

**KANSAS STATE BOARD OF MORTUARY ARTS
700 SW JACKSON, SUITE #904
TOPEKA, KANSAS 66603-3733
Thursday, April 14, 2005**

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, April 14, 2005:

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

Roll call by Executive Secretary Mack Smith found the following board members in attendance: President Stephan C. Ryan, Salina, licensee; Vice President Melissa Wangemann, Topeka, consumer; Board Member Barry W. Bedene, Arma, licensee; Board Member Fred G. Holroyd, Topeka, licensee, and Board Member Charles R. Smith, Overland Park, consumer. The board's Executive Secretary, Mack Smith and Assistant Attorney General Camille Nohe were also in attendance.

The board noted this meeting's tentative agenda that is displayed on the agency's website at: <http://www.accesskansas.org/ksbma/> under the heading of *Agency Information and Tentative Board Agenda*. That agenda was updated on the web site today.

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

The board, by unanimous consent, agreed to adopt the **January 6, 2005 regularly scheduled board meeting minutes** as amended. Now that they have been approved by the board, these minutes will be displayed on the board's website.

The board reviewed results of the written **funeral directors' examination** administered on **January 6, 2005** noting that **75% (three of four applicants)** were **successful** and reviewed information provided by examinees on the "Exit" application from this funeral director examination (which allows an opportunity for applicants to express their thoughts on the examination and examination process.) Only one response was provided by an examinee, and it did not require a response from the board.

The board reviewed the '**List Licensure Applicants**' scheduled to interview with the board at this meeting, noting the following applicants scheduled to meet with the board: six (6) embalmer-funeral directors, two (2) funeral directors, one (1) embalmer, two (2) reciprocal embalmer-funeral director applicants and one (1) reciprocal embalmer. One (1) funeral director applicant will be retaking the examination. A total of eleven (11) applicants are scheduled to be administered the written funeral directors' examination in conjunction with this meeting.

The board reviewed and discussed the fifth quarter apprenticeship of an apprentice embalmer who is scheduled to meet with the board later this meeting.

The board reviewed correspondence from a mortuary college student regarding apprenticeship.

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- II. The board **reviewed individual applications** for embalmer and funeral director 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. Funeral director applicants will be administered the written funeral directors' examination by Funeral Home Inspector Francis Mills at 1:30 p.m. later this afternoon in the Senate Room of the Jayhawk Tower.

All additional quarterly progress reports of embalmer/funeral director apprentices and supervising licensees were summarized by the executive secretary and discussed by the board with copies of the written reports available for review.

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- III. **Legal Discussion: Individual Complaints/investigations are listed numerically. The board did not necessarily take action in the order listed below:**

Complaint and correspondence information and discussion:

The board reviewed correspondence resulting from action taken at the meeting of January 6, 2005.

Information on open complaints:

The Board's Investigative Committee, which is composed of Board Members Wangemann and Bedene with legal assistance provided by Assistant Attorney General (litigation) Steve Phillips and administrative assistance by Executive Secretary Smith, met on Wednesday, April 13, 2005 to discuss all open complaints. Investigative Committee recommendations are included with the individual complaints.

#04-33—No action necessary at this time.

#04-41—(Investigative Committee) To close the file. Carried. At the January 6, 2005 board meeting, this assistant funeral director applicant was granted a license with the conditions that he be restricted from any dealings with finance and after paying the appropriate initial license fee.

#04-42—(Investigative Committee) To close the file. Carried. This complaint involves using the term “locally owned” in advertising. The funeral home was notified accordingly.

#04-45—(Investigative Committee) To close the file. Carried. The licensee was notified that Kansas law requires the licensee to present a signed statement to the consumer prior to providing merchandise and services. The licensee was also advised that such a statement must be provided to all families finalizing at-need funeral arrangements and of the price list requirements governed by the Federal Trade Commission’s Funeral Rule. The complaint concerns the manner in which at-need funeral arrangements were handled by the funeral director.

#04-46—(Investigative Committee) To close the file. Carried. The complaint involves unlicensed activity by a Missouri licensee regarding funeral services conducted in the state of Kansas. Following investigation, it was determined that a Kansas licensee was in attendance at the service in question. Both parties were notified accordingly.

#04-47—(Investigative Committee) To close the file. Carried. The complaint involves possible disrespect in the handling of a dead human body. The funeral home was notified that better judgment may have avoided this situation from occurring and to confirm that in the future they will be transporting all bodies in a vehicle from the funeral home to the crematory.

#04-48—(Investigative Committee) To adopt the recommendations of the Investigative Committee to notify the licensee that while no possible violations of laws regulated by the board appear to exist, it appears as though better communication and a quicker response could have avoided the situation from occurring. Carried. This complaint was filed with the Kansas Attorney General’s Consumer Protection/Anti Trust Division and involves the failure of a Kansas funeral home to provide certain merchandise.

#04-51—(Investigative Committee) To adopt the recommendations from the Investigative Committee to close the file. Carried. This complaint involves advertising of cremation. Both parties will be notified accordingly.

#04-54—(Investigative Committee) To adopt the recommendations of the Investigative Committee to close the file. Carried. This complaint was filed with the Kansas Attorney General’s Consumer Protection/AntiTrust Division and involves the value of a prefinanced funeral agreement upon death.

#04-55—(Investigative Committee) To close the file. Carried. The complaint involves the possibility of the failure of a funeral home to release a body at the request of the family. The funeral home was provided a written copy of the statute that prohibits funeral homes from holding a dead human body against the will of the family.

#05-01—(Investigative Committee) To close the file. Carried. The complaint involves preneed solicitation with no violations of laws regulated by the board noted.

#05-02—No action necessary at this time. The complaint involves the value of a prefinanced funeral agreement upon death. A prefinanced agreement was sold with the contract incorrectly written as a State of Missouri contract—when it should have been written as a Kansas contract. The individual moved to Nebraska and died. After involvement by the KSBMA, the preneed provider has agreed to a refund to the family. So far, the family has not yet received the refund agreed to. The file will remain open until such time a refund is received by the family. If no refund is received, then further investigation will be necessary.

#05-03—(Investigative Committee) To close the file. Carried. The complaint involves failure of the funeral home to pay a \$102.29 audit expense fee to the Kansas Secretary of State. The expense has been received by the Secretary of State.

#05-04—(Investigative Committee) To close the file. Carried. The complaint involves failure of the funeral home to pay a \$137.50 audit expense fee to the Kansas Secretary of State. The expense has been received by the Secretary of State.

#05-05—(Investigative Committee) To close the file. Carried. The complaint involves failure of the funeral home to pay a \$250.00 audit expense fee to the Kansas Secretary of State. The expense has been received by the Secretary of State.

#05-06—(Investigative Committee) To notify the licensee that while no possible violations were noted, use of better judgement could have avoided the situation from occurring. Carried. The complaint involves an article that appeared in the February 2005 edition of the KFDA Journal containing misleading information. A correction was run in the March-April edition of the magazine.

#05-07—(Investigative Committee) To close the file. Carried. The complaint involves an article that appeared in the January 2005 edition of the KFDA Journal containing misleading information. A correction was run in the February edition of the magazine.

~~#05-08~~—(Investigative Committee) To close the file. Carried. The complaint involves an advertisement.

Board Member Holroyd left the room.

~~#05-09~~—(Investigative Committee) To close the file. Carried. The complaint involves an overpayment of an irrevocable prefinanced funeral agreement where the recipient was receiving assistance. The money was returned by the family to the Estate Recovery Unit (ERU) of the Kansas Department of Social and Rehabilitation Services (SRS.)

Board Member Holroyd returned to the room.

~~#05-10~~—(Investigative Committee) To close the file. Carried. The complaint involves the incorrect use of a name in a newspaper obituary. After further review, the mistake was not the fault of the licensee.

~~#05-11~~—(Investigative Committee) To adopt the recommendations of the Investigative Committee that while no possible violations of laws regulated by the KSBMA exist, it appears as though better judgement could have avoided the situation from occurring. The complaint involves failure to obtain authorization to embalm. In addition, the deceased was sent to a funeral home by a law enforcement official not desired by the family. Both parties will be notified accordingly.

~~#05-12~~—Waiting on additional information. No action necessary at this time.

~~#05-13~~—Waiting on additional information. No action necessary at this time.

~~#05-14~~—(Investigative Committee) To adopt the recommendations of the Investigative Committee of no possible violations of laws regulated by the KSBMA. The complaint involves unprofessional conduct. Both parties will be notified accordingly.

~~#05-15~~—(Investigative Committee) To adopt the recommendations of the Investigative Committee of no possible violations of laws regulated by the KSBMA. The complaint involves unprofessional conduct. Both parties will be notified accordingly.

~~#05-16~~—(Investigative Committee) To adopt the recommendations of the Investigative Committee to advise the licensee to remove the advertisement in question in order to avoid additional action by the board. Carried. The complaint involves a misleading advertisement where a cremation society was listed under the category of *Crematories* in the yellow pages of a telephone book.

~~#05-17~~—(Investigative Committee) To close the file. Carried. The complaint

involves a prefinanced funeral agreement originally sold by an individual who is no longer licensed or in business. A check of \$623 made out to an insurance company was deposited into a business checking account instead of being sent to the insurance company. The licensee who purchased the business from the individual who is no longer licensed has refunded all monies to the consumer.

#05-18—(Investigative Committee) To adopt the recommendations of the Investigative Committee of no possible violations of laws regulated by the KSBMA. The complaint involves unprofessional conduct. Both parties will be notified accordingly.

#05-19—(Investigative Committee) To adopt the recommendations of the Investigative Committee that while there were no possible violations of laws regulated by the KSBMA noted, it appears as though better communication could have avoided the situation from occurring. Carried. The complaint involves the failure of a licensee to provide information requested by a consumer. The consumer will receive the information originally requested when contacting the licensee.

Board Member Holroyd left the room.

#05-20—(Investigative Committee) To adopt the recommendations of the Investigative Committee that while no possible violations of laws regulated by the KSBMA were noted, it appears as though the funeral home failed to honor the consumer's request. Carried. The complaint involves an amended at-need funeral contract involving cremation where the wishes of a family member were not honored by the funeral home.

Board Member Holroyd returned to the room.

#05-21—No action necessary at this time. Waiting on additional information.

#05-22—(Investigative Committee) To close the file. Carried. The complaint involves misleading advertising.

#05-23—No action necessary at this time.

IV. Additional Legal or Related Concerns

Preferred Funeral Choices—The board reviewed correspondence from and to this business concerning their request for an opinion concerning a proposed business.

Memorial Concepts Online, Inc. Vs. The Oklahoma State Board of Embalmers and Funeral Directors—The U.S. Supreme Court upheld decisions of the U.S. 10th Circuit Court of Appeals and a federal district judge by declining to hear the appeal by Memorial Concepts Online, Inc., who wanted to sell,

without a license, burial caskets over the internet to in-state (Oklahoma) consumers. According to the 10th Circuit decision, the requirement that state casket sellers have funeral directors' licenses and operate out of funeral establishments only applies to sales made inside the state of Oklahoma at the time of need. The 10th Circuit Court said that the Oklahoma law “. . . may exact a needless, wasteful requirement in many cases . . .” but it is constitutional. The court included that it was up to the Oklahoma legislature to address the situation.

V. **Pam Scott, Executive Director, Kansas Funeral Directors and Embalmers Association (KFDA)**

- **Tri-State Convention**–Information shared and discussed. One time change was noted for Monday, May 2, 2005.
- **Assistant Funeral Director Task Force**–Preliminary recommendations, include:
 - 1) High School education or GED
 - 2) Pass a test similar to funeral director licensees
 - 3) Require six (6) hours of continuing education every two years
 - 4) Grandfather in the current assistant funeral directors
 - 5) Only two assistant funeral directors for every one funeral director
 - 6) Require that death certificates be signed by licensed funeral director or next-of-kinInput from KFDA members at district meetings and from the KSBMA will be considered by the Task Force before final recommendations are made. The task force has had one meeting so far. A survey of all KFDA members is also being considered. Recommendations from the Task Force will then be taken to the KFDA's Board of Directors for their consideration.

Assistant Attorney Nohe left the meeting.

- **2005 KFDA Legislative Report**–Ms. Scott provided the KSBMA with copies of the report, which was reviewed and discussed.

The board thanked Ms. Scott for information provided.

VI. **2005 Legislation Session Discussion**

- The board reviewed information contained in a report provided by Executive Secretary Smith, titled: **Bills Effecting the Kansas State Board of Mortuary Arts 2005-2006 Legislative Sessions as of Wednesday, April 6, 2005**. Some bills discussed, included:
- **Senate Bill 15**–Relating to delinquent taxes of licensees. The Senate Assessment and Taxation Committee has tabled the bill indefinitely

advising the Kansas Department of Revenue to use existing laws relating to delinquent taxes.

- **House Bill 2078**—Authorizes the lead vehicle of a funeral procession to be equipped with a light switch alternately or simultaneously flash and would further clarify that a funeral hearse may serve as a funeral lead vehicle. The bill similarly updates an existing statutory authorization for police vehicles used as emergency vehicles to be equipped with the alternately or simultaneously flashing head lamps. The bill has been approved by Governor Sebelius and will become law on July 1, 2005.
- **House Bill 2118**—Would amend wording from “may disclose” to “shall disclose” regarding disclosure by the Secretary of State of whether a cemetery corporation maintains a merchandise trust fund or maintenance fund and whether the funds are in compliance with the law. The bill would also add a requirement that owners and heirs of any lot located in a cemetery completely surrounded by private property have the right of ingress and egress to the cemetery through or across the private property. The bill passed the House 122-1 but remains in the Senate Elections and Local Government Committee at this time.
- **House Bill 2165**—Relates to the re-vestment of title to lots in cemeteries. The bill remains in the House Government Organization/Elections Committee.
- **House Bill 2275**—Would not allow for the payment of a setting fee to third party installers in cemeteries with certain conditions. The bill remains in the House Financial Institutions Committee.
- **House Bill 2342**—Would allow an advanced registered nurse practitioner and a registered professional nurse to pronounce death in certain situations. The bill remains in the House Health and Human Services Committee.

The Kansas Legislature is scheduled to reconvene on April 27, 2005 to wrap up the current session. It should be noted that the 2005 Legislative Session rolls over to 2006—as it is a two-year session. Updated information will be provided at the KSBMA’s next meeting.

VII. Board Interviews with Applicants for Licensure:

Embalmer-Funeral Director Applicant: Mr. Aaron E. Bilson

(Bedene-Wangemann) To grant an embalmer license upon completion of apprenticeship and payment of an initial license fee of \$66.00 and to grant a funeral director license upon completion of apprenticeship, payment of an initial license fee of \$22.00 and passing of the written funeral director examination, which will be administered later today. Carried. Mr. Bilson is scheduled to

complete his apprenticeships on April 21, 2005 at Mount Moriah and Freeman Funeral Home in Kansas City, Missouri. Once issued, the renewal date for the licenses would be February 28, 2006. Mr. Bilson attended Butler County Community College in El Dorado, Kansas and earned an Associate in Applied Science degree in Mortuary Science at Kansas City Kansas Community College in Kansas City, Kansas.

Embalmer-Funeral Director Applicant: Mr. Tytus L. Cornejo

(Wangemann-Holroyd) To grant an embalmer license upon payment of an initial license fee of \$72.00 and to grant a funeral director license upon payment of an initial license fee of \$24.00 and passing of the written funeral director examination, which will be administered later today. Carried. Mr. Cornejo completed his apprenticeships at Day Funeral Home and Crematory in Wellington, Kansas. Once issued, the renewal date for the licenses would be March 31, 2006. Mr. Cornejo attended Cowley County Community College in Arkansas City, Kansas and earned an Associate in Applied Science degree in Mortuary Science at Kansas City Kansas Community College in Kansas City, Kansas.

Embalmer-Funeral Director Applicant: Mr. Denton Brett Dickens

(Wangemann-Bedene) To grant an embalmer license upon payment of an initial license fee of \$78.00 and to grant a funeral director license upon payment of an initial license fee of \$26.00 and passing of the written funeral director examination, which will be administered later today. Carried. Mr. Dickens completed his apprenticeships at David W. Barnes Funeral Home in Sedan, Kansas. Once issued, the renewal date for the licenses would be April 30, 2006. Mr. Dickens attended Independence Community College in Independence, Kansas, earned an Associate in Arts Degree at Coffeyville Community College in Coffeyville, Kansas and earned an Associate in Applied Science degree in Mortuary Science at Kansas City Kansas Community College in Kansas City, Kansas.

Embalmer-Funeral Director Applicant: Mr. Kevin S. Johnson

(Bedene-Wangemann) To grant an embalmer license upon completion of apprenticeship and payment of an initial license fee of \$108.00 and to grant a funeral director license upon completion of apprenticeship, payment of an initial license fee of \$36.00 and passing of the written funeral director examination, which will be administered later today. Carried. Mr. Johnson is scheduled to complete his apprenticeships on May 17, 2005 at Resthaven Mortuary in Wichita, Kansas. Once issued, the renewal date for the licenses would be October 31, 2006. Mr. Johnson earned an Associate in Applied Science degree in Mortuary Science at the Dallas Institute of Funeral Service.

Embalmer-Funeral Director Applicant: Ms. Stacey L. Whitcomb

(Wangemann-Bedene) To grant an embalmer license upon payment of an initial license fee of \$48.00 and to grant a funeral director license upon payment of an initial license fee of \$16.00 and passing of the written funeral director examination, which will be administered later today. Carried. Ms. Whitcomb completed her apprenticeships at Farris-Feuerborn Memorial Chapel in Garnett, Kansas. Once issued, the renewal date for the licenses would be November 30, 2005. Ms. Whitcomb attended Neosho Community College in Chanute, Kansas and earned an Associate in Applied Science degree in Mortuary Science at Kansas City Kansas Community College in Kansas City, Kansas.

Embalmer-Funeral Director Applicant: Ms. Kelsi N. Williamson

(Wangemann-Holroyd) To grant an embalmer license upon completion of apprenticeship and payment of an initial license fee of \$48.00 and to grant a funeral director license upon payment of an initial license fee of \$16.00 and passing of the written funeral director examination, which will be administered later today. Carried. Ms. Williamson is scheduled to complete her embalming apprenticeship on April 26, 2005, and she completed her funeral director apprenticeship on February 4, 2005. Ms. Williamson is employed at Beckwith Mortuary in Larned, Kansas. Once issued, the renewal date for the licenses would be November 30, 2005. Ms. Williamson attended Barton County Community College in Great Bend, Kansas, Colby Community College in Colby, Kansas and earned an Associate in Applied Science degree in Mortuary Science at Kansas City Kansas Community College in Kansas City, Kansas.

Funeral Director Applicant: Mr. Brian W. Crawley

(Bedene-C. Smith) To grant a funeral director license upon completion of apprenticeship, payment of an initial license fee of \$22.00 and passing the written Kansas funeral director examination, which will be administered later today. Carried. Mr. Crawley is scheduled to complete a funeral directing apprenticeship on May 12, 2005 at Lakeview Funeral Home in Wichita, Kansas. Once issued, the renewal date for the license would be March 31, 2006. Mr. Crawley earned an Associate Arts Degree in Funeral Education at San Francisco College of Mortuary Science in San Francisco, California. He was issued a Kansas reciprocal (California) embalmer license in April of 2004.

Funeral Director Applicant: Mr. Lawrence "Larry" W. Timm

(Bedene-Holroyd) To grant a funeral director license upon payment of an initial license fee of \$10.00 and passing the written Kansas funeral director examination, which will be administered later today. Carried. Mr. Timm completed a funeral directing apprenticeship at Zeiner Funeral Home in Marion, Kansas. Once issued, the renewal date for the license would be August 31, 2005. Mr. Timm earned a Bachelor of Theology Degree at Ozark Christian

College in Joplin, Missouri.

Reciprocal (Missouri) Embalmer-Funeral Director Applicant: Mr. Timothy R. Minter

(Bedene-Wangemann) To grant a reciprocal embalmer license upon payment of a \$132.00 initial license fee and to grant a reciprocal funeral director license upon payment of a \$44.00 initial license fee and passing the written funeral director examination, which will be administered later today. Carried. The renewal date for the licenses would be January 31, 2007. Mr. Minter was granted a Missouri embalmer license on November 17, 1995 and a Missouri funeral director license on December 10, 1987. He attended the University of Missouri at Columbia, Northwest Missouri State University in Maryville, Missouri, Maple Woods Community College in Kansas City, Missouri, William Jewell College in Liberty, Missouri and Kansas City Kansas Community College in Kansas City, Kansas where he earned the equivalent of an Associate Arts degree in Mortuary Service. He has passed the national examination administered by International Conference of Funeral Service Examining Boards. Mr. Minter is currently employed as an assistant funeral director at DW Newcomers Sons Johnson County Chapel in Overland Park, Kansas.

Embalmer Applicant: Mr. Neil M. Shanberg

(Bedene-Wangemann) To grant an embalmer license upon payment of a \$24.00 initial license fee. Carried. Mr. Shanberg completed an embalming apprenticeship at Rumsey-Yost Funeral Home in Lawrence, Kansas. Once issued, the renewal date for the license would be July 31, 2005. Mr. Shanberg completed an extended embalming apprenticeship as was directed by the board meeting at the October 7, 2004 board meeting. As was directed by the board, Mr. Shanberg embalmed six bodies, submitting individual embalming reports for each embalming with the final embalming performed in the presence of the board's Inspector Francis F. Mills. Mr. Shanberg earned an Associate of Applied Science degree in Mortuary Science at Kansas City Kansas Community College in Kansas City, Kansas, and he also attended the University of Missouri at Kansas City in Kansas City, Missouri, Indiana University in Bloomington, Indiana, and the University of Minnesota in Minneapolis, Minnesota where he earned a Bachelor of Arts degree in Broadcast Journalism. He was granted a Kansas funeral director license at the October 7, 2004 board meeting.

Reciprocal (Oklahoma) Embalmer-Funeral Director Applicant: Ms. Tami L. Foster

(Bedene-Holroyd) To grant a reciprocal embalmer license upon payment of a \$90.00 initial license fee and to grant a reciprocal funeral director license upon

payment of a \$127.50 initial license fee and passing the written funeral director examination, which will be administered later today. Carried. The renewal date for the licenses would be June 30, 2006. Ms. Foster was granted an Oklahoma embalmer-funeral director license on June 12, 2003. She attended Butler County Community College in El Dorado, Kansas, Newman University in Wichita, Kansas, Oklahoma State University in Stillwater, Oklahoma and earned a Bachelor of Science Degree in Funeral Service at the University of Central Oklahoma in Edmond, Oklahoma. She has passed the state board examination (SBE) administered by the Oklahoma State Board of Embalmers and Funeral Directors. Ms. Foster is employed at Hutchins-Maple Funeral Home in Bristow, Oklahoma. Once licensed, she will be employed at Hillside Funeral Homes in Wichita, Kansas.

Reciprocal (Indiana) Embalmer Applicant: Mr. Daniel J. Oldenettel

(Bedene-Wangemann) To grant a reciprocal embalmer license upon payment of a \$138.00 initial license fee. Carried. The renewal date for the license would be March 31, 2007. Mr. Oldenettel was granted an Indiana Embalmer-Funeral Director license on March 7, 2005. Because he has been licensed in Indiana for less than one year, Mr. Oldenettel is in the process of serving a Kansas funeral director apprenticeship at Cochran Mortuary in Wichita, Kansas. He earned an Associate Degree of Applied Science in Funeral Service at Mid-America College of Funeral Service in Jeffersonville, Indiana and passed the national examination administered by the International Conference of Funeral Service Examining Boards (ICFSEB.)

The board recessed for lunch at the Jayhawk Tower Restaurant located on the first floor of the Jayhawk Tower.

At approximately 1:30 p.m. Mr. Smith read instructions to the funeral director examinee applicants prior to the administration of the funeral director examination which was proctored by Funeral Home Inspector Francis Mills in the Florentine Room of the Jayhawk Tower. The results of that examination are a part of these minutes.

VIII. Board Business:

- 1) (Bedene-Holroyd) To approve the **quarterly lists of continuing education**. Carried. One list contains correspondence/home study programs. Both of these lists of approved continuing education programs are regularly updated and are available on the board's web site on the internet and are mailed to licensees not having internet access on a quarterly basis.
- 2) (Bedene-C. Smith) To approve the list of **lapsed licenses**. Carried. The

list is a part of these minutes and contains the names of individuals whose license renewals are past due for longer than six months or who have requested that their licenses be dropped. Licensees who have died during the past quarter are also included on this list for informational purposes.

- 3) 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.
- 4) (Bedene-Holroyd) To approve the **third quarter** (January 1-March 31, 2005) **Report of the Funeral Home/Crematory Inspector**, Francis F. Mills. Carried.
- 5) Reviewed the **current roster of apprentice embalmers and funeral directors**. A total of thirty (38) apprentices are currently registered with the board.
- 6) Discussion of **news articles** relating to the funeral profession that have been provided to board members and legal counsel for their review.
- 7) **Remaining 2005 Board meeting dates:** July 7 and October 6. The Investigative Committee meeting is *generally* scheduled to meet at 3:00 p.m. on the day prior to the board meeting. Exact information will be included on the tentative agenda section on the board's web site. The funeral director examination is generally scheduled to be administered at the Jayhawk Tower building in the Florentine Room located on the first floor at 700 South Jackson Street in Topeka at 1:30 p.m. on board meeting dates. Examinees are asked to report by 1:15 p.m.
- 8) The board **signed travel vouchers and licenses**.
- 9) **Board Actions**—The board policy of listing all board actions on the agency web site since January 1, 2003 was reviewed and discussed. (Wangemann-Bedene) To amend the list of **Board Actions** to include action taken at the January 6, 2005 board meeting. Carried.
- 10) **Vann Funeral Service of Wichita, Kansas**—The board discussed the fire of January 14, 2005 and the current temporary location of the funeral home. The board will review the situation in July.
- 11) A new list of **Funeral Homes and Crematories with Refrigeration Units** was discussed. The list appears on the KSBMA web site and includes all Kansas funeral homes and crematories with on-site refrigeration units, their addresses and maximum storage capacity.
- 12) Kansas Department of Health and Environment (**KDHE**), Office of Vital Statistics (**OVS**)—The board reviewed permanent regulations relating to death certificates.
- 13) **Assistant Funeral Directors**—The board reviewed an email submitted by a licensee regarding assistant funeral directors and discussed the current

statutes and regulations related to assistant funeral directors. KSBMA Board Member Holroyd serves on the KFDA's Assistant Funeral Director (AFD) Task Force and briefly discussed the first Task Force meeting.

IX. Executive Secretary's Report:

- 1) **Budget Update**—The board reviewed the *Senate and House Subcommittee Reports*, a list of *Targeted Special Revenue Funds* (to be transferred to the *State General Fund*) as well as information regarding the KSBMA contained in the *Governor's State of Kansas Budget Report*.
 - a) The KSBMA **FY 2005 budget** remains at **\$247,971** (no change.) The KSBMA's **Kansas Savings Incentive Fund (KSIP)** was decreased **\$17,871** from **\$27, 871** to **\$10,000**—as was requested by the KSBMA.
 - b) The **FY 2006 budget request** approved by the Governor is **\$250,154**, while the amount approved by the Kansas Legislature has been decreased to **\$242,623** (which represents a decrease of **\$7,531**.) This figure requires the signature of Governor Sebelius—which is pending at this time. In addition, the Legislature is going to transfer **\$6,406** from the KSBMA Fee Fund to the State General Fund in FY 2006.
 - c) The **FY 2007 budget** approved by the Governor is **\$249,326**, while the amount approved by the Kansas Legislature has been decreased to **\$245,275** (which represents a decrease of **\$4,051**.) This figure still requires the signature of Governor Sebelius—which is pending at this time. An enhancement request of **\$10,577** in **FY 2007** for the replacement of the agency's only car was denied by the Division of the Budget and also by the Governor and has yet to be addressed by the Legislature.
- 2) Updated information regarding the **International Conference of Funeral Service Examining Boards (ICFSEB.)**
 - a) The *Conference Report* (newsletter) containing 2004 National Examination (NBE) results for 2004 was discussed.
 - b) 2005 Annual Conference—A written report of the conference by Executive Secretary Smith, who represented the board at the meeting that occurred just last week, was reviewed and discussed.
- 3) Updated information on the **Council on Licensure, Enforcement and Regulation (CLEAR)** was discussed.
- 4) Updated information regarding the **Federation of Associations of Regulatory Boards (FARB.)**
 - a) A written report regarding the Annual Forum attended by Executive Secretary Smith was reviewed and discussed.
- 5) Updated information on the **Kansas Funeral Directors and Embalmers Association (KFDA.)**
 - a) Article on board member appointments appeared in the January 2005 KFDA Journal.
 - b) Assistant Funeral Director Task Force—Met on January 24, 2005.

- KSBMA Board Member Holroyd is a member of this task force.
- 6) Information on the **board's Web Site**, located at: <http://www.accesskansas.org/ksbma/>, continues to be updated on a regular basis. Items added to the **KSBMA Web Site** since the January 6, 2005 meeting include: *Roster of Kansas Funeral Homes and Crematories With Refrigeration Units*, a *Change of Address Form* that allows licensees to email, fax or mail address changes as well as new information and updates to the *Closed Funeral Home Record Search* informational page with regular updates to all portions of the web site.
 - 7) The board discussed information from the **National Funeral Directors Association (NFDA.)**
 - 8) The board discussed the **Federal Trade Commission's (FTC) Funeral Rule.**
 - 9) Updated information for **American Board of Funeral Service Education (ABFSE.)**
 - a) Annual Meeting—Exec. Sec. Smith represented the board at a portion of this meeting.
 - b) Executive Director George P. Connick, Ph.D. will be leaving the ABFSE in the near future. A committee has been formed to search for a new executive director.
 - 10) Updated information from the **Cremation Society of North America (CANA)** was discussed.
 - 11) Updated information from the **Funeral Ethics Association (FEA)** was discussed.
 - 12) Updated information from the **Funeral Consumer Alliance FCA)** was discussed. The 2004 Winter newsletter was reviewed.
 - 13) Updated information from the **Funeral Ethics Organization (FEO)** was discussed. The 2004 Fall newsletter was discussed.
 - 14) Updated information from the **American Society of Embalmers (ASE)** was discussed.
 - 15) Presentations:
 - a) "Administrator's Roundtable"—2/7/2005, FARB 2005 Forum.
 - b) "Helping Families Face Final Arrangements"—2/18/2005, Topeka Area Social Workers.
 - c) "KSBMA Complaint Process" presented at the 2005 KFSA Spring District Meetings.
 - d) "Board Update" presented at the 2005 KFSA Spring District Meetings.
 - e) "Regulatory Issues"—4/10/2005, ICFSEB's 2005 Convention.
 - 16) A reminder that **2005 Statements of Substantial Interest (SSI)** are due to be filed between April 15-30, 2005.
 - 17) In the **Good News** Department, a *Thank You* letter regarding services provided by a Kansas funeral home was reviewed and discussed.
 - 18) The board reviewed an **embalming case report** compiled by the Texas Funeral Commission.

- 19) **Agape'Care Cradle/Licensee Shannon Barnes**—The board briefly discussed correspondence between the KSBMA office and a Kansas licensee in the process of applying for a funeral establishment license. Agape'Care Cradle will be a non-profit planned service organization committed to providing mortuary and bereavement services for parent families suffering through the loss of an infant. No funeral establishment application has been filed with the board at this time.
- 20) As of March 11, 2005 and based on information filed with funeral establishment and branch establishments, there is an approximate total of \$244,321,151.41 in **prefinanced funeral agreements** in the State of Kansas. Approximately \$70,931,255.92 (29%) is funded via trusts, and \$173,389,895.49 (71%) is funded via insurance.

X. (Bedene-C. Smith) To adjourn—subject to recall by the president, vice president or executive secretary. Carried.

Respectfully submitted:

Mack Smith, Executive Secretary

Stephan C. Ryan, President
July 7, 2005