

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

The Board Meeting of Thursday, October 11, 2018

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, October 11, 2018:

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

Roll call by Executive Secretary Mack Smith found the following board members in attendance: President Robert J. "Bob" Steil, Lawrence, Consumer; Vice President Bridgette A. Tinsley, Salina, Licensee; William L. "Bill" Cozine, Wichita, Licensee; and Theresa Marcel Schwartz, Lawrence, Consumer. Assistant Attorney General Jan Arndt and Executive Secretary Mack Smith were also in attendance. Barry W. Bedene, Arma, Licensee was unable to attend the meeting.

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*.

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

(Cozine-Schwartz) To adopt the July 12, 2018 regularly scheduled board meeting minutes. Carried. These minutes will be signed by President Steil and Executive Secretary Smith, then displayed on the board's website.

The board reviewed results of the written funeral directors' examination administered on July 12, 2018 noting that 85% (six of seven applicants) were successful.

The board reviewed results of the written assistant funeral directors' examinations administered from August through October 2018 noting that 50% (four of eight applicants) were successful along with examination information for all applicants since the law requiring examination for assistant funeral directors was enacted in 2008 where 68.5% (196 of 286 applicants) were successful.

The board reviewed the 'Interview Times' and the 'List of Licensure Applicants' scheduled to interview with the board at this meeting, noting that eight (8) applicants are scheduled to meet with the board: three (3) embalmer-funeral

director applicants, two (2) funeral director applicants, two (2) reciprocal embalmer-funeral director applicants and one (1) reciprocal funeral director applicant. Following approval by the Board, those same eight (8) 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 September 15, 2018 were summarized by the executive secretary with copies of the individual reports available for board members to review.

(Tinsley-Schwartz) To deny the first quarter of an embalming apprenticeship due to inactivity. Carried. There was no issue with the funeral directing portion of the apprenticeship. The apprentice and supervising licensees will be notified accordingly.

III. Investigative Committee (IC) Report:

Twenty (20) files were closed with fourteen (14) files remaining open at this time.

IV. Regulation (K.A.R.) Discussion

The Board discussed proposed K.A.R. 63-5-3--which is a result of Senate Substitute for Senate Substitute for House Bill 2386 from the 2018 Legislative Session. They directed Mr. Smith to schedule a public hearing. The Board will then consider adoption of the regulation at their next regularly scheduled Board Meeting on Thursday, January 10, 2019.

V. Board Business:

- 1) (Tinsley-Schwartz) 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) (Cozine-Tinsley) 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 seven (7) assistant funeral director licenses, seven (7) crematory operator licenses, twelve (12) embalmer licenses and ten (10) 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 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 includes four (4) embalmer licenses, four (4) funeral director licenses and three (3) crematory operator licenses for license renewals due through September 30, 2018. The board reviewed the following lists of information for the quarter: Changes in Funeral Home and Crematory Ownership with five (5) funeral homes (one main and four branch establishments) changing ownership. There were no Closed Funeral Homes and Crematories to report this quarter.

3) (Tinsley-Cozine) To approve the FY 2019 First Quarter Report (July 1, 2018–September 30, 2018) of KSBMA Funeral Home-Crematory Inspector Francis F. Mills. Carried. 192 inspections were conducted during the 1st quarter of FY 2019 with no (0) violations noted and 5,733 miles traveled involving visits to fifty-seven (57) counties.

- 4) The Board reviewed the current roster of apprentice embalmers and funeral directors. A total of twenty-two (22) apprentices are currently registered with the board, including: fourteen (14) embalmer-funeral director apprentices, three (3) embalmers and five (5) 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: audits of other state agencies, distribution of body-parts, burial pod coffins, coroners across the country, deregulation, death certificates, and the National Board Examination.
- 6) Board meeting dates for 2019, as approved at the July 2018 meeting, are: January 10, April 11, July 11 and October 10.
- 7) Mr. Smith has not been notified of any meetings with the Office of Vital Statistics (OVS) and the Kansas Funeral Directors Association (KFDA) regarding Coroner Permits to Cremate and Death Certificates.

VI. Executive Secretary's Report:

- 1) Budget Information based on the budget request that was due September 16, 2018:
 - a) FY 2018 (July 1, 2017–June 30, 2018) The expenditure amount approved was \$295,273. The agency expenditures were approximately \$264,815 representing a saving of approximately \$30,000. Unused funds will remain in the Mortuary Arts Fee Fund for future expenditures.
 - b) FY 2019 (July 1, 2018–June 30, 2019) The amount approved was \$330,887.
 - c) FY 2020 (July 1, 2019–June 30, 2020) The amount requested is \$318,862.
 - d) FY 2021 (July 1, 2020–June 30, 2021) The amount requested is

\$325,571.

- e) Performance Based Budgeting (PBB)–Phase Three (3) of the PBB was submitted by the May 1, 2018 deadline with no changes requested by the Division of the Budget (DOB) and minor recommendations suggested by Kansas Legislative Research Department (KLRD)–which were included as a part of the September 16, 2018 budget request.
- 2) Information regarding the International Conference of Funeral Service Examining Boards (ICFSEB):
 - a) 2018 NBE Results were reviewed.
 - b) The July 2018 Update Newsletter was reviewed.
 - c) Conference Announcements of 8/10/2018 were reviewed.
 - d) An article from the 8/13/2018 edition of the Funeral Service Insider was discussed.
 - e) The 2017 Annual Report was provided.
 - f) The 2018-2019 Professional Directory was provided.
 - g) The Mid-Year Board Meeting was attended by KSBMA Executive Secretary Smith.
- 3) There was no new information to report from the Council on Licensure, Enforcement and Regulation (CLEAR).
- 4) There was no new information to report from the Federation of Associations of Regulatory Boards (FARB).
- 5) Information for the Kansas Funeral Directors Association (KFDA):
 - a) The June, July & August 2018 KFDA Journals were provided to the Board for their review.
 - b) The Fall 2018 Regional Meetings–Mr. Smith provided a Board Update at four (4) of the meetings with KFDA Executive Director Pam Scott providing the report at the two (2) meetings Mr. Smith was unable to attend. KSBMA Inspector Francis Mills attended one (1) of the meetings.
- 6) The KSBMA’s website, located at <http://ksbma.ks.gov/>, continues to be maintained by staff and updated on a regular basis.
- 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) There was no new information to report from the Funeral Consumer’s Alliance (FCA)
- 12) The Funeral Consumer’s Alliance of Greater Kansas City (FCA-GKC)
 - a) The Fall 2018 FCA-GKC Newsletter was discussed.
- 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 to report from the 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) COOP Plan 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.
- 19) Non-Cabinet Agency Heads Meetings Update of the meeting held on Thursday, July 19, 2018 was provided.
- 20) Legal Representation Charges—The Board has been notified that effective July 1, 2019, the Office of the Kansas Attorney General (OAG) will be billing the agency for legal representation charges. Executive Secretary Smith met with OAG representatives Deputy Attorney General Athena Andaya and Deputy Attorney General-Chief of Civil Litigation Dennis Depew via telephone on Wednesday, July 25, 2018. The OAG recommended an annual flat rate of \$14,000—which (@ \$80 per hour) amounts to 175 hours of legal services. (Schwartz-Tinsley) To approve a flat rate charge of \$14,000.00 for legal services with the Office of the Attorney General in FY 2020. Carried.

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

Embalmer-Funeral Director Applicant: Ms. Marla J. Keith

(Cozine-Schwartz) To grant an embalmer license upon completion of apprenticeship and payment of an initial license fee of \$182.00 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 \$232.00. Carried. With continuous employment, Ms. Keith will complete her embalmer and funeral director apprenticeships on October 30, 2018 at Warren-McElwain Mortuary located in Lawrence, Kansas. Once issued, the renewal date for the licenses would be November 30, 2020. Ms. Keith earned an Associate of Applied Science Degree in Funeral Service at the Dallas Institute of Funeral Service and passed the National Board Examination (NBE) administered by the International Conference of Funeral Service Examining Boards (ICFSEB.)

Funeral Director Applicant: Ms. Amy C. Smith

(Schwartz-Tinsley) To grant a funeral director license upon passing of written funeral director examination, which will be administered later today, completion of apprenticeship and payment of an initial license fee of \$20.00. Carried. With continuous employment, Ms. Smith will complete her funeral director apprenticeship on October 16, 2018 at R. L. Leintz Funeral Home located in Leavenworth, Kansas. Once issued, the renewal date for the license would be July 31, 2019. Ms. Smith earned an Associate in Applied Science Degree in Mortuary Science at Kansas City Kansas Community College.

Embalmer-Funeral Director Applicant: Ms. Olivia L. Hartzler

(Tinsley-Schwartz) To grant an embalmer license upon completion of apprenticeship and payment of an initial license fee of \$154.00 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 \$44.00. Carried. With continuous employment, Ms. Hartzler will complete her embalmer and funeral director apprenticeships on November 22, 2018 at Penwell-Gabel Cremations, Funerals and Receptions located in Olathe, Kansas. Once issued, the renewal date for the licenses would be August 31, 2020. Ms. Hartzler earned a Bachelor of Arts degree in Enterprise Leadership at the University of Iowa in Iowa City, Iowa and an Advanced Standing Diploma in Mortuary Science at Des Moines Area Community College and passed the National Board Examination (NBE) administered by the International Conference of Funeral Service Examining Boards (ICFSEB.)

Funeral Director Applicant: Ms. Abriel A. "Abby" Masters

(Tinsley-Cozine) To grant a funeral director license upon passing of written funeral director examination, which will be administered later today, and payment of an initial license fee of \$8.00. Carried. Ms. Masters completed her funeral director apprenticeship on June 2, 2018 at DeVorss-Flanagan Hunt Mortuary located in Wichita, Kansas. Once issued, the renewal date for the license would be January 31, 2019. Ms. Masters earned an Associate in Applied Science Degree in Addictions Counseling at Butler Community College located in El Dorado, Kansas.

Embalmer-Funeral Director Applicant: Mr. Matthew W. Matt" Thompson

(Tinsley-Schwartz) To grant an embalmer license upon payment of an initial license fee of \$77.00 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 \$22.00. Carried. Mr. Thompson completed his embalmer and funeral director apprenticeships on September 26, 2018 at Koup Family Funeral Home located in Eureka, Kansas. Once issued, the renewal date for the licenses would be August 31, 2019. Mr. Thompson earned an Associate of Applied Science Degree in Mortuary Science at Arapahoe Community College in Littleton, Colorado and passed the National Board Examination (NBE) administered by the International Conference of Funeral Service Examining Boards (ICFSEB.)

Reciprocal (Missouri) Funeral Director Applicant: Mr. James R. "Jim" Dalton

(Schwartz-Cozine) To grant a funeral director license via reciprocity upon passing of the written funeral directors' examination, which will be administered later today, and payment of an initial license fee of \$180.50. Carried. Mr. Dalton is licensed in the State of Missouri. He earned an Associate in Arts Degree in Mortuary Science at Kansas City Kansas Community College. Once issued, the renewal date for the license would be April 30, 2020. Mr. Dalton is employed at Muehlebach Funeral Home in Kansas City, Missouri.

Reciprocal (Missouri) Embalmer-Funeral Director Applicant: Mr. Adam M. Gobber

(Schwartz-Tinsley) To grant a reciprocal embalmer license upon payment of an 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. Gobber is licensed in the State of Missouri. He earned an Associate in Applied Science Degree in Mortuary Science at Kansas City Kansas Community College and 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 July 31, 2020. Mr. Gobber will be employed at Pauls Funeral Home in Oberlin, Kansas.

Reciprocal (Texas) Embalmer-Funeral Director Applicant: Mr. Jason D. Arellano

(Cozine-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 of the written funeral directors' examination, which will be administered later today, and payment of an initial license fee of \$152.00. Carried. Mr. Arellano is licensed in the State of Texas. He earned an Associate in Applied Science Degree in Mortuary Science at Kansas City Kansas Community College and 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 January 31, 2020. Mr. Arellano is employed at Smith Family Mortuary in Wichita, Kansas.

VIII. New/Old/Remaining Business/Adjournment

(Cozine-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, January 10, 2019.

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:



Robert J. Steil, President
Thursday, January 10, 2019
(Date)



Mack Smith, Executive Secretary
Thursday, January 10, 2019
(Date)