

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

April 2, 2015

These minutes were approved by the Board on June 25, 2015

1. ROLL CALL

The meeting of the Board of Funeral Directing and Embalming was called to order by John Rice, Chair, at 8:30 a.m., in the Nebraska State Office Building, Lower Level Conference Room D, 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:

<u>Members Present</u>	
Randal Bangert	Secretary
Steven Brunken	Vice-Chairperson
John Rice	Chairperson
Arvid Wiest	Member
<u>Others Present</u>	
Ed Vierk	Assistant Attorney General
Kris Chiles	Program Manager, Licensure Unit
Dennis Scott	Investigator, Licensure Unit
Pat Lempke	Investigator, 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 Bangert, to adopt the agenda. A roll call vote was taken. Voting aye: Bangert, Brunken, Rice, Wiest (4). Voting nay: None (0). Absent: None (0). Motion carried.

3. APPROVAL OF MINUTES (1-22-15)

MOTION: Wiest moved, seconded by Brunken, to approve the minutes of January 22, 2015. A roll call vote was taken. Voting aye: Bangert, Brunken, Rice, Wiest (4). Voting nay: None (0). Abstain: None (0). Motion carried.

4. INVESTIGATIONAL REPORTS & OTHER CONFIDENTIAL INFORMATION – CLOSED SESSION

MOTION: Brunken moved, seconded by Bangert, to enter 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. A roll call vote was taken. Voting aye: Bangert, Brunken, Rice, Wiest (4). Voting nay: None (0). Absent: None (0). Motion carried.

8:51 a.m. - Scott departed meeting
8:57 a.m. - Lempke departed meeting

MOTION: Wiest moved, seconded by Bangert, to return to open session at 9:13 a.m. A roll call vote was taken. Voting aye: Bangert, Brunken, Rice, Wiest (4). Voting nay: None (0). Absent: None (0). Motion carried.

5. REVIEW AND RECOMMENDATIONS – OPEN SESSION

Convictions/Reinstatements/Administrative Penalties

Philip Hardiman – Funeral Director and Embalmer Reinstatement

MOTION: Brunken moved, seconded by Bangert, to defer the application for additional information. A roll call vote was taken. Voting aye: Bangert, Brunken, Rice, Wiest (4). Voting nay: None (0). Absent: None (0). Motion carried.

Western Nebraska Funeral Service dba Bridgeport Memorial Chapel and Bayard Memorial Chapel

MOTION: Bangert moved, seconded by Brunken, to recommend offering a 1-year probationary license for each location to include the following terms and conditions: 1) completion of the Board jurisprudence examination by the manager and owners within 60 days; 2) \$1,000 administrative fee for each location; 3) quarterly employee list. A roll call vote was taken. Voting aye: Bangert, Brunken, Rice, Wiest (4). Voting nay: None (0). Absent: None (0). Motion carried.

9:17 a.m. - Break
9:28 a.m. - Public individual entered meeting
9:30 a.m. - Kevin Griess, Department attorney, entered meeting
Meeting resumed

6. NEW BUSINESS

a. Updates/Issues

- 2015 Legislative Session

William Lauber from the Legislative Committee of the Nebraska Funeral Directing Association distributed and discussed a summary of three legislative bills relevant to funeral directing and embalming that had been approved by the Governor. Those bills were:

LB 198 – Change pre-licensing and continuing education requirements; to authorize licenses for limited line pre-need funeral insurance.

LB 146 – Provide for disposition of unclaimed cremated remains in a veteran cemetery.

LB 241 – Change provisions relating to conveyances of cemetery lots.

9:34 a.m. - Vierk departed meeting
9:41 a.m. - Rice departed meeting
9:43 a.m. - Rice entered meeting

William Lauber discussed the OSHA news release that providing notice that OSHA would be completing health inspections regarding formaldehyde and methylene chloride; funeral homes inspections are included.

- Regulations (172 NAC 67 & 68)

Chiles reported the Attorney General's Office had approved both sets of regulations and they currently are being reviewed by the Governor's Office.

There was a discussion that the many regulations relating to funeral home operation were located in several different regulation areas and that can be confusing. Brunken suggested putting the regulations and statutes on a disc and making them available at convention or provide a document that outlines where the information could be found online. The Board discussed updating a Board document that inspectors have given out in the past. They also discussed that the Nebraska Funeral Directing Association might be willing to put the

information on disc and Chiles said she would work with them. Brunken asked Chiles to e-mail the members all the links.

9:59 a.m. - Bangert departed meeting
10:02 a.m. - Bangert entered meeting

- **Nebraska Funeral Directing Association (NEFDA)**

Rice reported the convention would be May 5-7 in Lincoln at the Embassy Suites. Rice will be giving a presentation on the 5th which will include giving the jurisprudence examination.

- **International Conference of Funeral Services Examination Board, Inc. (ICFSEB)**

Bangert attended the meeting in February. He passed around a copy of the Model Practice Act which he obtained at the conference. Rice also attended the conference and he was a part of the Examination Committee that met prior to the meeting and has another meeting in the future.

b. Reports

- **Disciplinary and Non-Disciplinary Action Reports/Licensure and Examination Statistics**

Chiles reported there had been no disciplinary actions since the last meeting

Chiles reported the following statistics:

Apprentice-Full:	7
Apprentice-Split 1:	3
Apprentice-Split 2:	1
Branch Establishment:	110
Embalmer:	1
Funeral Director	4
Funeral Director & Embalmer:	416
Funeral Establishment:	169

c. Other

There was no other information to report.

10:16 a.m. - Griess departed meeting
10:21 a.m. - Public individual departed meeting

7. UNFINISHED BUSINESS

a. Score and Review Licensure Jurisprudence - Closed Session

MOTION: Brunken moved, seconded by Wiest, to enter into closed session at 10:24 a.m. to discuss the jurisprudence continuing education examination. A roll call vote was taken. Voting aye: Bangert, Brunken, Rice, Wiest (4). Voting nay: None (0). Absent: None (0). Motion carried.

b. Revision Discussion – Continuing Education Jurisprudence Examination

c. Other – Open Session

MOTION: Wiest moved, seconded by Brunken, to return to open session at 11:56 a.m. A roll call vote was taken. Voting aye: Bangert, Brunken, Rice, Wiest (4). Voting nay: None (0). Absent: None (0). Motion carried.

8. ADJOURNMENT

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

There being no further business, the chair declared the meeting adjourned at 11:56 a.m.

Respectfully submitted,

Randal Bangert, Secretary
Board of Funeral Directing and Embalming

Next Meeting: 6-25-15

Summarized by: Nancy Herdman, Health Licensing Coordinator