

These minutes have been approved by the Board on October 24, 2019

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

July 25, 2019

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.

Members Present: The following members answered roll call:

Lawrence Battaglia, Vice-Chair
Steven Brunken, Member
Leo Seger, Chair

Member Absent:

Arvid Wiest, Secretary

Others Present:

Kris Chiles, Program Manager, Licensure Unit
Ami Huff, Assistant Attorney General

A quorum was present and the meeting convened.

2. ADOPTION OF AGENDA

Brunken stated that on the current agenda, item #3, indicates approval of minutes for 1.24.2019 and 2.14.2019. These two sets of minutes were approved in July. The agenda should state, 'approval of minutes for 4.25.2019'.

MOTION: Brunken moved, seconded by Battaglia, to adopt the agenda as amended (correct the dates for minutes to be approved). A voice vote was taken. Voting aye: Battaglia, Brunken, Seger (3). Voting nay: None (0). Absent: Wiest (1). Motion carried.

3. APPROVAL OF MINUTES (7.25.2019)

MOTION: Battaglia moved, seconded by Brunken, to approve the minutes of 7.25.2019. A voice vote was taken. Voting aye: Battaglia, Brunken, Seger (3). Voting nay: None (0). Absent: Wiest (1). Abstain: None (0). Motion carried.

4. INVESTIGATIONAL REPORTS & OTHER CONFIDENTIAL INFORMATION – CLOSED SESSION

There were no investigations reports or other confidential information to review.

5. REVIEW AND RECOMMENDATIONS – OPEN SESSION

There were no applications for review.

6. UPDATES AND REPORTS

a. 2019 Legislation Update

LB 112: The bill waives initial licensing fees for young workers, low income and military. It was signed by the Governor on 3-21-19 and becomes effective 1.1.2020.

LB 559 – This bill streamlines 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. LB 559 was approved by the Governor on 5.29.2019 and becomes effective 90 days after the session ends (9.1.2019)

b. Regulation Status (172 NAC 67 and 68)

Chiles highlighted the changes in chapter 67 as follows:

- Removes all duplicative statutory language from the regulations and removes any repetitive regulatory language that would be found in 172 NAC 10. Chapter 10 provides requirements, guidance, and consistency to all individuals who may be applying for a credential, renewing and reinstating a credential, and definitions and other processes that are consistent for all credential holders under the Uniform Credentialing Act.
- Reduces the number of continuing education hours from 16 to 12.
- Increases the frequency that the licensee is required to pass the jurisprudence examination as a condition of renewal from 1 time every 10 years to 1 time each renewal period.

Chiles highlighted the changes in chapter 68 as follows:

- Removes all duplicative statutory language from the regulations and removes any repetitive regulatory language that would be found in 172 NAC 9. Chapter 9 provides requirements, guidance, and consistency to all individuals who may be applying for a business credential, renewing and re-applying for a credential, and definitions and other processes that are consistent for all businesses under the Uniform Credentialing Act.
- The proposed regulation extends the time a dead human body may be held in refrigeration from 72 hours to 8 days, in order to allow for holidays, additional time to work with families, other unforeseen circumstances,
- The listing of required equipment and tools required to be in an embalming room is outdated and is being removed from the regulations. The proposed regulations will allow the licensee to determine what equipment is necessary to provide embalming services, providing the equipment is clean and sanitary.

Chiles reported that the Department is awaiting approval from the Governor's office to schedule a hearing.

c. Nebraska Funeral Directing Association (NEFDA) <http://nefda.org>

Members discussed the following activities that NEFDA is researching:

- Suggested changes to the death certificate.
- Nebraska Organ Recovery (NOR), the organization that facilitates organ and tissue donation in Nebraska, has changed its name to Live On Nebraska. <https://liveonnebraska.org/> Need timely notification to funeral homes. Hospital calls NOR and then NOR asks the family. E-mail then sent to funeral home to delay pick-up until NOR receives response from family.
- Reviewing the policies relating to the administration of the Dorothy E Swanson Charitable Trust Scholarship. This scholarship is awarded to individuals who will be attending the Kansas City Kansas Community College School of Mortuary Science vs the Wallace S. & Wilma K. Laughlin Foundation Trust Scholarship which is awarded to individuals attending any mortuary science program. Additionally looking into the dates the scholarships are awarded (currently in July).
- Support split apprenticeships (6 months prior to mortuary school and 6 months following) vs the full 12 month apprenticeship (following mortuary school).
- Conversations are occurring relating to the initial educational requirements; i.e.: is chemistry still required as initial education when taught in mortuary school.

Board Comments:

- Only allowing for a split apprenticeship can be problematic; not all applicants wish to split the time, not all applicants can split the time based on their personal situation, and those who are applying from out of state may need the full 12 months to pick up additional educational hours.

- Suggest NEFDA reach out to the Kansas City Community College and discuss alternative options for schooling (perhaps on-line classes).

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

The next conference will be in Palm Coast, Florida, on February 19-20, 2020.

e. Disciplinary and Non-Disciplinary Actions, Administrative Penalties, and License and Examination Statistics

Chiles reported on the Disciplinary and Non-Disciplinary Action Report stating there were no new actions since those reported at the January meeting.

Examinations since January 1, 2019:

Jurisprudence – 6 pass, 1 fail
 Vital Statistics – 7 pass
 Jurisprudence (CE) – 11 pass
 National Arts – 2 pass, 1 fail
 National Science – 3 pass

Active license statistics:

Apprentice, full – 5
 Apprentice, split 1 – 1
 Apprentice, split 2 - 2
 Branch Establishment – 99
 Embalmer – 0
 Funeral Director – 2
 Funeral Director and Embalmer – 411
 Funeral Establishment – 168

9:20 a.m. Break
 9:42 a.m. Resume meeting

7. SCORE JURISPRUDENCE/VITAL STATISTICS EXAMINATIONS

MOTION: Battaglia moved, seconded by Brunken, to enter into closed session at 9:30 a.m. for discussions of a confidential nature and scoring the licensure examinations. A roll call vote was taken. Voting aye: Battaglia, Brunken, Seger (3). Voting nay: None (0). Absent: Wiest (1). Motion carried.

MOTION: Brunken moved, seconded by Battaglia, to return to open session at 9:45 a.m. A roll call vote was taken. Voting aye: Battaglia, Brunken, Seger (3). Voting nay: None (0). Absent: Wiest (1). Motion carried.

8. ADJOURNMENT

There being no further business, the chair declared the meeting adjourned at 10:45 a.m.

Arvid Wiest, Secretary
 Board of Funeral Directing and Embalming

Summarized by: Kris Chiles, Program Manager, Licensure Unit