

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

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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 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; Robert J. "Bob" Steil, Consumer, Lawrence. 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 *July Board Meeting*.

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

(Bedene-Schwartz) To adopt the **April 14, 2016 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.

(Cozine-Steil) To adopt the **KSBMA Board Report** presented by Mr. Smith at the 2016 Tri-State Convention on Tuesday, May 9, 2016 at 8:30 a.m. in Overland Park, Kansas to the Kansas delegation. Carried. The report will be displayed on the board's website.

The board reviewed results of the written **funeral directors' examination** administered on **April 14, 2016** noting that **85.7%** (six of seven applicants) were **successful**.

The board reviewed results of the written **assistant funeral directors' examinations** administered from **May** through **July 2016** noting that **66.7%** (six of nine applicants) were successful. Since the law requiring examination for

assistant funeral directors was enacted in 2008, **70.7%** (159 of **225** 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 that nine (9) applicants are scheduled to meet with the board: seven (7) embalmer-funeral director applicants and two (2) funeral director applicants. Following approval by the Board, ten (10) applicants are scheduled to be administered the written funeral director's examination in conjunction with this meeting including one (1) applicant that is re-taking the examination. Mr. Smith said that one apprentice funeral director applicant and one reciprocal funeral director applicant eligible to meet with the Board at this meeting have notified the office that they had conflicts and will meet with the Board at the October meeting. An individual who was granted a reciprocal embalmer license in January 2016 and is now eligible for a reciprocal funeral director license did not submit the paperwork to meet with the Board at this meeting. There has been no indication if he will do so in the future.

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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 June 15, 2016 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:**

The Investigative Committee (IC) reported that they closed sixteen (16) complaints with ten (10) complaints open at this time.

Due to an increased number of complaints and inquiries involving a lack of communication between funeral homes and consumers, the Board directed Mr. Smith to draft a letter to be sent to funeral homes in an effort to bring this on-going problem to their attention.

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**IV. Legislative Report**

**Final KSBMA Legislative Report**—Executive Secretary Smith provided the final report that contains more than fifty (50) bills that involve state government, state employees, the funeral industry or the KSBMA and/or employees of the KSBMA.

**House Bill 2660**—Would require that licensees be notified when special revenue (fee) funds are transferred (swept) to the state general fund (SGF.) The bill passed the House 123-0 but was not worked in the Senate Ways and Means Committee.

**House Bill 2677**—Limiting the ability of a licensing board to deny a license or application for license based on a prior conviction not directly related to the licensed occupation. The bill was not worked in the House Committee on Corrections and Juvenile Justice.

**House Bill 2739** was approved by Governor Brownback and became law July 1, 2016. The bill does a number of things, including changing how state agencies (including the KSBMA) will put together their budgets (in new section one.) The bill also allows for an allotment of funds (section four) by the secretary of administration. Mr. Smith will attend training on this revised process later this month. The revised budget process will result in performance budgeting using outcome measures to evaluate program effectiveness—a process similar to what the KSBMA currently utilizes.

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**V. Board Business:**

- 1) (Bedene-Melby) To approve the **quarterly lists of continuing education** and the updated **informational booklet**. 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 Certification Programs*. These items are regularly updated and are available on the board's web site.
- 2) (Melby-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 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 eleven (11) assistant funeral director licenses, one (1) crematory operator license, four (4) 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 seven (7) embalmer licenses and eight (8) funeral director licenses for license renewals due through June 30, 2016. The board reviewed the following lists of information for the quarter: **Changes in Funeral Home and Crematory Ownership** containing three (3) funeral homes and no (0) crematories, and **Closed Funeral Homes and Crematories** with four (4) funeral homes and no (0) crematories.
- 3) (Cozine-Steil) To approve the **FY 2016 fourth quarter (April 1-June 30, 2016) report** of KSBMA Funeral Home-Crematory Inspector Francis F. Mills. Carried. 166 inspections were conducted during the fourth quarter of FY 2016 with only one (1) violation noted. 6,726 miles were traveled involving visits to sixty-three (63) counties. (Steil-Melby) To approve the **FY 2016 final (July 1-June 30, 2016) report** of KSBMA Funeral Home-Crematory Inspector Francis F. Mills. Carried. 799 inspections were

- conducted during FY 2016 with seventeen (17) violations noted. 7,486 miles were traveled involving visits to 229 counties.
- 4) Reviewed the **current roster of apprentice embalmers and funeral directors**. A total of thirty-five (35) apprentices are currently registered with the board, including: sixteen (16) embalmer-funeral director apprentices, one (1) embalmer apprentice and eighteen (18) funeral directors.
  - 5) Discussion of articles/information 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 date**: October 13.
  - 7) (Bedene-Melby) To approve the following **Board meeting dates for 2017**: January 12, April 13, July 13 and October 12. Carried.
  - 8) The board signed travel vouchers.
  - 9) Documentation from the April 14, 2016 Board Meeting was provided including an Order approving an assistant funeral director application.
  - 10) Board members turned in their **Kansan Long Distance Calling Cards** as the program was discontinued as of June 1, 2016

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

- 1) **Budget Information**—The Board reviewed and discussed their FY 2016 & FY 2017 Budgets which were approved by the 2015 Kansas Legislature and the Governor. No additional funds were requested.
  - a) **FY 2016** (July 1, 2015–June 30, 2016) Of an approved budget limitation of \$306,862, \$268,838 (12.5%) was spent leaving a savings/balance of \$38,024 which will automatically be placed in the Mortuary Arts Fee Fund for future approved expenditures and should help when the Board has to consider any future fee increases.
  - b) **FY 2017** (July 1, 2016–June 30, 2017) A budget of \$317,503 (down \$1,141 from \$318,644) was approved by the Legislature and Governor.
  - c) **FY 2018** and **FY 2019** Budget Requests—Agency budget requests are due to be submitted to the Division of the Budget (DOB) by September 15, 2016. Mr. Smith discussed the budget process, the new budget format mandated by the Legislature and fielded questions of the Board. Mr. Smith will attend a training class on the new budget format later this month.
- 2) Information regarding the **International Conference of Funeral Service Examining Boards (ICFSEB)**:
  - a) The April 2016 Conference Update was provided.
  - b) FARB's Model for Identifying and Addressing Antitrust Issues as provided through the ICFSEB.
  - c) The Conference's Model Application for Funeral Service was reviewed and discussed.
  - d) The May Conference Update was provided.
  - e) Reviewed and discussed the Conference Model Practice Act for Funeral Service.
  - f) The *Spring 2016 Edition of the Conference Report* newsletter was provided.
  - g) *National Board Examination (NBE) results* for the time frame of

- January through April 30 and May 31, 2016 were provided and discussed.
- h) Mr. Smith is scheduled to attend an ICFSEB Board Meeting in September.
- 3) No new information from the **Council on Licensure, Enforcement and Regulation (CLEAR)** was provided/discussed.
  - 4) Update information from the **Federation of Associations of Regulatory Boards (FARB)**:
    - a) FARB's Model for Identifying and Addressing Antitrust Issues was provided.
  - 5) Updated information for the **Kansas Funeral Directors and Embalmers Association (KFDA)**:
    - a) The *2016 Tri-State* Convention was discussed.
    - b) The **2016 Fall District Meetings**—If invited and his schedule permits, Mr. Smith will present a Board Update at these meetings. Mr. Mills will attend a meeting if his schedule permits.
    - c) The May 2016 edition of the KFDA Journal was discussed.
    - d) The June 2016 edition of the KFDA Journal was discussed.
  - 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 with assistance from the Office of Information Technology Services (OITS.) Christine Griffie, Applications Developer/Professional Services, is no longer with OITS, so website assistance is now being provided by Cole Robison.
  - 7) Update information from the **National Funeral Directors Association (NFDA)**:
    - a) The 2016 NFDA International Convention & Expo is scheduled for October 23-26, 2016 in Philadelphia, Pennsylvania. Kansas funeral director Ashley Cozine, son of KSBMA President Bill Cozine, is scheduled to be installed the NFDA President.
  - 8) No new information from the **Federal Trade Commission (FTC)** regarding the **FTC Funeral Rule** was provided/discussed.
  - 9) No new information from the **American Board of Funeral Service Education (ABFSE)** was provided/discussed.
  - 10) No new information from **Cremation Society of North America (CANA)** was provided/discussed.
  - 11) information from the **Funeral Consumer's Alliance (FCA)**:
    - a) Spring 2016 newsletter was provided.
  - 12) No new information from the **Funeral Consumer's Alliance of Greater Kansas City (FCA-GKC)** was provided.
  - 13) No new information from **Funeral Ethics Organization (FEO)** was provided/discussed.
  - 14) Information from the **Kansas Department of Health and Environment (KDHE), Office of Vital Statistics (OVS)** was provided.
    - a) **KAR 28-17-11** was revoked, and **KAR 28-17-20** was amended and included changes extending the time frame for corrections/amendments to death certificates from six to twelve months before requiring a court order.

- 15) **Kansas City Kansas Community College (KCKCC) Mortuary Science Program:**
  - a) Mr. Smith met with KCKCC Mortuary Science Director Wiley Wright in conjunction with the Tri-State Convention held at the Overland Park Convention Center on May 9, 2016 and again on July 11, 2016 in Kansas City, Kansas.
- 16) No new information was provided from the **Kansas Mass Fatality Planning Task Force**.
- 17) No new information from **Kansas Ebola Preparedness and Response Plan** was provided or discussed.
- 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 by the State of Kansas for state agencies.
- 19) (Bedene-Schwartz) To purchase individual **email addresses for all Board members**. Carried. The current cost of doing this is \$18.24 per account per month for a total of \$1,094.40—a cost that generally increases each year.
- 20) Updated information from the Kansas Public Employees Retirement System (KPERS) was discussed. In May 2016, KPERS updated their *Funeral Planning and KPERS \$4,000 Retiree Death Benefit* and their *\$4,000 Retiree Death Benefit Funeral Establishment Designation or Assignment Policy* informational brochures that have been linked on the KSBMA web site.
- 21) Mr. Smith discussed the **Non-Cabinet Agency Heads Meetings**. He was unable to attend the April meeting as it was held on the same day as the KSBMA Board Meeting. The next meeting is scheduled for Thursday, October 27, 2016. The meeting scheduled for July 21, 2016 has been canceled.

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

**Embalmer-Funeral Director Applicant: Ms. Martha M. Aponte**

(Schwartz-Cozine) To grant an embalmer license upon completion of apprenticeship and payment of an initial license fee of \$126.00 and to grant a funeral director license upon completion of apprenticeship and passing of the written funeral directors' examination, which will be administered later today and payment of an initial license fee of \$36.00. Carried. With continuous employment, Ms. Aponte is scheduled to complete her apprenticeships on August 19, 2016 at Penwell-Gabel Funeral Home & Crematory Johnson Chapel in Junction City, Kansas. Once issued, the renewal date for the licenses would be January 31, 2018. Ms. Aponte was awarded an Associate of Applied Science Degree in Mortuary Science at Kansas City Kansas Community College in Kansas City, Kansas.

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**Embalmer-Funeral Director Applicant: Ms. Amy M. Roe**

(Melby-Bedene) To grant an embalmer license upon payment of an initial license fee of \$84.00 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 \$24.00. Carried. Ms. Roe completed her apprenticeships on June 19, 2016 at Amos Family Funeral Home & Crematory in Shawnee, Kansas. Once issued, the renewal date for the licenses would be June 30, 2017. Ms. Roe was awarded an Associate of Applied Science Degree in Mortuary Science at Kansas City Kansas Community College in Kansas City, Kansas. Ms. Roe is now employed at McGilley State Line Chapel in Kansas City, Missouri.

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Board Member Bedene left the meeting.

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**Embalmer-Funeral Director Applicant: Mr. Schyler D. McClain**

(Melby-Schwartz) To grant an embalmer license upon completion of apprenticeship and payment of an initial license fee of \$49.00 and to grant a funeral director license upon completion of apprenticeship, passing of the written funeral directors' examination, which will be administered later today and payment of an initial license fee of \$14.00. Carried. With continuous employment, Mr. McClain is scheduled to complete his apprenticeships on July 30, 2016 at Wenberg Funeral Home in Beaver City, Nebraska. Once issued, the renewal date for the licenses would be January 31, 2017. Mr. McClain was awarded an Associate of Applied Science Degree in Mortuary Science at Kansas City Kansas Community College in Kansas City, Kansas.

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**Embalmer-Funeral Director Applicant: Ms. Shannon M. Price**

(Cozine-Melby) To grant an embalmer license upon payment of an initial license fee of \$70.00 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 \$20.00. Carried. Ms. Price completed her apprenticeships on June 22, 2016 at Cochran Mortuary in Wichita, Kansas. Once issued, the renewal date for the licenses would be April 30, 2017. Ms. Price was awarded an Associate of Applied Science Degree in Mortuary Science at Kansas City Kansas Community College in Kansas City, Kansas.

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**Embalmer-Funeral Director Applicant: Ms. Taylor R. Schinstock**

(Schwartz-Steil) To grant an embalmer license upon payment of an initial license fee of \$91.00 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 \$26.00. Carried. Ms. Schinstock completed her apprenticeships on July 9, 2016 at Tibbetts-Fischer Funeral Home in Belleville, Kansas. Once issued, the renewal date for the licenses would be July 31, 2017. Ms. Schinstock was awarded a Bachelor of Science Degree in Funeral Service at the University of Central Oklahoma in Edmond, Oklahoma.

**Embalmer-Funeral Director Applicant: Mr. Joseph “Joe” W. Shelley**

(Melby-Schwartz) To grant an embalmer license upon payment of an initial license fee of \$91.00 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 \$26.00. Carried. Mr. Shelley completed his apprenticeships on June 26, 2016 at Shelley Family Funeral Home in Winfield, Kansas. Once issued, the renewal date for the licenses would be July 31, 2017. Mr. Shelley was awarded an Associate of Applied Science Degree in Mortuary Science at Kansas City Kansas Community College in Kansas City, Kansas.

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**Embalmer-Funeral Director Applicant: Ms. Denise R. Teele**

(Schwartz-Melby) 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 the written funeral directors' examination, which will be administered later today, completion of fifth quarter apprenticeship reports (by both the apprentice and her supervising licensed funeral director) and payment of an initial license fee of \$24.00. Carried. With continuous employment, Ms. Teele is scheduled to complete her embalming apprenticeship on August 10, 2016 and her funeral directors' apprenticeship on September 21, 2016 at Denver Mortuary Service and Olinger Crown Hill Mortuary in Wheat Ridge, Colorado. Once issued, the renewal date for the licenses would be August 31, 2017. Ms. Teele was awarded an Associate of Applied Science Degree in Mortuary Science at Arapahoe Community College in Littleton, Colorado.

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**Funeral Director Applicant: Mr. Gary D. Getting**

(Schwartz-Cozine) 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 \$228.00. Carried. With continuous employment, Mr. Getting is scheduled to complete his funeral directing apprenticeship on August 3, 2016 at Elliott Mortuary in Hutchinson, Kansas. Once issued, the renewal date for the license would be July 31, 2018. Mr. Getting was awarded a Bachelor of Arts Degree in Religion at Friend's Bible College in Haviland, Kansas.

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**Funeral Director Applicant: Ms. Sonja R. A. Reiser**

(Cozine-Melby) 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 \$24.00. Carried. Ms. Reiser completed her funeral directing apprenticeship on May 28, 2016 at Elliott Mortuary in Hutchinson, Kansas. Once issued, the renewal date for the license would be June 30, 2017. Ms. Reiser was awarded a Bachelor of Science in Business Degree in Business Administration at Emporia State University in Emporia, Kansas.

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Board Member Bedene re-entered the meeting.

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Assistant Attorney General Lisa Mendoza entered the meeting.

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The Board recessed.

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The Board reconvened.

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**VIII. 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-Melby) 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) (Steil-Melby) For purposes of KAPA that Board Members Bedene and Schwartz will serve on the Investigative Committee (IC) as presiding officers with Member Melby as an alternative member. Carried.
  - b) Hearing Committee appointments: Bill Cozine, Bob Steil and Steve Melby
  - c) Continuing Education Committee appointments: Bill Cozine & Steve Melby

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**IX. 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, October 13, 2016.

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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.

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Respectfully submitted:



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William L. Cozine, President  
Thursday, October 13, 2016

(Date)



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Mack Smith, Executive Secretary  
Thursday, October 13, 2016

(Date)