

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

October 14, 2015

These minutes were
approved by the Board on
January 28, 2016

1. ROLL CALL

The meeting of the Board of Funeral Directing and Embalming was called to order by John Rice, Chair, at 8:31 a.m., in the Nebraska State Office Building, Lower Level Conference Room B, 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

Randal Bangert	Secretary
Steven Brunken	Vice-Chairperson
John Rice	Chairperson
Arvid Wiest	Member

Others Present

Ed Vierk	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 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 (6-25-15)

MOTION: Bangert moved, seconded by Brunken, to approve the minutes of June 25, 2015. A roll call vote was taken. Voting aye: Bangert, Brunken, Rice, Wiest (4). Voting nay: None (0). Absent: None (0). Abstain: None (0). Motion carried.

The Board moved to agenda item 6.

6. NEW BUSINESS

a. Updates/Issues

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

Rice reported the convention would be in Overland Park, Kansas, the first Sunday, Monday and Tuesday of May. He stated there would be a teleconference call tomorrow of the officers and the Board regarding the by-laws.

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

Rice reported he had just returned from Tuscon. He commented he had reviewed 3 forms of the examination and worked on questions. He was asked about a study guide and responded there was a study guide and a practice test. Rice stated the next convention would be February 24-25, 2016, in Newport Beach, California.

MOTION: Brunken moved, seconded by Bangert, to approve funding for a Board member to attend the ICFSEB Meeting in February 2016. A roll call vote was taken. Voting aye: Bangert, Brunken, Rice, Wiest (4). Voting nay: None (0). Absent: None (0). Abstain: None (0). Motion carried.

b. Reports

• **Disciplinary and Non-Disciplinary Action Reports**

Chiles reported that since January, 2 individuals and 2 facilities were placed on probation.

• **Licensure and Examination Statistics**

Chiles reported the following examination results:

Jurisprudence - 10 pass, 2 fail
Vital Statistics – 10 pass
National Arts – 13 pass, 1 fail
National Science – 12 pass, 3 fail
Open Book Jurisprudence – 54 passed

There was a discussion that those licensed before 2006 needed to take the jurisprudence examination as a condition of renewal for 2016.

8:45 a.m. - Dennis Scott, investigator, entered the meeting

Chiles reported the following statistics:

Apprentice-Full	14
Apprentice-Split 1	3
Apprentice-Split 2	2
Brach Establishment	111
Embalmer	1
Funeral Director	4
Funeral Director & Embalmer	423
Funeral Establishment	175

c. Select Meeting Dates for 2016

The Board selected the following meeting dates for 2016: 1-28, 4-21, 7-21, 10-20

The Board moved to agenda item 4.

4. INVESTIGATIONAL REPORTS & OTHER CONFIDENTIAL INFORMATION – CLOSED SESSION

MOTION: Wiest moved, seconded by Brunken, to enter into closed session at 8:47 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.

9:03 a.m. - Scott departed meeting

MOTION: Weist moved, seconded by Brunken, to return to open session at 9:04 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

Chiles stated there were no applications for review.

9:05 a.m. - Break
9:11 a.m. - Meeting resumed
Kevin Griess, Department attorney, entered the meeting

Returned to the remaining items under agenda item 6.

6. NEW BUSINESS

d. Other

Brunken stated that when there is an organized event such as a rosary, the regulations say the funeral director must be present. He asked how the Board would define “being present” such as being in the building and perhaps doing something else, physically at the event, etc. The Board agreed that it meant being present at the event. He asked the same question as to what “being present” meant at the final disposition such as being on the grounds or at the grave site and it was agreed it mean being at the grave site.

Brunken also had a question about contracts and where it says another item may be substituted if reasonable efforts have been made to obtain the wanted item and it is no longer available. He stated casket companies give rebates at the end of the year for volume and that could impact administrator decisions. Chiles responded that it was a question for the Department of Insurance since it was their law. Brunken will talk to the Department of Insurance.

The Board moved to agenda item 8b before going into closed session.

8. Unfinished Business

b. Recognition of 10 Years of Service – Randy Bangert

Rice presented Bangert with 2 plaques and thanked him for his many years of service and contributions to the Board and the profession. Chiles commented that no other public member on a board she had worked with had ever been as active as Bangert. Some of his activities included: 1) Attending International Conference meetings; 2) Being elected an International Conference District 6 director who visited the states in his District; 3) Being elected International Conference President; 4) Drafting and editing the jurisprudence examination; and 5) Serving as an inspector.

Moved to agenda item 6e.

6. NEW BUSINESS

e. Score and Review Licensure Jurisprudence Examination – Closed Session

MOTION: Wiest moved, seconded by Bangert, to enter into closed session at 9:29 a.m. to hear discussions of a 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.

9:30 a.m. - Break
9:32 a.m. - Meeting resumed

Moved to agenda item 8a.

8. Unfinished Business

a. Examination Revision Discussion – Licensure and Continuing Education Jurisprudence – Closed Session

MOTION: Weist moved, seconded by Brunken, to return to open session at 11:26 a.m. A roll call vote was taken. Voting aye: Bangert, Brunken, Rice, Wiest (4). Voting nay: None (0). Absent: None (0). Motion carried.

MOTION: Brunken moved, seconded by Weist, to appoint an Exam Committee to review and/or update the jurisprudence examination for continuing education and licensure. A roll call vote was taken. Voting aye: Bangert, Brunken, Rice, Wiest (4). Voting nay: None (0). Absent: None (0). Motion carried.

9. ADJOURNMENT

MOTION: Bangert moved, seconded by Brunken, 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 11:29 a.m.

Respectfully submitted,

Randal Bangert, Secretary
Board of Funeral Directing and Embalming

Next Meeting: 1-28-15

Summarized by: Nancy Herdman, Health Licensing Coordinator