

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

**The Board Meeting of Wednesday-Thursday, May 6-7, 2020
(rescheduled from April 9, 2020)
Senate Room, Jayhawk Tower Building**

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.

Wednesday, May 6, 2020:

The meeting of the Kansas State Board of Mortuary Arts (KSBMA) was called to order by President Boomhower. Due to the pandemic/COVID-19, this meeting was rescheduled from the regularly scheduled date of Thursday, April 9, 2020.

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; Robert J. "Bob" Steil, Lawrence, Consumer, and Bridgette A. Tinsley, Salina, Licensee. Executive Secretary Mack Smith and Assistant Attorneys General Jan Arndt and Lisa Mendoza were also in attendance. Consumer Board Member Amy Elliott, Lenexa, had a conflict and was not able to be present.

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*.

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

(Bedene-Steil) Pursuant to K.S.A. 75-4319(b)(1), for the Board to recess into Executive Session for forty-five (45) minutes and reconvene the meeting at 9:47 a.m. in the Senate Room, Lobby Level at the Jayhawk Towers, 700 SW Jackson Street, Topeka, Kansas. The justification is a personnel matter of non-elected personnel in order to protect the privacy of the parties. The subject of the Executive Session concerns the applicants and interviews for the position of the Board's Executive Secretary. I further move that the following individuals join the Executive Session: Mack Smith, the Board's Executive Secretary; Assistant Attorneys General Janet Arndt and Lisa Mendoza and candidate number one (1). Carried.

The meeting reconvened at 9:47 a.m.

(Tinsley-Steil) Pursuant to K.S.A. 75-4319(b)(1), for the Board to recess into Executive Session for forty-five (45) minutes and reconvene the meeting at 10:32 a.m. in the Senate Room, Lobby Level at the Jayhawk Towers, 700 SW Jackson Street, Topeka, Kansas. The justification is a personnel matter of non-elected personnel in order to protect the privacy of the parties. The subject of the Executive Session concerns the applicants and interviews for the position of the Board's Executive Secretary. I further move that the following individuals join the Executive Session: Mack Smith, the Board's Executive Secretary; Assistant Attorneys General Janet Arndt and Lisa Mendoza and candidate number one (1). Carried.

The meeting reconvened at 10:32 a.m.

The Board recessed for lunch.

(Bedene-Steil) Pursuant to K.S.A. 75-4319(b)(1), for the Board to recess into Executive Session for sixty (60) minutes and reconvene the meeting at 1:52 p.m. in the Senate Room, Lobby Level at the Jayhawk Towers, 700 SW Jackson Street, Topeka, Kansas. The justification is a personnel matter of non-elected personnel in order to protect the privacy of the parties. The subject of the Executive Session concerns the applicants and interviews for the position of the Board's Executive Secretary. I further move that the following individuals join the Executive Session: Mack Smith, the Board's Executive Secretary; Assistant Attorneys General Janet Arndt and Lisa Mendoza and candidate number two (2). Carried.

Consumer Board Member Amy Elliott entered the meeting.

The meeting reconvened at 1:51 p.m.

(Bedene-Steil) Pursuant to K.S.A. 75-4319(b)(1), for the Board to recess into Executive Session for five (5) minutes and reconvene the meeting at 1:58 p.m. in the Senate Room, Lobby Level at the Jayhawk Towers, 700 SW Jackson Street, Topeka, Kansas. The justification is a personnel matter of non-elected personnel in order to protect the privacy of the parties. The subject of the Executive Session concerns the applicants and interviews for the position of the Board's Executive Secretary. I further move that the following individuals join the Executive Session: Mack Smith, the Board's Executive Secretary; Assistant Attorneys General Janet Arndt and Lisa Mendoza and candidate number two (2). Carried.

The meeting reconvened at 1:58 p.m.

(Bedene-Steil) Pursuant to K.S.A. 75-4319(b)(1), for the Board to recess into Executive Session for sixty (60) minutes and reconvene the meeting at 3:08 p.m. in the Senate Room, Lobby Level at the Jayhawk Towers, 700 SW Jackson Street, Topeka, Kansas. The justification is a personnel matter of non-elected personnel in order to protect the privacy of the parties. The subject of the Executive Session concerns the applicants and interviews for the position of the Board's Executive Secretary. I further move that the following individuals join the

Executive Session: Mack Smith, the Board's Executive Secretary; Assistant Attorneys General Janet Arndt and Lisa Mendoza and candidate number three (3). Carried.

The meeting reconvened at 3:08 p.m.

The Board recessed.

Thursday, May 7, 2020:

I. The Board reconvened the meeting.

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 and Assistant Attorney General Jan Arndt were also in attendance.

(Bedene-Tinsley) To adopt the January 9, 2020 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.

(Bedene-Tinsley) To adopt the March 25, 2020 board hiring committee minutes. Carried. These minutes will be signed by President Boomhower and Executive Secretary Smith, then displayed on the board's website.

(Bedene-Tinsley) To adopt the April 14, 2020 board hiring committee 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 January 9, 2020 noting that 80% (four of five applicants) were successful.

The board reviewed results of the written assistant funeral directors' examinations administered from February through April 2020 noting that 75% (six of eight applicants) were successful. The April 2020 examination was cancelled due to the COVID-19 Pandemic Stay-at-Home Executive Order by Governor Kelly. 67% (231 of 345 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 four (4) applicants are scheduled to meet with the board: two (2) embalmer-funeral director applicants, one (1) funeral director applicant and one (1) reciprocal embalmer-funeral director 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) applicant who will be retaking the examination.

- 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 March 15, 2020 were summarized by the executive secretary with copies of the individual reports available for board members to review.

(Tinsley-Bedene) To notify an apprentice funeral director and supervising funeral director that due to the apprenticeship report of the supervising funeral director never being filed, it will be necessary for the apprentice to re-serve that quarter of apprenticeship. Carried.

III. Investigative Committee (IC) Report:

The Investigative Committee's meeting was rescheduled for Wednesday, May 13, 2020. Updated information will be provided at a future Board meeting.

IV. 2020 Kansas Legislative Session Information:

- 1) The Board reviewed and discussed the Roster of Legislation being tracked by Executive Secretary Smith. The Kansas Legislature has adjourned until returning on May 21, 2020 for the Veto Session. Some of the bills being tracked by the KSBMA, include:
 - a) Senate Bill 244--would sunset state agency regulations after a specific time-frame without agency justification and Legislative approval.
 - b) Senate Bill 359--would eliminate the \$7,000 maximum on prefinanced funeral agreements.
 - c) Substitute for Senate Bill 366--licensure of military applicants & military spouses.
 - d) Senate Bill 389--adding purposes of sepulture to cemetery definitions.
 - e) Senate Bill 391--right to earn a living act involving licensure.
 - f) House Bill 2199--amending laws involving coroner's permits to cremate, other related requirements & monthly reporting requirements.
 - g) Substitute for House Bill 2506--pertaining to licensure of military veterans and their spouses.
 - h) House Bill 2608--regulating funeral processions and creating a violation for not properly yielding the right-of-way to funeral processions.

V. Board Business:

- 1) (Steil-Bedene) 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 four (4) assistant funeral director licenses, six (6) crematory operator licenses, six (6) embalmer licenses and four (4) 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.
- 3) 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. Due to the Governor's Executive Order #20-19, any license that was in good standing as of March 12, 2020 shall remain valid for 90 days following the termination of the State Disaster Emergency. This amended list includes nineteen (19) embalmer licenses, nineteen (19) funeral director licenses and nine (9) crematory operator licenses for license renewals due through April 30, 2020.
- 4) The board reviewed the following lists of information for the quarter: Changes in Funeral Home and Crematory Ownership with two (2) funeral establishments, and one (1) branch funeral establishment. The list of Closed Funeral Homes and Crematories to report this quarter consists of three (3) funeral homes.
- 5) (Bedene-Steil) To approve the FY 2020 Third Quarter Report (January 1–March 31, 2020) of KSBMA Funeral Home-Crematory Inspector Francis F. Mills. Carried. 160 inspections were conducted during the 3rd quarter of FY 2020 with four (4) violations noted and 6,269 miles traveled involving visits to 61 counties despite being unable to travel since early March.
- 6) The Board reviewed the current roster of apprentice embalmers and funeral directors. A total of nineteen (19) apprentices are currently registered with the board, including: twelve (12) embalmer-funeral director apprentices, two (2) embalmers and five (5) funeral director apprentices.
- 7) 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: the selling of bodies by an out-of-state funeral home, articles involving the pandemic/COVID-19 and an article discussing the labor pool shortage in the funeral profession.
- 8) Remaining Board meeting dates for 2020 are: July 9 and October 8.
- 9) The Board discussed the situation involving continuing education on-site

programs and the following Executive Orders from Kansas Governor Laura Kelly relating to COVID-19:

- a) Executive Order No. 20-03 declaring a local disaster emergency.
 - b) Executive Order No. 20-16 establishing a “stay home” order that also addressed mortuary services and funeral/memorial services.
 - c) Executive Order No. 20-19 extending professional and occupational licenses that were in good standing as of March 12, 2020. Those licenses shall remain valid for ninety (90) days following the termination of the State Disaster Emergency.
 - d) Executive Order No. 20-25 prohibiting mass gatherings of more than ten (10) people that addressed funerals/memorial services.
- 10) Statements of Substantial Interest (SSI) discussion reminding the filing deadline for this annual report of the Kansas Governmental Ethics Commission (GEC.)

VI. Executive Secretary's Report:

- 1) Updated Budget Information:
 - a) Current FY 2020 (July 1, 2019–June 30, 2020) The approved expenditure limitation remains \$325,858 at this time.
 - 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 and 2020 National Board Examination (NBE) Results were reviewed and discussed.
 - b) Mr. Smith provided a report of information discussed at the ICFSEB’s Annual Meeting.
 - c) The April 2020 Conference Report was provided.
 - d) The Executive Secretary discussed the Annual Item Writing Training and Workshop opportunity which will be held virtually this year for the first time.
- 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) Embalming Seminar–Mr. Smith and Mr. Mills attended this seminar held Salina on January 16, 2020. Approximately fifty-five (55) licensees were in attendance. Great interaction with the presenter, Monica H. Torres, with excellent information on cosmetics and restoration provided.
 - b) The Board reviewed the January edition of the KFDA Journal.
 - c) The Board reviewed the February edition of the KFDA Journal.
 - d) The Board reviewed the March-April edition of the KFDA Journal.
 - e) The KFDA Spring Regional Meetings were conducted on March 2-5, 2020. KSBMA Inspector Mills attended the meeting on March 2, 2020 in Mayetta.
- 6) The KSBMA’s website, located at <http://ksbma.ks.gov/>, continues to be regularly updated by the KSBMA’s administrative staff, including:

- a) Updates relating to the COVID-19 (coronavirus) provided on the home page of the KSBMA website have been well received by both licensees and consumers.
- 7) There was no new information to report from the National Funeral Directors Association (NFDA).
 - 8) Information regarding the Federal Trade Commission (FTC) Funeral Rule:
 - a) Information on *Review of the Funeral Rule* was discussed.
 - 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) There was no new Information to report from the Funeral Consumer's Alliance (FCA.)
 - 12) There was no new Information to report from the Funeral Consumer's Alliance of Greater Kansas City (FCA-GKC.)
 - 13) Information from the Kansas Department of Health and Environment (KDHE), Office of Vital Statistics (OVS) (other than legislation previously discussed):
 - a) State Epidemiologist Dr. Lou Saadi is retiring in June of this year.
 - 14) Information regarding the Mortuary Science Program at Kansas City Kansas Community College (KCKCC)
 - a) Wiley Wright, Director of the program is stepping down as director of the Mortuary Science Program at KCKCC in August of 2020. He will remain on staff as an instructor. Instructor Rick Sprick will become the director of the program at that time.
 - 15) Information regarding the Kansas Mass Fatality Planning Task Force
 - a) While this task force continues to review and update protocols currently in place, Executive Secretary Smith participated in a conference call on Thursday, April 30, 2020 with individuals regarding Kansas Mass Fatality Resources. The call was hosted by Dr. Lou Saadi of the Kansas Department of Health and Environment (KDHE) and included representatives from Counties, KDHE, Executive Director Pam Scott of the Kansas Funeral Directors Association (KDHE), Coroners and doctors—to mention just some of the participants. Transportation, storage and final disposition of the dead were some of the topics discussed.
 - 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, January 30, 2020 was provided and discussed. The meeting was facilitated by Allison Conklin, Human Resources Manager, Office of Personnel Services. Presenters at the meeting included: Samir Arif, Director of Public Affairs, Department of Administration (D of A); Cheryl Buxton, Director of Printing & Surplus Property; Larry Campbell, Director & Julia Thomas, Deputy Director, Division of the Budget (DOB), and Secretary Dr. DeAngela Burns-Wallace, Secretary of Administration & Chief Information Technology Office for D of A. A second meeting was held on Thursday, April 30, 2020 with many of the same individuals providing updates involving changes necessary due to COVID-19/ pandemic and effects to the State of Kansas & State agencies.

- 18) Information from two (2) Smaller State Agencies Administrator's Meetings (SSAAM) was provided to the Board by Mr. Smith.

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

Funeral Director Applicant: Ms. Lucy R. DeWitt

(Bedene-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 \$48.00. Carried. Ms. DeWitt completed her funeral director apprenticeship on April 20, 2020 at the Cremation Center of Kansas City located in Roeland Park, Kansas. Once issued, the renewal date for the license would be April 30, 2022. Ms. DeWitt earned a Bachelor of Arts Degree in Mass Communication at Baker University located in Baldwin City, Kansas.

Embalmer-Funeral Director Applicant: Mr. Veryl "Woody" Walstrom

(Tinsley-Elliott) To grant an embalmer license upon payment of an initial license fee of \$133.00 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 \$38.00. Carried. Mr. Walstrom completed his embalmer and funeral director apprenticeships on April 30, 2020 at Kinsley Mortuary located in Marysville, Kansas. Once issued, the renewal date for the licenses would be November 30, 2021. Mr. Walstrom was granted an Associate of Applied Science Degree in Mortuary Science at Worsham College of Mortuary Science located in Wheeling, Illinois and passed the National Board Examination (NBE) administered by the International Conference of Funeral Service Examining Boards (ICFSEB.)

Reciprocal (Illinois) Embalmer- Funeral Director Applicant: Mr. Kyle B. Cookson

(Tinsley-Steil) To grant a reciprocal embalmer license upon payment of an initial license fee of \$161.00, 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 \$218.50. Carried. Once issued, the renewal date for the license would be March 31, 2022. Mr. Cookson received an Associate in Applied Science Degree in Funeral Service Education at St. Louis Community College in St. Louis, Missouri. He will be employed at Johnson Cremations, Funerals and Receptions in Junction City, Kansas.

Embalmer-Funeral Director Applicant: Ms. LaTosha R. West

(Bedene-Steil) 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. West is scheduled to complete her embalmer and funeral director apprenticeships on May 20, 2020 at Garnand Funeral Home located in Garden City, Kansas. Once issued, the renewal date for the licenses would be November 30, 2021. Ms. West was granted an Associate in Applied Science Degree in Funeral Services

at Des Moines Area Community College (DMACC) located in Des Moines, Iowa and passed the National Board Examination (NBE) administered by the International Conference of Funeral Service Examining Boards (ICFSEB.)

The Board recessed for lunch.

- VIII.** (Bedene-Elliott) Pursuant to K.S.A. 75-4319(b)(1), for the Board to recess into Executive Session for sixty (60) minutes and reconvene the meeting at 1:58 p.m. in the Senate Room, Lobby Level at the Jayhawk Towers, 700 SW Jackson Street, Topeka, Kansas. The justification is a personnel matter of non-elected personnel in order to protect the privacy of the parties. The subject of the Executive Session concerns the applicants and interviews for the position of the Board's Executive Secretary. I further move that the following individuals join the Executive Session: Mack Smith, the Board's Executive Secretary; Assistant Attorneys General Janet Arndt and Lisa Mendoza and candidate number four (4). Carried.

Executive Secretary Smith left the meeting at 1:15 p.m. to read instructions to funeral director examinees prior to the administration of the funeral directors' examination which was proctored by Inspector Francis Mills in the Florentine Room of the Jayhawk Tower. He returned at 1:30 p.m.

The meeting reconvened at 1:58 p.m.

(Elliott-Tinsley) Pursuant to K.S.A. 75-4319(b)(1), for the Board to recess into Executive Session for thirty (30) minutes and reconvene the meeting at 2:51 p.m. in the Senate Room, Lobby Level at the Jayhawk Towers, 700 SW Jackson Street, Topeka, Kansas. The justification is a personnel matter of non-elected personnel in order to protect the privacy of the parties. The subject of the Executive Session concerns the applicants for the position of the Board's Executive Secretary. I further move that the following individuals join the Executive Session: Mack Smith, the Board's Executive Secretary; Assistant Attorneys General Janet Arndt and Lisa Mendoza. Carried.

The meeting reconvened at 2:51 p.m.

(Tinsley-Steil) Pursuant to K.S.A. 75-4319(b)(1), for the Board to recess into Executive Session for ten (10) minutes and reconvene the meeting at 3:01 p.m. in the Senate Room, Lobby Level at the Jayhawk Towers, 700 SW Jackson Street, Topeka, Kansas. The justification is a personnel matter of non-elected personnel in order to protect the privacy of the parties. The subject of the Executive Session concerns the applicants for the position of the Board's Executive Secretary. I further move that the following individuals join the Executive Session: Mack Smith, the Board's Executive Secretary; Assistant Attorneys General Janet Arndt and Lisa Mendoza. Carried.

The meeting reconvened at 3:01 p.m.

(Tinsley-Steil) Pursuant to K.S.A. 75-4319(b)(1), for the Board to recess into Executive Session for ten (10) minutes and reconvene the meeting at 3:12 p.m. in the Senate Room, Lobby Level at the Jayhawk Towers, 700 SW Jackson Street, Topeka, Kansas. The justification is a personnel matter of non-elected

personnel in order to protect the privacy of the parties. The subject of the Executive Session concerns the applicants for the position of the Board's Executive Secretary. I further move that the following individuals join the Executive Session: Mack Smith, the Board's Executive Secretary; Assistant Attorneys General Janet Arndt and Lisa Mendoza. Carried.

The meeting reconvened at 3:12 p.m.

(Elliott-Steil) Pursuant to K.S.A. 75-4319(b)(1), for the Board to recess into Executive Session for ten (10) minutes and reconvene the meeting at 3:25 p.m. in the Senate Room, Lobby Level at the Jayhawk Towers, 700 SW Jackson Street, Topeka, Kansas. The justification is a personnel matter of non-elected personnel in order to protect the privacy of the parties. The subject of the Executive Session concerns the applicants for the position of the Board's Executive Secretary. I further move that the following individuals join the Executive Session: Mack Smith, the Board's Executive Secretary; Assistant Attorneys General Janet Arndt and Lisa Mendoza. Carried.

The meeting reconvened at 3:25 p.m.

IX. New/Old/Remaining Business/Adjournment

(Bedene-Steil) To adjourn—subject to recall by the president, vice president or executive secretary. Carried. A Special Board Meeting was scheduled for Wednesday, May 13, 2020. The date of the next regularly scheduled board meeting is Thursday, July 9, 2020.

Respectfully submitted:



Craig Boomhower, President
Thursday, July 23, 2020
(Date)



Mack Smith, Executive Secretary
Thursday, July 23, 2020
(Date)