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DEPT. OF HEALTH AND HUMAN SERVICES

Crematory Operators Credentialing Review Meeting #2

Public Meeting

Minutes

This is a draft. Minutes have not been approved by the Technical Review Committee.

Thursday, October 15th, 2026, 2:30pm

MEMBERS: Gary Anthone, MD; Peter Hunt, PA-C; David Deemer, LNHA; Kyle McCartney, PharmD; Jeffrey Howorth; Michael O'Hara, J.D., Ph.D.; Mark Bertch, DPT
STAFF: Emma Davis, Emma Soukup, Katherine Amyot, Sean Loving

APPLICANT GROUP: Paul Seger, Jamie Dolan (both licensed funeral directors)

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1. **Call to Order and Roll Call**
   The second meeting of the crematory operators credentialing review process was called to order at 2:30 PM on Thursday, October 15th. The following members were present: Gary Anthone, MD; Peter Hunt, PA-C; David Deemer, LNHA; Kyle McCartney, PharmD; Michael O'Hara, J.D., Ph.D.; Mark Bertch, DPT. There was one committee member who was not in attendance, Jeffrey Howorth. Quorum met.
   Staff and others in attendance: Emma Davis, Emma Soukup
   A copy of the Open Meetings Act was available in the meeting room.

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2. **Approval of agenda and last meeting's minutes**
   The technical review committee moved to approve the agenda for the meeting. Bertch made the motion, O'Hara seconded the motion, all four other present members agreed. Agenda approved.
   Bertch mentions that the cremator operator certification is an initial certification, not an expansion of scope. The six criteria mentioned in the draft of the previous minutes are for an expansion of scope, not an initial certification. The technical review committee is supposed to assess the application against a different set of four criteria for initial certification. These four criteria can be found on page 13 of the manual. Later the previous meeting's minutes were approved with this minor edit and the addition of Ellie Rohr as an attending staff member. Deemer moved to approve the minutes, McCartney seconded the motion, and all four other members in attendance agreed. Minutes approved.

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3. **Announcements prior to presentation**
   Bertch also made an announcement regarding the confusion about these terms: certification, licensure, crematory authority, crematory operator, funeral directing. He stated that reminding the group of those definitions would help both the applicant group and the technical review committee stay on the same page.
   Neb. Rev. Stat. 716213: A license means permission to engage in a health profession in which it would be unlawful to engage in without such permission. It is granted to individuals who meet prerequisite qualifications that allow them to perform prescribed tasks. These individuals can then use a particular title.
   Certification is more of a voluntary process. The statutory or regulatory entity grants recognition to an individual that meets prerequisite qualifications specified by the regulatory entity. These individuals may then use "certified" in their title to perform certain tasks. The main difference is the voluntary nature of certifications compared to the required nature of licenses.

Dolan mentioned Neb. Rev. Stat. 711356, the terms related to crematory operators. Bertch agreed that terms such as funeral director, etc. need to be defined to keep the group on the same page. Funeral director is not the same as a crematory operator. Operators are specifically just people charged with conducting cremations.
Seger mentioned that the presentation that was prepared beforehand was based on the six criteria for expansion of scope, not the four criteria for initial certification.
Anthone asked where the criteria can be found; Davis responded that they're in the procedure manual.

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4. **Applicant group presentation and TRC questioning**

Seger began the presentation by discussing criterion 1: unregulated practice can clearly harm or endanger the health, safety, or welfare of the public.
He explained that crematories are under DHHS as a whole, but not under the funeral board. The applicant group wants crematories to be under the funeral board. After discussing with licensure, the applicant group is clear that this is what they feel to be the best course of action. This will have to be completed through statute change.
Seger also corrected information provided last time. Lots of crematories are run by funeral directors. The proposed change would allow oversight of "standalone" facilities as well, which are facilities not run by funeral directors. Last time, the applicant group stated there was one standalone facility. There actually were four in the past. Currently, there are two in the state. They are the same company, but different entities.
Seger explained the applicant group thinks that oversight from the funeral board would be beneficial for the public with regard to these standalone facilities in part because the board is a smaller, more specialized entity than the whole of DHHS.
Dolan added that the applicant group's goal is to be proactive about preventing problems with crematories rather than being reactive later after problems have already occurred.
O'Hara asked if standalone means that there is no public-facing connection between a funeral home and a crematory. The applicant group confirmed that yes, that means there is no connection between the funeral home and the crematory and also that there is no funeral director on staff at the facility. These facilities are not customer-facing at all.
The technical review committee and applicant group agreed to ask questions as the presentation was delivered rather than just allowing discussion at the end.
Anthone stated that he couldn't believe that crematories were not under the funeral board and asked how that came to be. The applicant group responded that they did not know. Dolan stated that her best guess is that the laws and regulations were from long enough ago that cremation was not very prevalent at the time they were written. So, the laws are simply outdated and not adequate for the current-day prevalence of cremation. Amyot mentioned that she believes crematories were originally governed by the health care facilities licensing act, but were outside that particular scope, putting them in a legal gray area.
Anthone asked for clarification about the applicant group's goal. Do they want crematories under the funeral board? Is this about more than just the crematory operators themselves? Seger said that yes, crematories would have to be under the funeral board for the operators to be required to take a specific course. He also stated that he'd discussed the issue with people in the licensure department that would like to see crematory operators have to take a jurisprudence exam. That would make it the same scope as the funeral director licenses.
Anthone asked for the slides. Seger said he could have them if he wanted, but they were inaccurate.
O'Hara asked if any [unintelligible] or county health departments have a crematory. The answer to both questions was no. Seger explained that Lancaster county, for example, contracts with a specific crematory when they have those specific needs.

Seger then moved on to criterion 2: regulation of the health profession does not impose significant new economic hardship on the public, significantly diminish the supply of qualified practitioners, or otherwise create barriers to service that are not consistent with the public welfare and interest. Seger explained that after discussions with licensure, the applicant group thought a four-year certification cycle would work well. Crematory operators could recertify in odd years since funeral directors are recertified in even years. The applicant group was also still open to the initially discussed five-year recertification cycle. He stated that crematory operators would also take the proposed jurisprudence exam at this time. They would likely need a different jurisprudence exam than the one funeral directors take, but it would be up to the funeral board since they would be overseeing it. He thinks a jurisprudence exam is a good idea and would make sure all operators are familiarized with the law every so often. Seger stated that the course is about $600, would to be taken every four years, and would only be required for the listed manager rather than every employee in order to relicense the crematory. He stated that the applicant group does not find this to be a significant financial burden and that it would be a good idea for operators to be reminded of and up to date on the laws.

Dolan mentioned that a convention occurs in Kearney, Lincoln, or Kansas City each year, where the class could be taken if not online.

Bertch mentioned that in his profession, there's a jurisprudence exam that is taken at the time of initial licensure. It used to also be taken every renewal period, but that's since changed. He said one of the barriers is the administration of the exam and the costs of administration. Who is going to administer the crematory operators' jurisprudence exam? The applicant group responded that the funeral directors' jurisprudence exam is taken online every renewal period. It used to be required every ten years but now is required to be taken more frequently. Bertch then followed up by asking where the funding for the online test comes from. Seger asked Loving how much it costs, to which Loving responded that his area of DHHS administers the online exam and that it is relatively cheap to do so. Bertch asked if this was money from the state or from the National Funeral Directors Association (NFDA). Loving clarified that it is administered with state money. Dolan clarified that not every funeral director in the state belongs to NFDA, but every funeral director has to take the jurisprudence exam to renew their license. Bertch asked if the applicant group then would foresee and increased burden on Nebraska taxpayers. Seger responded that he did not foresee any significant increase because of the similarities and overlap between the funeral directors' jurisprudence exam and the exam that would need to be given to crematory operators.

McCartney asked what the edited proposal requires for crematory operation. He brought up that the applicant group had mentioned only the manager needing to complete the exam and be licensed. He asked if that would mean that only managers could operate the machines or if other employees would also be allowed to do so. Seger responded that in order to operate the machine, you would need a manager. McCartney responded that he feels if licensure is going to be required, it should be required for any employee conducting cremations. The applicant group strongly agreed, but Seger clarified that they didn't want their initial proposal to be too overbearing. However, the applicant group is still very open to input. McCartney stated that perhaps other non-manager employees don't need to be recertified as often and might be able to take the course just once. He acknowledged that he thinks $600 could be a barrier for entry, but if it's only once, it's significantly less of a barrier. Seger mentioned that there might be other ways to offer refresher courses and manuals as well.

Dolan showed the TRC the manual that is given to individuals completing the operation course as compared to the manual provided by the company when the machine is installed. The course manual is significantly longer, and more detailed according to Dolan. McCartney asked Dolan to clarify if this is the manual from the manufacturer that says someone is certified to use the machine that was discussed during the last meeting. Dolan confirmed that it is and added that it essentially only tells an individual how to press the buttons, it

doesn't provide information such as what the required documents are or information about what medical devices can and cannot be cremated.
O'Hara asked if a numerical score is provided when funeral directors take their test and if there is a set cut score. Seger responded yes to both questions. Dolan added that the jurisprudence is also like that.
McCartney asked for clarification as to whether it was just standalone crematories that would need someone to take the new jurisprudence exam or if crematories operated by a funeral director as well. He stated that if there was significant overlap between the crematory operators and funeral directors jurisprudence exams, it would seem like a waste of individuals' time and state funds to require an employee from all crematories to take the new exam. The applicant group agreed and clarified that this requirement was only for the standalone facilities. Dolan then added that if an alternative proposal was accepted where every operator needed to take the exam, then only operators would take it; funeral directors are already covered.
Anthone asked what the difference between the funeral board and a licensed funeral director is. He then asked if funeral directors are part of the funeral board. Seger answered that the funeral board oversees the licensed funeral directors. Anthone asked why they don't just make the licensed funeral directors take a jurisprudence exam. Seger and McCartney explained that they already take one and that the group is discussing a new jurisprudence exam for crematory operators that will apply to standalone facilities unassociated with a funeral director. Anthone said there shouldn't be standalone facilities. Dolan compared that to saying only doctors can own hospitals. Anthone said he'd vote for that.
O'Hara asked if requiring crematories to be run by funeral directors would solve the problem. Seger said he didn't know how that would be possible because the standalone facilities would then need to find a funeral director. Dolan added that that would be difficult because there is a shortage of funeral directors. Seger then explained that going through this proposed process would be easier and put less of a financial burden on the standalone facilities than requiring them to find a funeral director would. He also mentioned that according to Nebraska law, funeral directors are the only ones who are supposed to control final disposition. Cremation is a form of final disposition and unlicensed people are currently conducting cremations in the state. So, Seger said that they should be governed by the funeral board and licensed. He mentioned that according to law, final disposition is technically when the ashes are returned to the family. Seger said that he will be going after that statute next because it is absolutely not true. He said final disposition is the day the body goes into the cremation chamber because it is irreversible. A family can decide not to pick up ashes, on the other hand. He concluded that he feels everyone controlling final disposition should be governed under the same board. O'Hara quoted some statute and asked why funeral directors, given the law he was referencing, are required for cremation. The applicant group explained that there are certain things that need to be completed before cremation. Funeral directors interact with the public and crematory operators do not. One thing that is necessary for cremation is a signed cremation authorization that funeral directors have the family of the deceased sign.
McCartney asked if this was set by the board or by statute. The applicant group said it is set by statute.
Anthone asked if all funeral homes have to be operated by licensed funeral directors. Seger said no, there are companies that use funeral directors as managers. These funeral directors are not owners, they are just a license on the wall, and the funeral homes are overseen by the corporation. The corporations just use the funeral director to say that they have a licensed funeral director, but that's all they are used for. Anthone asked if the funeral director receives compensation for that. Seger said he's sure they do, but he has no idea what the perks are because he's never done that. But they must receive something because if there are problems or if there is an investigation, the funeral director would be the one taking the fall.
O'Hara asked for clarification on another statute that defines crematories. It defines crematories, the building, the machine, the purpose. He asked if one of the things funeral directors have authority to do is run crematories.

It is. He asked then if the proposal is to create another level of authority under the funeral director, the crematory operator, that would be supervised by the funeral director. And if so, he asked why the applicant group would want to do that. Seger explained that no, the crematory operator license would be for standalone facilities so that a licensed person would be running them. Funeral directors can and should take the course anyway, according to Seger. But the proposal is just trying to bring all crematories under the authority of the funeral board.

Deemer asked to bring the conversation back to the four criteria. He asked if the health, safety, and welfare of the public are being inadequately handled right now in the crematories that are being overseen by someone who is not qualified to do so. Seger said it could be. Deemer said that the focus should be on the criteria, the health, safety, and welfare of the public. He said the definitions being discussed can be helpful, but that the group should refocus on the questions at hand and the stewardship of public funds. He said it sounds like the only real financial burden would be an extra $600 over the course of several years for two companies in the state. He acknowledged this could change in time. McCartney added that it could be a known cost of starting a crematory. Dolan mentioned that it's similar to continuing ed, which they have to pay for, and licensing, which also costs money. She said it's just the cost of business practices. Deemer agreed and mentioned that it was in the interest of keeping the public safe. He also said that the TRC's purpose is to vote according to the four criteria. The actual statutory and regulatory changes that will be written are somewhat irrelevant at the moment because it will take hearings and such and will happen over the course of the next two years or so. Seger said that he is fully aware this will not go into effect until the end of 2027 or beginning of 2028 at best. Deemer said that the TRC should be focused on if, according to the four criteria, they think that this would be good to push forward for other people to write statute about. Seger agreed and mentioned again that the applicant group is trying to be proactive instead of reactive because of things that have happened in neighboring states.

Anthone asked, "Are we for standalone crematories or not?" Seger said he is all for them, but that they need oversight and he would love them to have some continuing education. Anthone asked if having the operator do this "so-called exam" would do that. Seger said it would require them to at least know what the laws are and that that is in the public's best interest. He said cremation is a very sensitive subject and mentioned that this would help increase the public's trust. Dolan mentioned that she's spoken with a man who runs one of the standalone facilities and that he has no problem with what the applicant group is trying to do. In fact, he cannot believe it hasn't been done before now.

Anthone asked if it would slow down the applications for standalone facilities because they would have to have an operator doing the course. Seger said that there aren't a lot of standalone facilities to begin with and that the applicant group is not trying to prevent anyone from starting their own business, rather ensure that they are running their business the correct way. Dolan reminded the TRC that currently all that is required to start a crematory is a building license and the short introduction to the machine from the manufacturer.

Seger said that this would cost the public nothing because the similar jurisprudence exam is already administered to funeral directors by the funeral board, which is the same board that would administer the exam to crematory operators. He then said that $600 for the people running the business, spread out over four or five years, is not that bad compared to what businesses are already spending on continuing education. The courses could also serve as continuing education for others in the field.

Anthone said he always thinks back on the attempted assassination of President Trump by Thomas Crooks. A private citizen paid to have his cremation done as soon as possible. Anthone said you have to wonder why that was done and he said that's where he thinks the danger is. O'Hara said his next of kin just wanted him cremated. The applicant group stuttered a bit. McCartney said that that was down a rabbit hole that the group doesn't need to go down. Anthone pushed back that that's what he thinks the problem with cremations is. He said he

doesn't understand how having operators take an exam will prevent that from happening. Dolan explained the three different documents that must be collected by an operator before conducting a cremation. She said that there is technically no way to discipline an operator that does not collect these documents under current law. Anthone asked what repercussions would be. Dolan explained that if crematory operators were under the funeral board's jurisdiction, they could be turned into the state for review and investigation and can have their crematory operator's license revoked if necessary. She said that licensure would allow people to look up operators by their license.

McCartney directed the conversation back to the criteria, stating that the case had been made for criterion 3: The public needs assurance from the State of initial and continuing professional development. He then asked about criterion 4: The public cannot be protected by a more effective alternative. Seger answered that putting crematory operators under the already existing funeral board would be the simplest, most effective solution because it already has processes in place for overseeing funeral directors, who have overlapping responsibilities. Hunt asked for clarification, that bringing crematory operators under the funeral board was a legislative process. Seger responded that yes, it is. Hunt then asked about information mentioned at the last meeting. He asked if the three entities who test individuals' ability to cremate give the same test. Dolan responded yes. Hunt said no. Dolan said she has talked to all three entities and although they are not the exact same test verbatim, they have the same scope and were written by the same man. Hunt asked for clarification that there is nonetheless no one, single, national entity that administers one test. Seger responded that there are different associations within the national funeral service that recognize the crematory operators certification course. He said that in the states that require these courses, these are the courses and tests they use. Hunt asked if the applicant group wants crematory operators to take a national test or a new test unique to the state of Nebraska. Seger responded that operators would have to take the course and then a jurisprudence test that is specific to the laws of Nebraska. The jurisprudence test would be produced using the already existing funeral directors jurisprudence test as a basis. This test would be under the authority of the funeral board. Dolan said that passing the certification course from one of the three recognized entities would be this license's version of a national test and the jurisprudence exam would be the state-specific test. Operators would have to pass both to be licensed. McCartney said there needs to be language requiring the operator to pass an exam by a nationally recognized entity. Seger listed the three: CANA, ICCFA, and NFDA.

McCartney said it didn't seem as efficient to close standalone facilities or require them to find a funeral director. He asked the applicant group to confirm this. The did.

O'Hara asked if the potential threats to public health associated with the role of funeral director are greater than equal to or less than the potential threats to public health associated with the role of crematory operator. He meant things such as water pollution from embalming chemicals and air pollution from the cremation process. Seger confirmed that air pollution is the main public health threat. O'Hara asked about the particulate size and the specifics of air pollution associated with cremation. Dolan explained the history of required documentation in the cremation business. She also said that if there is smoke during the cremation process, that's an issue that has to be documented and reported to the state every year.

Amyot brought up that in other states there have been crematories that don't actually cremate the bodies and that that would be the greatest public health threat. Hunt said that the mishandling of human remains wasn't necessarily because the operators weren't certified, rather because they were bad people. Amyot agreed, but stated that more regulation and oversight could help create a structure to prevent bad actors from carrying on as long as the ones being referred to did.

Deemer brought up that the operators of the standalone crematories, which one might expect to oppose the applicant group, are actually in favor of the proposal and asked if the applicant group expects to meet any

opposition. Seger stated that the applicant group talked to many crematories before beginning the process to ask for letters of support and received 15 or 16 within a day; the community is generally very supportive of the proposal.

Bertch asked a question related to one of the letters of support. He asked if Douglas Trade Services' Crematory is a standalone facility. Seger said that he's a funeral director who also does trade in related fields. He's technically a funeral establishment. He runs a business similar to Dolan's in that it isn't public facing but conducts cremations. Bertch asked if the applicant group anticipates more of these types of businesses. The applicant group said they could see it happening. They mentioned that right now, there are absolutely no barriers and that though they don't want to create barriers to entry, they do want some amount of licensure. Bertch agreed that it is important to have proper processes in place, so operators keep track of remains as they are transferred from funeral homes to standalone crematories and back. Dolan explained the identification procedure that her facility follows. Hunt asked if the process Dolan described for keeping track of the identity of remains is from state statute. Dolan responded that most of it is, but she isn't sure if the specific metal tag is, although it is industry standard. Seger confirmed that the paperwork is in statute, but the metal disk is not. He then added that he does not know of any crematory that does not use the industry standard metal disk tags.

Bertch asked if troubleshooting is part of the crematory operator training. Dolan said yes and there is information in the manual provided by the course the applicant group wants operators to take. She offered a few examples. Bertch asked if there is training for the operators to protect themselves from potential pathogens and other risk factors in the training course. Dolan responded yes, providing more examples of things that are taught in the training they want the operators to take. She also told the TRC that each manufacturer has an emergency line. Bertch said he wanted to make sure that there is safety training for operators included in the licensure process. Seger said yes and provided an example of how operators are not supposed to cross the threshold of the chamber because of the risk the heavy door poses. This is taught in the safety course, but not by the manufacturer when the machine is installed.

Anthone asked if the funeral board was part of DHHS. It is.

Anthone then asked if approving this application would put crematories under the authority of the funeral board. The applicant group and other TRC members responded that no, that's a statutory change. The 407 process they're engaged in is completed before bringing that proposal to the legislature. The legislature must determine whether the change is made or not. The technical review committee does not have authority to change the law. McCartney said you cannot give your inheritance to your kid before you've had your kid.

Anthone asked how many other 407's the applicant group will have to complete before proposing a bill. Dolan responded that they only need to complete this one.

Bertch explained that the 407 process starts when a group sends an application into the division director. After it is approved, it goes through this questioning and vetting process. Then, it goes to the board of health after the public hearing is held and the TRC votes. The 407 process is used to furnish the health and human services committee of the legislature with reports and the Board of Health's recommendations on the credentialing of health-related professions. The legislature is the only body with the authority to change the law.

Anthone asked if there are legislators who support the applicant group. Seger said yes, they've already talked to legislators, and their bills don't usually have a lot of opposition. Usually if there are people who don't support the bills, they're neutral, they don't think that it's a bad idea rather they just have other, higher priorities.

Anthone mentioned that they haven't heard any opposition yet and asked if they will. Davis responded that the next meeting, if the TRC feels their questions have been sufficiently answered, will be the public hearing and that if there is any opposition, they will come and present at that time.

Bertch stated that he wanted to make sure all of O'Hara's questions had been answered. O'Hara explained LB407, the bill that created the 407 process, was passed because the legislature wanted to know before scheduling hearings that the proposal even makes sense. The process is used to inform the legislature.
O'Hara mentioned other statutes he had been reading and that he noticed that if you're a bad funeral director, you can be put in jail, whereas if you're a bad crematory operator, the harshest penalty is a $500 fine. He asked where in the statutes he mentioned the applicant group would recommend an edit. He also said he would not hold them to their answer because he expected they would want to ask a lawyer. He also said he'd been reading laws for 20 years, and this was one of the weirdest he'd ever seen. Amyot answered, stating where the edit would have to be made in order to accomplish the applicant group's goals (chapter 38, not 71).
Seger checked his notes to make sure they'd answered all the TRC questions from last meeting. He and Dolan explained some of the reasons cremation has become more popular. He said after talking to licensure, they were in support of bringing crematory operators under the funeral board. He named the three organizations that administer crematory operator courses (CANA, ICCFA, NFDA).
Bertch asked if a crematory operator would be included on the funeral board if crematory operators were put under its authority. Seger said possibly, but also many if not most of the funeral directors on the board conduct cremations. O'Hara mentioned that they could also make a requirement to have a public member with certain relevant experience.
Dolan read another question from last time, about what needs to happen to a body after 60 days. She said that is already in Neb. Rev. Stat. 711382. She read the statute.
O'Hara asked about the cost per cremation for education of a crematory operator.
Bertch asked if there were any other questions. There were none.
Davis asked if the TRC could approve the minutes with the mentioned edit (this was accidentally skipped earlier in the meeting, but I wrote it at the top). Amyot added that Ellie Rohr was present at the previous meeting and that should be reflected in the minutes as well. Deemer moved to approve the minutes, McCartney seconded the motion, and all four other members in attendance agreed. Minutes approved.

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5. **Meeting adjourned**
   Bertch adjourned the meeting. The next meeting is public hearing and will be held on November 5th at 2:30pm in the Nebraska State Office Building in the lower level Otoe Room.
   Dolan asked if public members need to call in or if they can attend in person. Amyot stated that they will be able to do either. The meeting link can be found on the credentialing review website in the meeting agenda.

Note: *If you would like any attachments mentioned in these minutes, or have other questions, please contact Emma.Soukup@nebraska.gov.*

Updated: October 21, 2026