

**MINUTES OF THE MEETING OF THE  
BOARD OF FUNERAL DIRECTING AND EMBALMING**

January 24, 2019

These minutes were approved by the Board on April 25, 2019
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**1. ROLL CALL**

The meeting of the Board of Funeral Directing and Embalming was called to order by Leo Seger, Chair, at 8:30 a.m., in the Nebraska State Office Building, Lower Level Conference Room A, Lincoln, Nebraska. Copies of the agenda were mailed to the Board Members and other interested parties in accordance with the Open Meetings Law. The following members answered roll call:

**Members Present**

Lawrence Battaglia	Vice-Chair
Steven Brunken	Member
Leo Seger	Chair

**Member Absent**

Arvid Wiest	Secretary
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**Others Present**

Kris Chiles	Program Manager, Licensure Unit
Nancy Herdman	Health Licensing Coordinator, Licensure Unit
Larry Wiehn	Investigator

A quorum was present and the meeting convened.

**2. ADOPTION OF AGENDA**

**MOTION:** Brunken moved, seconded by Battaglia, to adopt the agenda. A roll call vote was taken. Voting aye: Battaglia, Brunken, Seger (3). Voting nay: None (0). Absent: Wiest (1). Motion carried.

**3. APPROVAL OF MINUTES (10-25-18)**

**MOTION:** Battaglia moved, seconded by Brunken, to approve the minutes of 10-25-18. A roll call vote was taken. Voting aye: Battaglia, Brunken, Seger (3). Voting nay: None (0). Absent: Wiest (1). Abstain: None (0). Motion carried.

8:31 a.m. - Ami Huff, Assistant Attorney General, entered meeting

**4. INVESTIGATIONAL REPORTS & OTHER CONFIDENTIAL INFORMATION – CLOSED SESSION**

**MOTION:** Brunken moved, seconded by Battaglia, to enter into closed session at 8:31 a.m. to hear discussions of an investigative/confidential nature, and for the prevention of needless injury to the reputation of the individuals. Seger repeated the motion purpose. A roll call voice vote was taken. Voting aye: Battaglia, Brunken, Seger (3). Voting nay: None (0). Absent: Wiest (1). Motion carried.

**MOTION:** Battaglia moved, seconded by Brunken, to return to open session at 9:05 a.m. A roll call voice vote was taken. Voting aye: Battaglia, Brunken, Seger (3). Voting nay: None (0). Absent: Wiest (1). Motion carried.

**5. REVIEW AND RECOMMENDATIONS – OPEN SESSION**

There were no applications for review.

**6. UPDATES AND REPORTS**

**a. Nebraska Funeral Directing Association (NEFDA)**

There was no report.

**b. International Conference of Funeral Service Examination Board, Inc. (ICFSEB)**

- Draft Model Internship Program

Seger will be attending the annual meeting the end of February on a scholarship.

The Board discussed the Model Internship Program. Brunken commented that it seemed pretty intense and if Nebraska followed the model that funeral directors may not want to take on interns. Chiles suggested the Board look at the forms Nebraska uses and perhaps they might want to make changes based on the Model. The members will compare the Model Intern forms and Nebraska forms at the next meeting.

**c. Disciplinary and Non-Disciplinary Action Report / Licensure and Examination Statistics**

Chiles reported on the Disciplinary and Non-Disciplinary Action Report:

Braman Mortuary – Civil penalty and probation 1-18-19 to 1-18-20  
Ryan Gray – Censure on 1-8-19

Chiles provided the following active license statistics:

Apprentice, full – 6  
Apprentice, split 1 – 2  
Apprentice, split 2 - 1  
Branch Establishment – 101  
Embalmer – 0  
Funeral Director – 2  
Funeral Director and Embalmer – 404  
Funeral Establishment – 168

1:12 p.m. - 1 public entered meeting

**7. METHOD FOR ADMINISTRATING JURISPRUDENCE/VITAL STATISTICS EXAMINATIONS**

Brunken commented he was fine with giving the examination in a proctor setting and allowing the use of books. Members discussed that if applicants could do it on their own, employer/others could help the applicant or someone could complete the test for the applicant. Chiles commented that other boards have moved to computer testing for similar and many boards do not require a jurisprudence examination.

**MOTION:** Brunken moved, seconded by Battaglia, to enter into closed session at 9:16 a.m. to hear discussions of a confidential nature relating examination subject matter. Seger repeated the motion purpose. A roll call vote was taken. Voting aye: Battaglia, Brunken, Seger (3). Voting nay: None (0). Absent: Wiest (1). Motion carried.

9:16 a.m. - 1 public person departed meeting

**MOTION:** Brunken moved, seconded by Battaglia, to return to open session at 9:35 a.m. A roll call vote was taken. Voting aye: Battaglia, Brunken, Seger (3). Voting nay: None (0). Absent: Wiest (1). Motion carried.

9:35 a.m. - 2 public persons entered meeting

9:36 a.m. - Break

9:40 a.m. - Meeting resumed

## **8. NEW BUSINESS**

### a. Approval of Method of Noticing Meeting Agendas

As an annual procedure in accordance with the open meetings law, Chiles stated that meeting agendas are currently placed on the Department website and posted in the lobby area of the Licensure Unit. She asked if the Board wanted to continue this process.

**MOTION:** Battaglia moved, seconded by Brunken, to continue the same process of noticing meeting agendas. A roll call vote was taken. Voting aye: Battaglia, Brunken, Seger (3). Voting nay: None (0). Absent: Wiest (1). Motion carried.

### b. Correspondence Regarding Cremation and the Regulations

The Department was provided a letter addressed to the Nebraska Funeral Directors Association (NEFDA) regarding cremation and the regulations. There were concerns about funeral directors not signing the death certificate for cremations and the disposition of cremated bodies. Bill Lauber of NEFDA stated there have been discussions about what final disposition means when there is a cremation and if a funeral director needed to witness the cremation. Vital Statistics has advised funeral directors that final disposition for Vital Statistics purposes is when the body is delivered to the crematory. Brunken commented he believed the funeral director was ultimately responsible and he viewed he was responsible until the remains were given to the family.

**Per statute, 71-1382,** for purposes of the Cremation of Human Remains Act, the delivery of the cremated remains to the authorizing agent or his or her representative shall constitute final disposition.

Bill Lauber discussed his concerns regarding internet firms that offer cremation and believing they were practicing in Nebraska without a license. It was discussed that if the internet cremation firm had a contract with a Nebraska funeral director, then it would not seem to be a practice concern. There was also discussion about doctors not signing death certificates in a timely manner.

Bill Lauber stated the Anatomical Board had introduced LB 559 which would streamline the procedures on the handling of unclaimed dead human bodies that are not eligible to be received as a donation to the State Anatomical Board. The legislation eliminates an unnecessary step that funeral directors contact the State Anatomical Board on each unclaimed human body and having the State Anatomical Board declare the body is not eligible as a donation. (They are currently not accepting them.)

NEFDA representatives will talk with Russ Fosler, Administrator for Vital Records, about the date for final disposition when there is cremation. Also, it was suggested the NEFDA contact the Board of Medicine to see if they can be added to their agenda to discuss the issue with getting doctors to sign the death certificate in a timely manner.

A question was asked about when the funeral directing draft regulations would be moving forward. Chiles explained the regulatory process and stated the funeral directing regulations were the next set she would be working on. Some changes the Board has recommended are: 1) changing refrigeration to 8 days, 2) reducing education hours in the areas of biology, chemistry and accounting and adding 6 hours in business areas, and 3) eliminating branch establishments. Chiles will send the Board members a copy of the draft regulations and set up a conference call.

11:25 a.m. - 2 public persons departed meeting

Moved to agenda item 10.

## **10. SCORE JURISPRUDENCE/VITAL STATISTICS EXAMINATIONS**

**MOTION:** Battaglia moved, seconded by Brunken, to enter into closed session at 11:26 a.m. for discussions of a confidential nature and scoring the licensure examination. A roll call vote was taken. Voting aye: Battaglia, Brunken, Seger (3). Voting nay: None (0). Absent: Wiest (1). Motion carried.

11:26 a.m. - Huff departed meeting

**MOTION:** Battaglia moved, seconded by Brunken, to return to open session at 11:40 a.m. A roll call vote was taken. Voting aye: Battaglia, Brunken, Seger (3). Voting nay: None (0). Absent: Wiest (1). Motion carried.

Returned to agenda item 8.

## **8. NEW BUSINESS**

c. 2019 Legislative Session

LB 112 – Proposes to eliminate initial licensing fees for low income, military families, and young workers who are 18-25 years old.

## **9. ELECTIONS AND APPOINTMENTS**

a. Officers

**MOTION:** Brunken moved, seconded by Battaglia, to retain the current officers. A roll call vote was taken. Voting aye: Battaglia, Brunken, Seger (3). Voting nay: None (0). Absent: Wiest (1). Motion carried.

### **b. Investigative Consultant**

Brunken was appointed investigative consultant.

## **11. ADJOURNMENT**

**MOTION:** Brunken moved, seconded by Battaglia, to adjourn. A roll call vote was taken. Voting aye: Battaglia, Brunken, Seger (3). Voting nay: None (0). Absent: Wiest (1). Motion carried.

There being no further business, the chair declared the meeting adjourned at 11:50 a.m.

Respectfully submitted,

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Arvid Wiest, Secretary  
Board of Funeral Directing and Embalming

Summarized by: Nancy Herdman, Health Licensing Coordinator