

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

October 25, 2018

These minutes have not been approved by the Board

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, Director's Conference Area, 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
Arvid Wiest	Secretary

Others Present

Ami Huff	Assistant Attorney General
Kris Chiles	Program Manager, Licensure Unit
Nancy Herdman	Health Licensing Coordinator, Licensure Unit

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, Sege, Wiest (4). Voting nay: None (0). Absent: None (10). Motion carried.

3. APPROVAL OF MINUTES (7-26-18)

MOTION: Battaglia moved, seconded by Brunken, to approve the minutes of 7-26-18. A roll call vote was taken. Voting aye: Battaglia, Brunken, Seger, Wiest (4). Voting nay: None (0). Absent: None (0). Abstain: None (0). Motion carried.

4. INVESTIGATIONAL REPORTS & OTHER CONFIDENTIAL INFORMATION – CLOSED SESSION

MOTION: Wiest moved, seconded by Battaglia, to enter into closed session at 8:32 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 vote was taken. Voting aye: Battaglia, Brunken, Seger, Wiest (4). Voting nay: None (0). Absent: None (0). Motion carried.

MOTION: Brunken moved, seconded by Battaglia, to return to open session at 8:55 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

There were no applications for review.

Brunken commented about a situation where an applicant was having a difficult time finding an accounting class. Chiles commented that if the applicant took an accounting course in mortuary school and it was not part of the mortuary program, the Department needed a letter from the program that stated the course was not part of the mortuary program.

Chiles presented a situation where an individual completed 7 months of funeral director training in Nebraska and then moved to Colorado where he practiced as a funeral director but was not licensed. He wanted to

know if Nebraska would give him credit for his months in Colorado. The Nebraska statutes require an applicant to complete 12 months of training in Nebraska. The Board discussed the time in Colorado would not meet the requirements. He could complete the rest of his hours in Nebraska.

6. UPDATES AND REPORTS

a. Nebraska Funeral Directing Association (NEFDA)

Seger reported NEFDA met with a Vital Records staff person to discuss issues regarding filing death certificates and wanting fetal death certificate to be on-line. There have been issues with funeral directors receiving letters from Vital Records indicating that the death certificate was not signed within 96 hours; however, the problem has been with obtaining the signature of the doctor and not the funeral director signature. Brunken suggested that Vital Records contact the doctor rather than the funeral home when the doctor has not signed the death certificate within the required time period. Changing the regulations and filing a complaint against the doctor were discussed. Chiles suggested there could be possible changes to the statute stating that the doctor was responsible and perhaps include that the doctor could be disciplined if the death certificate was not signed within the required time. Chiles stated Russ Fosler was the administrator for both investigations and vital records and suggested he be contacted with concerns.

The casket sale report was discussed as to whether crematories needed to complete this report when they are not the funeral establishment nor are they conducting the funeral. Some crematories have been told by Vital Records that they need to do the report. Chiles suggested this also be discussed with Russ Fosler.

Bill Lauber from NEFDA forwarded an e-mail from the Nebraska Anatomical Board that proposed changing legislation regarding statutes concerning unclaimed bodies. The Anatomical Board would like to be removed from the statutes as the Anatomical Board has not accepted an unclaimed body in almost two decades. The Board stated that it would be up to the Anatomical Board to move forward to pursue any changes.

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

The annual meeting is scheduled February 27-28, 2019 in San Diego. Popular interactive forums, such as "Conference Fishbowl" and the "District Meetings," will provide the opportunity to engage in roundtable discussions on funeral regulation hot topics with participants from across North America. A panel of regulatory professionals will highlight experiences with the multi-million dollar body-broker business and discuss how it relates to funeral service regulation. Additionally, attendees will welcome incoming FTC Funeral Rule Coordinator, Patricia Poss, who will discuss leadership initiatives and Funeral Rule updates.

A couple members expressed an interest in attending. Whoever attends was asked to contact Herdman 2 months before the meeting so the out-of-state approval can be processed.

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

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

Stephen O'Brien – Suspension 8-12-18
Solt-Wagner Funeral Home (Branch) – Probation 5-17-18 to 11-17-18
Solt-Wagner Funeral Home – Probation 5-17-18 to 11-17-18
Braman Mortuary – Petition for Disciplinary Action Filed 10-3-18
Ryan Gray – Petition for Disciplinary Action Filed 10-3-18

Chiles provided the following examination results since January 2018:

Jurisprudence – 6 pass, 1 fail
Vital statistics – 7 pass
Jurisprudence, CE – 18 pass
National Arts Exam – 3 pass
National Science Exam – 3 pass

Chiles provided the following active license statistics:

Apprentice, full – 5
Apprentice, split 1 – 1
Apprentice, split 2 - 2
Branch Establishment – 100
Embalmer – 0
Funeral Director – 2
Funeral Director and Embalmer – 400
Funeral Establishment – 168

7. METHOD FOR ADMINISTRATING JURISPRUDENCE/VITAL STATISTICS EXAMINATIONS

Brunken commented that he was not in favor of online testing but if the examination was taken at an examination center, he could support it. Seger stated those in the field he had spoken with were not in favor of changing how the examination is administered. Chiles commented there needed to be discussion about the purpose of the jurisprudence examination and being consistent with how other boards do their jurisprudence examination. She discussed that the Governor is looking at reducing regulatory oversight and eliminating regulations that are burdensome to the applicant. It was agreed this item would be discussed at the next meeting.

8. SELECTION OF MEETING DATES FOR 2019

The Board agreed to the following dates: 1-24-19, 4-25-19, 7-25-19, 10-24-19.

9:35 a.m. - Break
Huff departed meeting
10:07 a.m. - Meeting resumed in Room LU3

9. SCORE JURISPRUDENCE/VITAL STATISTICS EXAMINATIONS

MOTION: Brunken moved, seconded by Battaglia, to enter into closed session at 10:11 a.m. for discussions of a confidential nature and scoring the licensure examination. A roll call vote was taken. Voting aye: Battaglia, Brunken, Seger, Wiest (4). Voting nay: None (0). Absent: None (0). Motion carried.

MOTION: Wiest moved, seconded by Battaglia, to return to open session at 10:42 a.m. A roll call vote was taken. Voting aye: Battaglia, Brunken, Seger, Wiest (4). Voting nay: None (0). Absent: None (0). Motion carried.

10. 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 10:43 a.m.

Respectfully submitted,

Arvid Wiest, Secretary
Board of Funeral Directing and Embalming

Summarized by: Nancy Herdman, Health Licensing Coordinator