

**KANSAS STATE BOARD OF MORTUARY ARTS
700 SW JACKSON, SUITE #904
TOPEKA, KANSAS**

The Board Meeting of Thursday, January 9, 2020

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 9, 2020:

- I. The regularly scheduled meeting of the Kansas State Board of Mortuary Arts (KSBMA) was called to order by President Boomhower.

Roll call by Executive Secretary Mack Smith found the following board members in attendance: President Craig Boomhower, Garden City, Licensee; Vice President Barry W. Bedene, Arma, Licensee; Amy Elliott, Lenexa, Consumer; Robert J. "Bob" Steil, Lawrence, Consumer, and Bridgette A. Tinsley, Salina, Licensee. Executive Secretary Mack Smith was 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 *Upcoming Meetings*.

Assistant Attorney General Jan Arndt entered the meeting.

(Elliott-Steil) To approve a final agenda for this meeting. Carried.

(Bedene-Tinsley) To adopt the October 10, 2019 regularly scheduled board meeting minutes. Carried. These minutes will be signed by President Boomhower and Executive Secretary Smith, then displayed on the board's website.

The board reviewed results of the written funeral directors' examination administered on October 10, 2019 noting that 80% (four of five applicants) were successful.

The board reviewed results of the written assistant funeral directors' examinations administered from November 2019 through January 2020 noting that 50% (five of ten applicants) were successful. 66.8% (225 of 337 examinees) have passed the examination since the requirement became law 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 six (6)

applicants are scheduled to meet with the board: one (1) embalmer-funeral director applicant, one (1) embalmer applicant, one (1) funeral director applicant, two (2) reciprocal embalmer-funeral director applicants and one (1) reciprocal embalmer applicant. Following approval by the Board, five (5) applicants are scheduled to be administered the written funeral directors' examination in conjunction with this meeting—including one (1) retake applicant.

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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 that were due December 15, 2019 were summarized by the executive secretary with copies of the individual reports available for board members to review.

III. **Investigative Committee (IC) Report:**

Three (3) files were closed with seven (7) files remaining open at this time.

IV. **2020 Kansas Legislative Session Information:**

- 1) The Board reviewed and discussed proposed updates to existing crematory operator statutes. These statutes were reviewed by Mr. Smith, Ms. Arndt and Litigation Attorney Lisa Mendoza before presenting to the Board. The Board decided to wait on introducing this legislation at a future legislative session.
- 2) Senate Bill 244—pre-filed for introduction and would sunset state agency regulations after a specific time-frame without Legislative approval was provided.
- 3) Revised Uniform Vital Statistics Act; a proposed bill was reviewed.

V. **Board Business:**

- 1) (Bedene-Tinsley) To approve the quarterly lists of continuing education. Carried. Lists approved were: Scheduled (On-Site) Programs (Listing by Date of Program from the KSBMA web site), Ongoing Programs, Home-Study/Correspondence Programs and the list of Crematory Operator Programs. These items are updated regularly and are available on the board's website.
- 2) (Tinsley-Steil) To approve the list of lapsed licenses as amended. 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 or 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 eight (8) assistant funeral director licenses, two (2)

crematory operator licenses, three (3) embalmer licenses 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 on death certificates. The board reviewed the amended 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 amended list includes two (2) embalmer licenses, three (3) funeral director licenses and five (5) crematory operator licenses for license renewals due through December 31, 2019. The board reviewed the following lists of information for the quarter: Changes in Funeral Home and Crematory Ownership with one (1) funeral establishment, one (1) branch establishment and one (1) crematory that changed ownership this quarter. The list of Closed Funeral Homes and Crematories to report this quarter consists of two (2) funeral homes.

- 3) (Bedene-Tinsley) To approve the FY 2020 Second Quarter Report (October 1–December 31, 2019) of KSBMA Funeral Home-Crematory Inspector Francis F. Mills. Carried. 204 inspections were conducted during the 2nd quarter of FY 2020 with one (1) violation noted and 6,042 miles traveled involving visits to 55 counties.
- 4) The Board reviewed the current roster of apprentice embalmers and funeral directors. A total of sixteen (16) apprentices are currently registered with the board, including: nine (9) embalmer-funeral director apprentices, three (3) embalmers and four (4) funeral director apprentices.
- 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 regarding articles on a wide range of subjects, including: disciplinary action against a Mississippi funeral home for switching caskets, cemeteries as a source of life, board information, cremation and the environment, closed out-of-state funeral homes, a football player with a family in funeral service, civil lawsuit/criminal charges against an individual operating a business conducting autopsies, articles on a recent Attorney General Opinion and subject material contained within, preneed civil action vs. two California funeral related businesses, Heritage Cremation Providers, and an article pertaining to embalming.
- 6) Remaining Board meeting dates for 2020 are: April 9, July 9 and October 8.
- 7) Attorney General Opinion #2019-9 involving a proposed process of disposition was discussed.

VI. Executive Secretary's Report:

- 1) Updated Budget Information:
 - a) FY 2020 (July 1, 2019–June 30, 2020) The expenditure limitation approved by the Division of the Budget (DOB) is \$325,858.
 - b) FY 2021 (July 1, 2020–June 30, 2021) The amount approved by the Division of the Budget (DOB) is \$325,571.
 - c) Performance Based Budgeting (PBB)—Nothing new to report at this time.

- 2) Information regarding the International Conference of Funeral Service Examining Boards (ICFSEB):
 - a) 2019 Monthly NBE Results were provided and discussed.
 - b) The Board reviewed the *Model Application* document currently being reviewed by membership of the ICFSEB. It will be considered for approval at the upcoming Annual Meeting.
 - c) Mr. Smith will represent the KSBMA at the upcoming ICFSEB Annual Convention.
- 3) There was no new information to report from the Council on Licensure, Enforcement and Regulation (CLEAR).
- 4) There was no new information regarding the Federation of Associations of Regulatory Boards (FARB).
- 5) Information from the Kansas Funeral Directors Association (KFDA):
 - a) The Board reviewed the September/October 2019 edition of the KFDA Journal.
 - b) The Board reviewed the November/December 2019 edition of the KFDA Journal.
 - c) Embalming Seminar—to be held in Salina on January 16, 2020. Inspector Mills and Mr. Smith have registered to attend—as schedules permit.
- 6) The KSBMA's website, located at <http://ksbma.ks.gov/>, is regularly updated by the KSBMA's administrative staff.
- 7) There was no new information to report from the National Funeral Directors Association (NFDA).
- 8) There was no new information to report from the Federal Trade Commission (FTC) regarding the FTC Funeral Rule.
- 9) There was no new information to report from the American Board of Funeral Service Education (ABFSE.)
- 10) There was no new Information to report from the Cremation Society of North America (CANA.)
- 11) Information from the Funeral Consumer's Alliance (FCA):
 - a) The Fall 2019 Newsletter was provided.
- 12) Information from the Funeral Consumer's Alliance of Greater Kansas City (FCA-GKC):
 - a) The FCA Fall 2019 Report was provided.
- 13) There was no new information from the Kansas Department of Health and Environment (KDHE), Office of Vital Statistics (OVS).
- 14) Information from the Mortuary Science Program at Kansas City Kansas Community College (KCKCC)
 - a) Mr. Smith met with KCKCC Mortuary Science Director Wiley Wright on Thursday, November 14, 2019 in Topeka for a general discussion on related issues. There are nine (9) projected graduates in the 2019 Fall Class with nineteen (19) projected to graduate with the 2020 Spring Class. Board Members Boomhower and Bedene expressed an interest in meeting with Director Wright in the future and a tour of the facility at KCKCC—something that Mr. Smith passed on to Mr. Wright.
- 15) There was no new information from the Kansas Mass Fatality Planning Task Force.
- 16) 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—including the KSBMA.

- 17) Information from the Non-Cabinet Agency Heads Meeting held on Thursday, November 7, 2019 was provided and discussed. The meeting was facilitated by Allison Conklin, Human Resources Manager, Office of Personnel Services. Presenters at the meeting included: Scott Allegrucci, Director of Appointments; Dena Sattler, Director of Public Affairs; Dr. DeAngela Burns-Wallace, Acting Secretary of Administration; Joyce Gunter, Director, Office of Accounts and Reports; Sunni Zentner, Manager, Statewide Accounting, Accounts and Reports; Larry Campbell, Director of the Budget; Deb Miller, Director, Kansas University Public Management Center, and Travis White, Chairperson, Information Security Officer for Non-Cabinet Agencies.
- 18) Governor's Inaugural Cybersecurity Summit for Executives 2019 information was discussed.
- 19) A copy of the updated rule book containing laws effective January 1, 2020 was distributed.

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

Reciprocal (Missouri) Embalmer-Funeral Director Applicant: Mr. Shawn E. Greiser

(Tinsley-Steil) To grant a reciprocal embalmer license upon payment of an initial license fee of \$49.00 and 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 \$66.50. Carried. Mr. Greiser received an Associate in Applied Science Degree in Mortuary Science at Kansas City Kansas Community College in Kansas City, Kansas and passed the National Board Examination (NBE) administered by the International Conference of Funeral Service Examining Boards (ICFSEB.) He is employed at Resthaven Mortuary in Wichita, Kansas.

Reciprocal (Georgia) Embalmer Applicant: Mr. James L. "Jamie" Hendrix

(Bedene-Steil) To grant a reciprocal embalmer license upon payment of an initial license fee of \$60.00. Carried. Mr. Hendrix was awarded an Associate of Science Degree at Gupton-Jones College of Funeral Service located in Decatur, Georgia and passed the National Board Examination (NBE) administered by the International Conference of Funeral Service Examining Boards (ICFSEB.) He is employed at Resthaven Mortuary in Wichita, Kansas.

Embalmer Applicant: Ms. Jena A. Ortega

(Steil-Elliott) To grant an embalmer license upon payment of an initial license fee of \$105.00. Carried. Ms. Ortega completed her embalmer apprenticeship on January 9, 2020 at Penwell-Gabel Cremations, Funerals and Receptions (Mid-Town Chapel) located in Topeka, Kansas. Once issued, the renewal date for the license would be March 31, 2021. Ms. Ortega earned an Associate of Applied

Science Degree in Mortuary Science at Kansas City Kansas Community College in Kansas City, Kansas and passed the National Board Examination (NBE) administered by the International Conference of Funeral Service Examining Boards (ICFSEB.) She was granted a Kansas funeral director license on July 18, 2019.

Funeral Director Applicant: Ms. Darica D. Bohnert

(Tinsley-Steil) 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 \$230.00. Carried. With continuous employment, Ms. Bohnert is scheduled to complete her funeral director apprenticeship on January 22, 2020 at Chaput-Buoy Funeral Home located in Concordia, Kansas. Once issued, the renewal date for the license would be February 28, 2022. Ms. Bohnert earned an Associate in Applied Science Degree at Kansas City Kansas Community College (KCKCC) located in Kansas City, Kansas.

Embalmer-Funeral Director Applicant: Ms. Tammara A. "Tami" Roberts

(Tinsley-Elliott) To grant an embalmer license upon completion of apprenticeship and payment of an initial license fee of \$119.00 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 \$34.00. Carried. With continuous employment, Ms. Roberts is scheduled to complete her embalmer and funeral director apprenticeships on January 22, 2020 at Roberts Family Funeral Service located in Beloit, Kansas. Ms. Roberts was granted an Advanced Standing Diploma at Des Moines Area Community College (DMACC) Mortuary Science program located in Des Moines, Iowa and passed the National Board Examination (NBE) administered by the International Conference of Funeral Service Examining Boards (ICFSEB.)

Reciprocal (Oklahoma) Embalmer-Funeral Director Applicant: Mr. Shannon Dewayne Powell

(Steil-Tinsley) To grant a reciprocal embalmer license upon payment of an initial license fee of \$112.00 and 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. Mr. Powell was granted a Bachelor of Science Degree in Funeral Service at the University of Central Oklahoma (UCO) located in Edmond, Oklahoma and passed the National Board Examination (NBE) administered by the International Conference of Funeral Service Examining Boards (ICFSEB.) He is employed at Dove Cremations and Funerals in Topeka, Kansas and is currently an assistant funeral director.

(Tinsley-Elliott) For the Board to recess into executive session with Executive Secretary Smith and reconvene the open meeting at 12:00 p.m. The subject to be discussed in the executive session is a personnel matter involving a job performance matter with Executive Secretary Smith to protect the personal interest of the employee. Carried.

At 12:00 p.m. the Board reconvened the open meeting.

Mr. Steil, Mr. Bedene and Mr. Boomhower will serve on a hiring committee with assistance from Mr. Smith to replace the executive secretary who will be retiring later this year.

VIII. New/Old/Remaining Business/Adjournment

(Steil-Tinsley) 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 9, 2020.

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:



Craig Boomhower, President
Thursday, April 9, 2020
(Date)



Mack Smith, Executive Secretary
Thursday, April 9, 2020
(Date)