NEBRASKA
Good Life. Great Mission.
DEPT. OF HEALTH AND HUMAN SERVICES

Crematory Operators
Credentialing Review Meeting #3
Public Meeting
Minutes

Thursday, November 5th, 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

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

---

1. **Call to Order and Roll Call**
   The third meeting of the crematory operators credentialing review process was called to order at 2:30 PM on Thursday, November 5th. The following members were present: Gary Anthone, MD; Kyle McCartney, PharmD; Michael O'Hara, J.D., Ph.D.; Mark Bertch, DPT. There were three committee members who were not in attendance, Jeffrey Howorth; Peter Hunt, PA-C; David Deemer, LNHA. Quorum met.
   Staff and others in attendance: Emma Davis, Emma Soukup, Katherine Amyot
   A copy of the Open Meetings Act was available in the meeting room.

---

2. **Approval of agenda and last meeting's minutes**
   Bertch, the chair of the TRC, asked the present members if they felt comfortable with voting on the application with the members present or if they would prefer to wait. The present members decided to proceed with voting with the goal of having the TRC report to the Board of Health by the November 16th meeting. Bertch asked for a motion to approve the agenda. McCartney made the motion; O'Hara seconded the motion. All members present voted in favor. Agenda approved. Bertch asked for a motion to approve the minutes from the October 15th meeting. O'Hara made the motion; McCartney seconded the motion. All members present voted in favor. Minutes approved.

---

3. **Short presentation by applicant group**
   Seger made a short presentation regarding the four criteria the TRC would be voting on.
   1. Unregulated practice can clearly harm or endanger the health, safety, or welfare of the public.
   Seger argued that unregulated crematory operation posed a danger to public health, safety, and welfare in that the operation involves the handling of human remains, operating high-temperature equipment, maintaining safety and identification records, and performing an irreversible form of final disposition. Improperly trained or incompetent operators could cause serious harm by cremating the wrong individual, proceeding without proper authorization, mishandling or combing the remains, failing to recognize hazardous implants, or operating equipment unsafely.

   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 stated that crematory operator certification would not decrease the supply of operators, it would put unlicensed operators under the funeral service board. He stated that no more barriers were being created than those that would also apply to a licensed funeral director if they wanted to operate a crematory.

3. The public needs assurance from the state of initial and continuing professional ability.
Seger stated that the proposal would require continuing education and a jurisprudence exam, as well as recertification every five years. The public would know the operators are credentialed by the state in order to keep their license.

4. The public cannot be protected by a more effective alternative.
Seger stated that the applicant group had considered other alternatives and felt this is the best way to proceed as other alternatives would threaten to but certain crematories out of business. This solution wouldn't create a monopoly and would hold all operators to the same standard under the Funeral Service Act. He told the TRC that the applicant group wants to put statute under chapter 38 and wants crematory operators under the authority of the funeral examining board. He also stated that the proposal would require crematories to list a manager and would require the creation of records of crematory operators, even those not required to have the certification. Seger also mentioned that the proposal was supported by the majority of active funeral directors in the state of Nebraska.
Dolan mentioned that she'd talked to two public members who had intended to testify at the public hearing, but that both of them couldn't make it due to work-related duties (body removal and funeral). She also stated that they had written letters of support that had previously been supplied to the TRC.

---

4. Public comment

Bertch asked if any members of the public wanted to testify in support of the application. There were none.
Bertch asked if any members of the public wanted to testify against the application. There were none. He then asked the applicant group if they knew of any opponents to their proposal. They said they didn't know of any and mentioned that they'd talked to people in the industry before applying to address any concerns beforehand and write the best application they could.
Bertch asked if any members of the public had neutral testimony to present. There were none.

---

5. TRC questions

Bertch asked the TRC if they had any questions.
O'Hara asked the applicant group to confirm that funeral directors and assistant funeral directors are authorized to run crematories. They are. He asked if the statute the applicant group was proposing would grant default certification to funeral directors and assistant funeral directors. Seger stated they would have to become certified. Dolan stated that presently anyone can run a crematory. Seger stated that the certification would go towards the already required funeral director continuing education.
O'Hara clarified that statute expressly grants funeral directors and assistant funeral directors authority to run crematories. He asked if the proposed statutory change would grant them crematory operator certification by default. O'Hara and the applicant group discussed the statutes until they understood each other. The applicant group clarified that funeral directors would also be required to become certified in order to perform cremations under the applicant group's proposal. Anyone trying to renew a crematory [building] license would need

certification. Dolan added as a sidenote that the two colleges she asked were already offering crematory operation licensing as part of the curriculum for funeral directors.
McCartney thanked the applicant group for their presentation, research, effort, and time.
O'Hara confirmed that a statutory change he was concerned with wasn't needed.
Bertch asked about the harshest penalty that could currently be applied to a crematory operator. In a previous meeting, it was mentioned that it was a $500 fine. He asked if the applicant group had looked in to giving the state more authority to discipline crematory operators. Seger said that was the reason the applicant group wanted their statute under chapter 38. Amyot explained how a specific mother statute would be able to be applied to crematory operators in order to discipline them if the statute was put under that chapter. Additional, more specific statute could be written in addition to this.
O'Hara asked the applicant group to confirm that it would be a bad idea to require certified crematory operators to be funeral directors. Seger confirmed that that would cause people to lose their jobs because there were already people who aren't funeral directors owning and operating crematories in the state.

---

6. TRC voting

1. Unregulated practice can clearly harm or endanger the health, safety, or welfare of the public.
Voting YES means:
- Unregulated practice exposes the public to harm or endangers the health, safety, or welfare of the public. This includes physical, emotional, economic, or social harm.

Voting NO means:
- Unregulated practices does not expose the public to harm and does not endanger the health, safety, or welfare of the public.

Voting yes: Anthone, McCartney, O'Hara. Voting no: none. Abstained: Bertch (chair).

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.
Voting YES means:
- Regulation of the profession does not significantly increase economic hardship for the public, does not decrease the supply of qualified practitioners, AND does not create new barriers to service that would be contrary to the public's best interest.

Voting NO means:
- Regulation of the profession would significantly increase economic hardship for the public, would decrease the supply of qualified practitioners, OR would create new barriers to service that would be contrary to the public's best interest.

Voting yes: Anthone, McCartney, O'Hara. Voting no: none. Abstained: Bertch (chair).

3. The public needs assurance from the state of initial and continuing professional ability.
Voting YES means:
- The public has a demonstrated need for assurance from the state of professional ability of practitioners.

Voting NO means:
- The public does not have a need for assurance from the state of professional ability of practitioners.

Voting yes: Anthone, McCartney, O'Hara. Voting no: none. Abstained: Bertch (chair).

4. The public cannot be protected by a more effective alternative.

Voting YES means:

- The proposal is the most effective available option for protecting the public.

Voting NO means:

- There is a different, more effective option for protecting the public.

Voting yes: Anthone, McCartney, O'Hara. Voting no: none. Abstained: Bertch (chair).

5. Vote on behalf of the TRC to recommend moving forward with the proposal.

Voting YES means:

- In favor of applicant group proposal.

Voting NO means:

- Against applicant group proposal.

Voting yes: Anthone, McCartney, O'Hara. Voting no: none. Abstained: Bertch (chair).

---

7. Next steps

Bertch stated that the next step would be to have a virtual meeting to approve the TRC report once it has been drafted. He also thanked the applicant group for their patience and for what they're doing for their profession and for the state of Nebraska. Anthone said ditto. The applicant group thanked the TRC as well and stated that their questions helped them to improve their proposal.

---

8. Meeting adjourned

Bertch adjourned the meeting. The TRC's virtual meeting will be held on Thursday, November 12th at 1pm.

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

Updated: November 5, 2026