

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

**The Board Meeting of Thursday, July 23, 2020
(rescheduled from July 9, 2020)
Florentine 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.

Thursday, July 23, 2020:

- I. The 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; Robert J. "Bob" Steil, Lawrence, Consumer; Bridgette A. Tinsley, Salina, Licensee; and Amy Elliott, Lenexa, Consumer. Executive Secretaries Mack Smith and J.W. Carey and Assistant Attorneys General Jan Arndt and Jane Weiler were also in attendance.

J.W. Carey was introduced as the new Executive Secretary to the Board. His first day was July 13, 2020, and he will work with Mr. Smith until Mr. Smith retires on September 4, 2020.

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*.

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

(Steil-Tinsley) To adopt the May 6-7, 2020 regularly rescheduled board meeting minutes. Carried. These minutes will be signed by President Boomhower and Executive Secretary Smith, then displayed on the board's website.

(Steil-Tinsley) To adopt the May 13, 2020 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 May 7, 2020 noting that 100% (all five applicants) were successful.

The board reviewed results of the written assistant funeral directors' examinations administered in June and July 2020 noting that 57% (four of seven applicants) were successful. 66.8% (235 of 352 examinees) have passed the examination since the examination 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 three (3) applicants are scheduled to meet with the board: two (2) embalmer-funeral director applicants and one (1) reciprocal embalmer-funeral director applicant. Following approval by the Board, three (3) applicants are scheduled to be administered the written funeral directors' examination in conjunction with this meeting.

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

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

Ten (10) files were closed with eight (8) files remaining open at this time.

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

- 1) The Board reviewed and discussed the Final Roster of Legislation tracked by Executive Secretary Smith.
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. The bill died in committee.
 - b) Senate Bill 359—would eliminate the \$7,000 maximum on prefinanced funeral agreements. The bill died in committee.
 - c) Substitute for Senate Bill 366—licensure of military applicants & military spouses. The substitute bill was stricken from the Senate Calendar.
 - d) Senate Bill 389—adding purposes of sepulture to cemetery definitions. The bill died in committee.
 - e) Senate Bill 391—right to earn a living act involving licensure. The bill died in committee.
 - f) House Bill 2199—amending laws involving coroner's permits to cremate, other related requirements & monthly reporting requirements. Passed the House but was not worked in the

- Senate.
- g) Substitute for House Bill 2506—pertaining to licensure of military veterans and their spouses. Passed the House but was not worked in the Senate.
 - h) House Bill 2608—regulating funeral processions and creating a violation for not properly yielding the right-of-way to funeral processions. Stricken from the House Calendar.
 - i) House Bill 2016—enacted during the June 2020 Special Legislative Session. This bill is the Legislature’s Omnibus Governmental Response to 2020 COVID-19 Pandemic. Became law upon publication in the Kansas Register effective June 9, 2020.

V. Board Business:

- 1) (Bedene-Steil) 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) (Bedene-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 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 ten (10) assistant funeral director licenses, five (5) crematory operator licenses, four (4) embalmer licenses and five (5) 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 draft 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 remains valid at this time due to the State Disaster Emergency currently scheduled to expire on September 15, 2020. This draft list includes seventeen (17) embalmer licenses, seventeen (17) funeral director licenses, five (5) crematory operator licenses, two (2) establishment licenses and three (3) branch establishment licenses for license renewals due through June 30, 2020.
- 4) The board reviewed the following lists of information for the quarter: Changes in Funeral Home and Crematory Ownership with one (1) funeral establishment and two (2) branch funeral establishments noted. The list of Closed Funeral Homes and Crematories to report this quarter consists of one (1) funeral home.
- 5) (Tinsley-Elliott) To approve the FY 2020 Fourth Quarter (April 1–June 30, 2020) and Final FY 2020 (July 1, 2019–June 30, 2020) reports of KSBMA Funeral Home-Crematory Inspector Francis F. Mills. Carried. In the Fourth Quarter of FY 2020, 57 inspections were conducted with no (0) violations noted and 2,393 miles traveled involving visits to 21 counties despite

being unable to travel for much of the quarter. In FY 2020, 628 inspections were conducted with ten (10) violations noted and 22,296 miles traveled involving visits to 198 counties despite being unable to travel for approximately four months of the year.

- 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: thirteen (13) embalmer-funeral director apprentices, two (2) embalmers and four (4) 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: FTC Funeral Rule, articles related to the profession, funeral gathering limits, COVID-19 cases & funerals in Shawnee County.
- 8) Remaining Board meeting date for 2020 is: October 8.
- 9) (Bedene-Tinsley) To approve the following Board Meeting dates for 2021: January 14, April 8, July 8, and October 14. Carried.
- 10) The Board discussed the situation involving license renewals and continuing education and the following Executive Orders from Kansas Governor Laura Kelly relating to COVID-19:
 - a) Executive Order No. 20-31 implementing Phase 1.5 of “Ad Astra: A Plan to Reopen Kansas.”
 - b) Executive Order No. 20-39 extending professional and occupational licenses that were in good standing as of March 12, 2020.
 - c) Executive Order No. 20-49 extending several existing Orders (including 20-39 listed above) until September 15, 2020 or until the Statewide State of Disaster Emergency extended by House Bill 2016 enacted during the June 2020 Special Legislative Session relating to COVID-19 expires, whichever is earlier, unless a separate expiration date is noted.
- 11) Assistant Attorney General Arndt provided a review of the Statewide Disaster Emergency Declaration. (Tinsley-Bedene) That the extended KSBMA past due date for licenses shall expire upon the expiration of the Statewide Disaster Emergency Declaration. Carried. Currently that date is September 15, 2020.

VI. Executive Secretary's Report:

- 1) Updated Budget Information:
 - a) FY 2020 (July 1, 2019–June 30, 2020) The approved expenditure limitation was \$325,858. The agency’s final expenditures totaled \$291,815.93, which represents a savings of \$34,042.07 which will be returned to the Mortuary Arts Fee Fund.
 - b) Current FY 2021 (July 1, 2020–June 30, 2021) The amount approved by the Kansas Legislature 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) National Board Examination (NBE) Results were reviewed and discussed.

- 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 May and June/July 2020 editions of the KFDA Journal.
 - b) June 4, 2020 Annual Meeting—Executive Secretary Smith presented the KSBMA’s Annual Report at this meeting—which was conducted remotely.
 - c) 2020 Annual Convention—has been canceled and has not been rescheduled as of this time.
 - d) Fall District Meetings—remain unscheduled at this time.
- 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) are being provided and updated on the home page of the KSBMA website. They continue to be well received by both licensees and consumers alike.
 - b) Software utilized for the web site was recently updated by the State of Kansas.
- 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) 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 Spring 2020 Newsletter was provided.
- 12) Information from the Funeral Consumer’s Alliance of Greater Kansas City (FCA-GKC):
 - a) The Spring 2020 FCA Report was provided.
- 13) There was no new information to report from the Kansas Department of Health and Environment (KDHE), Office of Vital Statistics (OVS).
- 14) Information to report from the Mortuary Science Program at Kansas City Kansas Community College (KCKCC):
 - a) Ten (10) of the fourteen (14) Spring 2020 graduates have jobs. There are three (3) mortuary science classes on-line this summer with very good enrollment numbers for these courses. Although subject to change, the current plan is for in-person classes in the Fall 2020 Semester through Thanksgiving before returning to all classes being offered on-line until the end of semester on December 15, 2020.
- 15) There was no new information to report 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 Non-Cabinet Agency Heads Meetings was provided and discussed.
- 18) Information from Smaller State Agencies Administrator’s Meetings

(SSAAM) was provided and discussed.

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

Embalmer-Funeral Director Applicant: Ms. Mariah B. Danner

(Tinsley-Steil) To grant an embalmer license upon payment of an initial license fee of \$147.00 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 \$42.00. Carried. Ms. Danner completed her embalmer and funeral director apprenticeships on May 9, 2020 at Smith Funeral Home located in Derby, Kansas. Once issued, the renewal date for the licenses would be April 30, 2022. Ms. Danner was granted an Associate in Applied Science Degree in Mortuary Science at Kansas City Kansas Community College (KCKCC) located in Kansas City, Kansas and passed the National Board Examination (NBE) administered by the International Conference of Funeral Service Examining Boards (ICFSEB.)

Embalmer-Funeral Director Applicant: Ms. Zakiya Kane

(Bedene-Steil) 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 the written funeral director examination, which will be administered later today and payment of an initial license fee of \$8.00. Carried. With continuous employment, Ms. Kane is scheduled to complete her embalmer and funeral director apprenticeships on August 2, 2020 at Heritage Funeral Home located in Andover, Kansas. Once issued, the renewal date for the licenses would be November 30, 2020. Ms. Kane was granted an Associate in Applied Science Degree in Mortuary Science at Kansas City Kansas Community College (KCKCC) located in Kansas City, Kansas and passed the National Board Examination (NBE) administered by the International Conference of Funeral Service Examining Boards (ICFSEB.)

Reciprocal (Iowa) Embalmer-Funeral Director Applicant: Brian C. Tongier

(Tinsley-Bedene) To grant a reciprocal embalmer license upon payment of an initial license fee of \$91.00, 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 \$123.50. Carried. Once issued, the renewal date for the license would be August 31, 2021. Mr. Tongier was granted an Associate in Applied Science Degree in Mortuary Science at Kansas City Kansas Community College (KCKCC) located in Kansas City, Kansas and passed the National Board Examination (NBE) administered by the International Conference of Funeral Service Examining Boards (ICFSEB.) He will be employed at Dove Cremations and Funerals in Topeka, Kansas.

VIII. Election of Officers

President: (Steil-Tinsley) To nominate Barry Bedene as Board President and for nominations to cease. Carried.

Vice President: (Bedene-Steil) To nominate Amy Elliott as Board Vice President and for nominations to cease. Carried.

Committee Appointments made by President Bedene are as follows:

Advisory Opinion Committee: Mr. Bedene

Investigative Committee: Mr. Bedene and Ms. Elliott

Hearing Committee: Mr. Boomhower, Ms. Tinsley and Mr. Steil

Continuing Education Committee: Mr. Boomhower and Ms. Tinsley

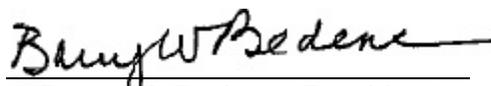
Board Member Tinsley announced she will not be seeking reappointment to the Board. She will continue to serve on the Board until such time that the Governor appoints her replacement. She has enjoyed her time on the Board!

IX. 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, October 8, 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:



Barry W. Bedene, President
Thursday, October 8, 2020
(Date)



J.W. Carey, Executive Secretary
Thursday, October 8, 2020
(Date)