeral director licenses, two (2) crematory operator licenses, five (5) embalmer licenses and six (6) 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 two (2) crematory operator licenses for license renewals due through June 30, 2017. The board reviewed the following lists of information for the quarter: **Changes in Funeral Home and Crematory Ownership** with two (2) funeral homes (both main funeral establishments) changing ownership and one (1) new crematory opening, and **Closed Funeral Homes and Crematories** with one (1) branch establishment closed to report this quarter.
- 3) (Schwartz-Melby) To approve the **FY 2017 fourth (4th) quarter (April 1- June 30, 2017) and FY 2017 Final Reports** of KSBMA Funeral Home-Crematory Inspector Francis F. Mills. Carried. 142 inspections were conducted during the 4th quarter of FY 2017 with four (4) violations noted. 5,401 miles were traveled involving visits to forty-nine (49) counties. 743 inspections were conducted during FY 2017 with nine (9) violations noted.

- 25,060 miles were traveled involving visits to 212 counties.
- 4) The Board reviewed the **current roster of apprentice embalmers and funeral directors**. A total of twenty-three (23) apprentices are currently registered with the board, including: twelve (12) 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—including information on the Fee Fund Lawsuit Settlement (which did not include the KSBMA) and action taken against the Colorado company Heritage Crematory Services by the States of Colorado, Tennessee, Florida and North Carolina.
  - 6) **Remaining Board meeting date for 2017:** October 12.
  - 7) (Melby-Steil) To schedule 2018 Board Meeting dates for: January 11, April 12, July 12 and October 11, 2018. Carried.
  - 8) An *Order* resulting from a recent KAPA hearing was reviewed.
  - 9) The Board signed travel vouchers.
  - 10) The Board discussed continuous problems with state emails. (Bedene-Melby) To eliminate the current emails being used by Board Members. Carried. Assistant Attorney General Arndt and Executive Secretary Smith discussed the Kansas Open Records Act (KORA.)

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## **VI. Executive Secretary's Report:**

- 1) **Budget Information**—Amounts approved by the 2017 Kansas Legislature:
  - a) **FY 2017** (July 1, 2016–June 30, 2017) An amount of \$317,503 was approved by the 2016 Kansas Legislature and approved by Governor Brownback. No amendments were made by the 2017 Kansas Legislature to the FY 2017 KSBMA budget.
  - b) **FY 2018** (July 1, 2017–June 30, 2018) The original amount requested by the KSBMA and approved (with no reductions) by the Division of the Budget (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 and the Governor approved a budget for the KSBMA in FY 2018 of \$292,846.
  - 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 and the Governor approved a budget for the KSBMA in FY 2019 of \$321,958.
  - 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) The Board reviewed the Model Practice Act for Funeral Service that was amended and approved by membership of the ICFSEB at the 2017 Annual Conference attended by Mr. Smith. Board Member Schwartz was on the original committee that was responsible for the initial document.

- b) The *Spring 2017 edition of the Conference Report newsletter* was provided to Board Members.
  - c) *2017 Statistics for the National Board Examination (NBE)* were reviewed and discussed.
  - d) Mr. Smith is not planning on attending the upcoming ICFSEB Board Meeting but hopes to be able to participate via teleconference.
  - e) Information from the Conference regarding the KSBMA's inquiry as to the possibility of having funeral director and assistant funeral director examinations administered by the ICFSEB in the future.
  - f) The *July 2017 edition of the Conference Update* was provided to Board Members.
- 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)**:
    - a) The Board reviewed the *Spring 2017 edition* of the *FARB FOCUS newsletter*.
  - 5) Information for the **Kansas Funeral Directors and Embalmers Association (KFDA)**:
    - a) The *2017 KFDA Annual Convention* was recently held where the *Board Update* was presented. KSBMA Board President Cozine and member Steil attended the convention along with staff members Mills and Smith.
    - b) The *May 2017 edition* of the **KFDA Journal** was provided.
    - c) The *June 2017 edition* of the **KFDA Journal** was provided.
    - d) The 2017 Fall KFDA District Meetings are tentatively scheduled for the first two (2) weeks of September. Mr. Mills and Mr. Smith will attend as their schedules permit.
  - 6) The **KSBMA's website**, <http://ksbma.ks.gov/> continues to be updated on a regular basis by the KSBMA administrative staff.
  - 7) There was no new information from the **National Funeral Directors Association (NFDA)**.
  - 8) Information from the **Federal Trade Commission (FTC)** regarding the **FTC Funeral Rule**:
    - a) A letter from FTC Attorney Liaison for the Funeral Rule in the FTC's Midwest Region/Staff Attorney Samantha Gordon was reviewed. The letter has been posted on the KSBMA web site and is being distributed by KSBMA Inspector Mills during inspections.
  - 9) Information from the **American Board of Funeral Service Education (ABFSE)**:
    - a) The Board reviewed *minutes* from the *April 2017 meeting* of the ABFSE's **Committee on Accreditation (COA)**.
  - 10) There was no new information from the **Cremation Society of North America (CANA)**.
  - 11) There was no new information from the **Funeral Consumer's Alliance (FCA)**.
  - 12) Information from the **Funeral Consumer's Alliance of Greater Kansas City (FCA-GKC)**:
    - a) The *Spring 2017 FCA Report* was distributed. Information on 'right of

- sepulcher' for the States of Kansas and Missouri was included.
- 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) There was no new information from **Kansas City Kansas Community College (KCKCC) Mortuary Science Program**.
  - 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 meetings of the **Non-Cabinet Agency Heads Meetings** are scheduled for: July 20 and October 26, 2017.

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

**Embalmer-Funeral Director Applicant: Ms. Heather M. Schaller**

(Bedene-Melby) To grant an embalmer license upon completion of apprenticeship and payment of an initial license fee of \$175.00 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 \$230.00. Carried. With continuous full-time employment, Ms. Schaller is scheduled to complete her embalmer and funeral director apprenticeships on July 20, 2017 at Penwell-Gabel Cremations, Funerals and Receptions located in Topeka, Kansas. Once issued, the renewal date for the licenses would be July 31, 2019. Ms. Schaller earned an Associate in Applied Science degree in Mortuary Science at Kansas City Kansas Community College.

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**Embalmer-Funeral Director Applicant: Mr. Samuel E. "Sam" Garcia**

(Melby-Bedene) To grant an embalmer license upon completion of apprenticeship and payment of an initial license fee of \$91.00 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 \$26.00. Carried. With continuous employment, Mr. Garcia is scheduled to complete his embalmer and funeral director apprenticeships on July 14, 2017 at Warren-McElwain Mortuary located in Lawrence, Kansas. Once issued, the renewal date for the licenses would be July 31, 2018. Mr. Garcia earned an Associate in Applied Science degree in Mortuary Science at Kansas City Kansas Community College.

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**Embalmer-Funeral Director Applicant: Ms. Kathleen S. Gilbert**

(Melby-Schwartz) To grant an embalmer license upon completion of apprenticeship, payment of an initial license fee of \$91.00 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 \$26.00. Carried. With continuous employment, Ms. Gilbert is scheduled to complete her embalmer and funeral director apprenticeships on July 29, 2017 at Belden-Larkin Funeral Home located in Leavenworth, Kansas. Once issued, the renewal date for the licenses would be July 31, 2018. Ms. Gilbert earned an Associate in Applied Science degree in Mortuary Science at Kansas City Kansas Community College.

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**Funeral Director Applicant: Mr. Kaleb Smith**

(Bedene-Melby) 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 \$228.00. Carried. With continuous full-time employment, Mr. Smith is scheduled to complete his funeral director apprenticeship on August 15, 2017 at Mercer Funeral Home in Holton, Kansas. Once issued, the renewal date for the license would be July 31, 2019. Mr. Smith earned an Associate in Applied Science degree in Mortuary Science at Kansas City Kansas Community College and is currently serving an embalming apprenticeship.

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**Embalmer-Funeral Director Applicant: Mr. M. Blake Morgan**

(Melby-Schwartz) To grant an embalmer license upon completion of apprenticeship and payment of an initial license fee of \$133.00 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 \$38.00. Carried. With continuous employment, Mr. Morgan is scheduled to complete his embalmer and funeral director apprenticeships on July 29, 2017 at Mercer Funeral Home located in Holton, Kansas. Once issued, the renewal date for the licenses would be January 31, 2019. Mr. Morgan earned an Associate in Applied Science degree in Mortuary Science at Kansas City Kansas Community College.

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**Embalmer-Funeral Director Applicant: Ms. Sarah R. Aikins**

(Schwartz-Melby) To grant an embalmer license upon completion of apprenticeship and payment of an initial license fee of \$28.00 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 \$8.00. Carried. With continuous full-time employment, Ms. Aikins is scheduled to complete her embalmer and funeral director apprenticeships on August 30, 2017 at Countryside Funeral Homes located in Chanute and Fredonia, Kansas. She served a part of her apprenticeships at Webb and Rodrick Chapel and Crematory in Independence, Kansas. Once issued, the renewal date for the licenses would be January 31, 2018. Ms. Aikins earned an Associate in Applied Science degree in Mortuary Science at Kansas

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**Reciprocal (Oklahoma) Embalmer-Funeral Director Applicant: Mr. Timothy H. "Tim" Stacy**

(Bedene-Melby) To grant a reciprocal embalmer license upon payment of the 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 \$237.50. Carried. Mr. Stacy is licensed in the State of Oklahoma and was previously licensed as an embalmer in the State of Kansas. He has passed the Oklahoma State Board Examination which is accredited by the State of Kansas. Once issued, the renewal date for the licenses would be July 31, 2019. He earned a Bachelor of Science Degree in Funeral Service at Central State University in Edmond, Oklahoma and is employed at Ladusau-Evans Funeral Home in Enid, Oklahoma.

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**Reciprocal (Missouri) Embalmer-Funeral Director Applicant: Mr. John W. Pautz**

(Bedene-Steil) 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 \$209.00. Carried. Mr. Pautz is licensed 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 licenses would be April 30, 2019. He earned a Bachelor of Science Degree at Northeast Missouri State College in Kirksville, Missouri and attended Mid-America College of Funeral Service in Jeffersonville, Indiana. Mr. Pautz is employed at Porter Funeral Home in Lenexa, Kansas.

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**VIII. 11:40 a.m. Election of Officers**

- a) (Schwartz-Melby) For nominations to cease and to elect Mr. Bedene as president. Carried.
- b) (Bedene-Schwartz) For nominations to cease and to elect Mr. Steil as Vice president. Carried.
- c) President appointed the following members to KSBMA committees:
  - 1) Investigative Committee: Board Members Bedene & Schwartz
  - 2) Continuing Education Committee: Board Members Cozine & Melby
  - 3) Hearing Committee: Board Members: Cozine, Melby & Steil

The Board congratulated the newly elected officers and appointed committee members.

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**IX. 11:50 a.m. New/Old/Remaining Business/Adjournment**

(Cozine-Bedene) 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 12, 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:

A handwritten signature in black ink, appearing to read "W. L. Cozine", enclosed in a thin black rectangular border.

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

A handwritten signature in black ink, appearing to read "Mack Smith", written in a cursive style.

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