

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

January 25, 2018

These minutes were approved by the Board on May 3, 2018
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**1. ROLL CALL**

The meeting of the Board of Funeral Directing and Embalming was called to order by Steven Brunken, 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:

<b><u>Members Present</u></b>	
Lawrence Battaglia	Member
Steven Brunken	Chair
Leo Seger	Secretary
Arvid Wiest	Vice-Chair
<b><u>Others Present</u></b>	
Lisa Anderon	Assistant Attorney General
Kris Chiles	Program Manager, Licensure Unit
Nancy Herdman	Health Licensing Coordinator, Licensure Unit
Larry Wiehn	Investigator

A quorum was present and the meeting convened.

This was Battaglia's first meeting and everyone introduced themselves.

**2. ADOPTION OF AGENDA**

**MOTION:** Wiest moved, seconded by Seger, to adopt the agenda. A voice vote was taken. Voting aye: Battaglia, Brunken, Seger, Wiest (4). Voting nay: None (0). Absent: None (0). Motion carried.

**3. APPROVAL OF MINUTES (11-9-17)**

**MOTION:** Wiest moved, seconded by Seger, to approve the minutes of 11-9-17. A roll call vote was taken. Voting aye: Brunken, Seger, Wiest (3). Voting nay: None (0). Absent: None (0). Abstain: Battaglia (1). Motion carried.

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

**MOTION:** Seger moved, seconded by Wiest, to enter into closed session at 8:33 a.m. to hear discussions of an investigative/confidential nature, and for the prevention of needless injury to the reputation of the individuals. A roll call vote was taken. Voting aye: Battaglia, Brunken, Seger, Wiest (4). Voting nay: None (0). Absent: None (0). Motion carried.

8:34 a.m. - Brunken departed meeting (conflict)  
8:44 a.m. - Brunken entered meeting  
Wiehn departed meeting

**MOTION:** Seger moved, seconded by Wiest, to return to open session at 9:26 a.m. A roll call vote was taken. Voting aye: Battaglia, Brunken, Seger, Wiest (4). Voting nay: None (0). Absent: None (0). Motion carried.

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

### **Convictions/Reinstatements/Administrative Penalties**

Robert Haug – FDE Apprentice Applicant

**MOTION:** Weist moved, seconded by Seger, to recommend approval of the license with no terms and conditions. A roll call vote was taken. Voting aye: Battaglia, Brunken, Seger, Wiest (4). Voting nay: None (0). Absent: None (0). Motion carried.

## **6. UNFINISHED BUSINESS**

- a. Suggested Regulation/Statutory Revisions (refrigeration duration, pre-mortuary educational areas, other)

In terms of refrigeration duration, the current regulations say “An un-embalmed body may be retained in storage at a constant temperature of less than 40 degrees Fahrenheit for not more than 96 hours from receipt of the deceased body.” Because of families living distances away and not being quick to make decisions, it was suggested that the 96 hours be changed to 10 days and “upon receipt of the deceased body” be removed.

It was suggested that every funeral home be required to have refrigeration or required to put refrigeration in if they remodel. Chiles commented there could be opposition to this as not all funeral establishments providing embalming services or funeral services on site; some only provide the arrangements and contract with other facilities for embalming/cremation. The Board will discuss this further.

The members discussed the 60 hours of pre-mortuary education and the hours required in certain areas. Knowing that the statutes would need to be changed, the following hours were proposed:

English/Communication – 6 hours  
Biology – 6 hours  
Counseling – 6 hours  
Chemistry – 3 hours  
Accounting/Finance – 3 hours  
Business Law/Ethics/Management – 6 hours

The Board also discussed eliminating branch establishments.

Chiles will contact the Nebraska Funeral Directing Association to see if she can be placed on their agenda for the May meeting to present these possible proposed regulation/statute changes discussed by the Board to gather feedback and ascertain support of the field.

10:10 a.m. - Break  
Anderson departed meeting  
10:25 a.m. - Meeting resumed

**MOTION:** Wiest moved, seconded by Seger, to enter into closed session at 10:26 a.m. for discussions of a confidential nature regarding examination score results. A roll call vote was taken. Voting aye: Battaglia, Brunken, Seger, Wiest (4). Voting nay: None (0). Absent: None (0). Motion carried.

**MOTION:** Battaglia moved, seconded by Wiest, to return to open session at 10:39 a.m. A roll call vote was taken. Voting aye: Battaglia, Brunken, Seger, Wiest (4). Voting nay: None (0). Absent: None (0). Motion carried.

## **7. UPDATES AND REPORTS**

### **a. Nebraska Funeral Directing Association**

The convention will be May 8-10, 2018, in Lincoln. If Chiles is placed on their agenda, she will discuss the role of the Board along with the topics discussed in agenda item 6.

Chiles asked if there were any bills the Association was informing its membership on. Brunken responded nothing specifically in terms of the profession. Chiles presented information on LB 834 which is a bill related to waiver of licensing fees. The bill is proposing to waive fees for the following:

- “(3) Low-income individual means an individual enrolled in a state or federal public assistance program, including, but not limited to, the medical assistance program established pursuant to the Medical Assistance Act, the federal Supplemental Nutrition Assistance Program, or the federal Temporary Assistance for Needy Families program, or whose household adjusted gross income is below one hundred thirty percent of the federal income poverty guidelines, or a higher threshold to be set by the Licensure Unit of the Division of Public Health of the Department of Health and Human Services;
- (4) Military families means active duty service members, honorably discharged veterans, spouses of active duty service members or honorably discharged veterans, and unremarried surviving spouses of deceased services members;
- (6) Young work means an applicant under section 2 of this act who is between the ages of eighteen and twenty-five years.”

Chiles reported approximately 42% of applicants for licenses fall within the waiver categories.

### **b. International Conference of Funeral Service Examination Board, Inc.**

Seeger will be attending their national meeting.

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

Following are disciplinary actions for 2017:

Robert DeGeorge – Probation 11-3-17 to 11-3-18  
Richard Reisig – Probation 12-12-17 to 12-12-19  
Rodney Rozanek – Censure and Civil Penalty 10-4-17

Chiles reported the following examination results for 2017:

Jurisprudence – 17 pass, 4 fail  
Vital statistics – 21 pass  
National Arts – 11pass, 1 fail  
National Science – 13 pass  
Jurisprudence, CE – 16 pass

Chiles reported the following statistics:

Apprentice, full – 6  
Apprentice, split 1 – 2  
Apprentice, split 2 - 2  
Branch Establishment – 99  
Embalmer – 1  
Funeral Director – 3  
Funeral Director and Embalmer – 425  
Funeral Establishment – 170

Chiles reported there were many funeral directors and embalmers who had not renewed their license which is due February 1, 2018. Brunken suggested and Chiles agreed to contact the Nebraska Funeral Directing Association regarding the number of individuals still needing to renew.

## **9. ELECTIONS AND APPOINTMENTS**

### **a. Officers**

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

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

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

### **b. Investigative Consultant**

Brunken was appointed investigative consultant.

The April meeting was changed to May 3, 2018.

## **9. ADJOURNMENT**

**MOTION:** Brunken moved, seconded by Wiest, to adjourn. A roll call vote was taken. Voting aye: Battaglia, Brunken, Seger, Wiest (4). Voting nay: None (0). Absent: None (0). Motion carried.

There being no further business, the chair declared the meeting adjourned at 11:12 a.m.

Respectfully submitted,

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Leo Seger, Secretary  
Board of Funeral Directing and Embalming

Next Meeting: 5-3-18

Summarized by: Nancy Herdman, Health Licensing Coordinator