

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

The Board Meeting of Thursday, October 10, 2019

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 10, 2019:

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

An update on Board Member appointments:

Governor Kelly appointed Amy Elliott to replace Theresa M. Schwartz (term expired 7/31/2018) as a consumer member to the KSBMA to a term expiring 7/31/2021.

Governor Kelly reappointed Barry W. Bedene (term expired 7/31/2019) to a term expiring 7/31/2022.

Ms. Elliott recited the Oath of Office and was welcomed as a new member of the Board, and Mr. Bedene was congratulated on his reappointment. President Boomhower appointed Ms. Elliott as a member of the Investigative Committee (IC.)

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.

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*.

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

(Bedene-Steil) To adopt the July 11, 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 July 11, 2019 noting that 100% (eight of eight applicants) were successful.

The board reviewed results of the written assistant funeral directors' examinations administered from August through October 2019 noting that 80% (four of five applicants) were successful. 67.3% (220 of 327 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 eight (8) applicants are scheduled to meet with the board: two (2) embalmer-funeral director applicants, three (3) embalmer applicants, one (1) funeral director applicant, one (1) reciprocal embalmer-funeral director applicant, and one (1) reciprocal 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.

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

(Bedene-Tinsley) To grant an extension request of four (4) months for two (2) apprentice embalmer applicants of the two (2) year time frame requirement for completing embalming apprentices after passing of the National Board Examination (NBE) administered by the International Conference of Funeral Service Examining Boards (ICFSEB.) Carried. The extensions were granted due to a situation involving a misunderstanding of which applications were required to be submitted to begin the apprenticeship and the failure of the administrative staff to appropriately provide those applications.

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

Fifteen (15) files were closed with five (5) files remaining open at this time.

IV. **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. 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 three (3) assistant funeral director licenses, six (6) crematory operator licenses, nine (9) embalmer licenses and nine (9) 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 five (5) embalmer licenses, five (5) funeral director licenses and two (2) crematory operator licenses for license renewals due through September 30, 2019. The board reviewed the following lists of information for the quarter: Changes in Funeral Home and Crematory Ownership with two (2) new branch funeral establishments this quarter. The list of Closed Funeral Homes and Crematories to report this quarter consists of one (1) funeral home.
- 3) (Steil-Bedene) To approve the FY 2020 First Quarter Report (July 1–September 30, 2019) of KSBMA Funeral Home-Crematory Inspector Francis F. Mills. Carried. 207 inspections were conducted during the 1st quarter of FY 2020 with six (6) violations noted and 7,592 miles traveled involving visits to seventy-five (75) counties. The agency received their new replacement automobile on July 22, 2019.
- 4) 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: ten (10) embalmer-funeral director apprentices, six (6) embalmers and three (3) 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: Alkaline Hydrolysis, cremation, information from/about other States, storage/transportation of dead human bodies, natural organic reduction, news from the State of Vermont regarding funeral director licensure, and a new option for cremated remains.
- 6) The Board meeting dates for 2020 are: January 9, April 9, July 9 and October 8.
- 7) The Board was provided updated documents reflecting the recent Board Member Appointments.
- 8) An Attorney General Opinion has been requested by Representative David Benson. Updated information was provided to the Board for their review.

V. Executive Secretary's Report:

- 1) Updated Budget Information:
 - a) FY 2019 (July 1, 2018–June 30, 2019) The approved expenditure limitation was \$330,887. Expenditures totaled \$294,312, leaving a balance of \$36,575—which was transferred to the Mortuary Arts Fee Fund.
 - b) FY 2020 (July 1, 2019–June 30, 2020) The updated expenditure limitation approved by the Finance Council is \$325,858—which includes a 2½% employee pay raise. No additional funding was requested by the agency. Funding includes \$500 in official hospitality.
 - c) FY 2021 (July 1, 2020–June 30, 2021) The amount approved by the 2019 Legislature and Governor Kelly is \$325,571. Funding includes \$500 in official hospitality.
 - d) Performance Based Budgeting (PBB)—Nothing new to report at this time.
- 2) Information regarding the International Conference of Funeral Service Examining Boards (ICFSEB):
 - a) 2019-2020 Professional Directory was shared and discussed.
 - b) 2019 Monthly NBE Results were provided and discussed.
 - c) Mr. Smith attended the ICFSEB's Mid-Year Board Meeting held in Alexandria, Virginia on Tuesday, August 27, 2019.
 - d) The Board reviewed the September 2019 edition of the Conference Report.
- 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 for the Kansas Funeral Directors Association (KFDA):
 - a) July 2019 KFDA Journal was shared with the Board.
 - b) August 2019 KFDA Journal was shared with the Board.
 - c) 2019 KFDA Fall District Meetings—Mr. Smith provided a KSBMA Update at all six meetings. Inspector Mills attended the meeting held in Lawrence.
- 6) The KSBMA's website, located at <http://ksbma.ks.gov/>, has been updated to include newest regulation, K.A.R. 63-5-3.
- 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) Information from the Cremation Society of North America (CANA):
 - a) CANA's Annual Statistics Report was discussed.
- 11) There was no new information to report from the Funeral Consumer's Alliance (FCA)
- 12) Information from the Funeral Consumer's Alliance of Greater Kansas City (FCA-GKC):
- 13) There was no new information 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) KSBMA President Boomhower and Vice President Bedene expressed an interest in going to the college with Mr. Smith to meet with Director Wright in the future.

- 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, July 18, 2019 was provided and discussed. The meeting was facilitated by Allison Conklin, Human Resources Manager, Office of Personnel Services. Presenters at the meeting included: the newly hired Acting Secretary of the Department of Administration Dr. DeAngela Burns-Wallace; Chief Information Security Officer Rodney Blunt from the Office of Information Technology Services (OITS), Travis White, Chairperson of the Information Technology Security Council Charter, Eric Davis, Chief Technology Officer/Chief Information Technology Architect and Grant Gordon, Managing Director, PayltGov, featuring a presentation on iKan, the office app of the State of Kansas.

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

Embalmer-Funeral Director Applicant: Ms. Lindsay M. “Charlie” Dickerson

(Bedene-Tinsley) To grant an embalmer license upon payment of an initial license fee of \$49.00 and completion of apprenticeship 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 \$14.00. Carried. Ms. Dickerson is scheduled to complete her embalmer and funeral director apprenticeships on December 3, 2019 at Resthaven Mortuary located in Wichita, Kansas. Once issued, the renewal date for the licenses would be April 30, 2020. Ms. Dickerson earned an Associate of Applied Science Degree in Funeral Service Education 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.)

Reciprocal (Tennessee) Embalmer-Funeral Director Applicant: Mr. Ren T. Scherling

(Steil-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. Scherling is licensed in the State of Tennessee. He earned an Associate in Applied Science Degree in Funeral Service Education at Jefferson State Community College in Birmingham, Alabama 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, 2021. Mr. Scherling is employed at Downing and Lahey Funeral Home in Wichita, Kansas.

Embalmer Applicant: Mr. Sean O. Ryan

(Bedene-Tinsley) To grant an embalmer license upon payment of an initial license fee of \$147.00. Carried. Mr. Ryan completed his embalmer apprenticeship on September 7, 2019 at Ryan Mortuary located in Salina, Kansas. Once issued, the renewal date for the license would be June 30, 2021. Mr. Ryan 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.) He was licensed as a Kansas licensed funeral director on February 22, 2017.

Embalmer Applicant: Ms. Kailee E. Treto

(Steil-Tinsley) To grant an embalmer license upon payment of an initial license fee of \$161.00. Carried. Ms. Treto completed her embalmer apprenticeship on September 18, 2019 at Headley Funeral Chapel located in Augusta, Kansas. Once issued, the renewal date for the license would be August 31, 2021. Ms. Treto 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.) She was licensed as a Kansas licensed funeral director on April 19, 2017.

Funeral Director Applicant: Mr. James R. "Jim" Stanley

(Steil-Tinsley) 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 \$44.00. Carried. Mr. Stanley completed his funeral director apprenticeship on September 7, 2019 at Schneider Funeral Home and Crematory located in Pleasanton, Kansas. Once issued, the renewal date for the license would be July 31, 2021. Mr. Stanley earned an Associate in Applied Science Degree at Kansas City Kansas Community College (KCKCC) located in Kansas City, Kansas.

Embalmer Applicant: Ms. Jessica M. Shipps

(Tinsley-Steil) To grant an embalmer license upon payment of an initial license fee of \$154.00. Carried. Ms. Shipps completed her embalmer apprenticeship on September 20, 2019 at Ziegler Funeral Home located in Dodge City, Kansas. Once issued, the renewal date for the license would be July 31, 2021. Ms. Shipps 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.) She was licensed as a Kansas licensed funeral director on July 18, 2019 and is also a licensed crematory operator.

Embalmer-Funeral Director Applicant: Ms. Erin W. Roush

(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. Roush completed her embalmer and funeral director apprenticeships on September 29, 2019 at Penwell-Gabel Cremations, Funerals and Receptions (embalming) and Parker-Price Cremations, Funerals and Receptions (funeral directing)—both located in Topeka, Kansas and Miles Funeral Service located in Winfield, Kansas. Ms. Roush earned an Associate in Applied Science Degree in Mortuary Service 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 (Oklahoma-Missouri) Funeral Director Applicant: Ms. Vanessa L. Morrison

(Tinsley-Steil) 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. Ms. Morrison is licensed in the States of Oklahoma and Missouri. She earned an Associate in Applied Science Degree in Mortuary Science at Carl Sandberg College in Galesburg, Illinois. Once issued, the renewal date for the license would be January 31, 2021. Ms. Morrison is employed at Worley-Luginbuel Funeral Home in Grove, Oklahoma.

VII. 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, January 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, January 9, 2020
(Date)



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