



NOTICE OF MEETING and AGENDA BOARD OF FUNERAL DIRECTING AND EMBALMING

This meeting will be held in-person. A conference call phone line has been established for the public to call in or the public is welcome to attend any Open Session discussion at the State Office Building. If calling in, please use the following to attend the Open Session items of the Board meeting:

PUBLIC CALL IN #: 888-820-1398
PARTICIPANT #: 8986450#

AGENDA	Date Posted: 1.17.2023																
<p>Date: Thursday January 26, 2023 8:30 a.m.</p> <p>Location: State Office Building (14th & M st) 301 Centennial Mall S. 3rd Floor, Rm H Lincoln</p> <p>Contact: Carrie Oldehoeft, Health Licensing Coordinator, 402-471-4918 or Dhhs.licensure2117@nebraska.gov</p> <p>Nebraska Open Meetings Act: 84-1407 through 84-1414 https://ago.nebraska.gov/open-meetings</p>	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30px; text-align: center; vertical-align: top;">1</td> <td>Call Meeting to Order and Roll Call Announcement: There is a current copy of the Open Meetings Act posted on the door to the meeting room.</td> </tr> <tr> <td style="text-align: center; vertical-align: top;">2</td> <td>Adoption of Agenda</td> </tr> <tr> <td style="text-align: center; vertical-align: top;">3</td> <td>Approval of Minutes</td> </tr> <tr> <td style="text-align: center; vertical-align: top;">4</td> <td>Updates and Reports <ul style="list-style-type: none"> a. 2023 Legislation (LB 16, 261, other) LB 16: occupational reform and changes to preliminary conviction review https://nebraskalegislature.gov/bills/view_bill.php?DocumentID=49705 LB 261: Apprenticeship while attending mortuary school https://nebraskalegislature.gov/bills/view_bill.php?DocumentID=50477 b. Nebraska Funeral Directing Association (NEFDA) http://www.nefda.org c. International Conference of Funeral Service Examination Board, Inc. (ICFSEB) http://www.theconferenceonline.org d. Disciplinary and Non-Disciplinary Action Reports, Renewal, License and Examination Statistics (attached) </td> </tr> <tr> <td style="text-align: center; vertical-align: top;">5</td> <td>CLOSED SESSION (approx 9:30 am): Investigative Reports & Other Confidential Information Purpose: To hear discussions of investigative/confidential nature, and for the prevention of needless injury to the reputation of the individuals</td> </tr> <tr> <td style="text-align: center; vertical-align: top;">6</td> <td>OPEN SESSION (approx 10:30 am): Application Review and Recommendations Convictions / Reinstatements / Unlicensed Practice or Operation</td> </tr> <tr> <td style="text-align: center; vertical-align: top;">7</td> <td>Annual Business <ul style="list-style-type: none"> a. Board Goals for 2023 b. Elections and Appointments (officers, investigative consultant, ICFSEB delegate) c. Approval of Method of Noticing Meeting Agendas https://ago.nebraska.gov/open-meetings (attached to agenda) d. Per Diem Payments (Neb. Rev. Stat. §38-171 – attached to agenda) </td> </tr> <tr> <td style="text-align: center; vertical-align: top;">8</td> <td>Adjournment</td> </tr> </table>	1	Call Meeting to Order and Roll Call Announcement: There is a current copy of the Open Meetings Act posted on the door to the meeting room.	2	Adoption of Agenda	3	Approval of Minutes	4	Updates and Reports <ul style="list-style-type: none"> a. 2023 Legislation (LB 16, 261, other) LB 16: occupational reform and changes to preliminary conviction review https://nebraskalegislature.gov/bills/view_bill.php?DocumentID=49705 LB 261: Apprenticeship while attending mortuary school https://nebraskalegislature.gov/bills/view_bill.php?DocumentID=50477 b. Nebraska Funeral Directing Association (NEFDA) http://www.nefda.org c. International Conference of Funeral Service Examination Board, Inc. (ICFSEB) http://www.theconferenceonline.org d. Disciplinary and Non-Disciplinary Action Reports, Renewal, License and Examination Statistics (attached) 	5	CLOSED SESSION (approx 9:30 am): Investigative Reports & Other Confidential Information Purpose: To hear discussions of investigative/confidential nature, and for the prevention of needless injury to the reputation of the individuals	6	OPEN SESSION (approx 10:30 am): Application Review and Recommendations Convictions / Reinstatements / Unlicensed Practice or Operation	7	Annual Business <ul style="list-style-type: none"> a. Board Goals for 2023 b. Elections and Appointments (officers, investigative consultant, ICFSEB delegate) c. Approval of Method of Noticing Meeting Agendas https://ago.nebraska.gov/open-meetings (attached to agenda) d. Per Diem Payments (Neb. Rev. Stat. §38-171 – attached to agenda) 	8	Adjournment
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<p>All items known at the time of distribution of this agenda are listed. A current agenda is available in the Licensure Unit and at the following website: https://dhhs.ne.gov/licensure/Pages/Agendas-and-Minutes.aspx</p> <p>If auxiliary aids or reasonable accommodations are needed for attendance at a meeting, please call the Licensure Unit at (402) 471-2117 (voice), or for persons with hearing impairments, please call the Nebraska Relay System, 711 TDD, prior to the meeting date. Advance notice of seven days is needed when requesting an interpreter.</p>	<p>2023 Meeting Dates:</p> <p style="text-align: right;">1.26.2023 4.27.2023 7.27.2023 10.26.2023</p> <p>All meetings start at 8:30 am</p>
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Funeral Directing and Embalming Board Meeting

Agenda Items 5

License Statistics:

Profession	License Statuses: License Types	SUMMARY COUNT OF LICENSES	
		Active	Active-Military
Funeral Directing	Apprentice-Full	6	
	Apprentice-Split 1	7	
	Apprentice-Split 2		
	Branch Establishment	88	
	Embalmer		
	Funeral Director	1	
	Funeral Director and Embalmer	397	1
	Funeral Establishment	159	
	Grand Total	658	1

Disciplinary/Non-Disciplinary Actions Since 1.1.2022:

COMPLIANCE LISTING REPORT						
Profession: Funeral Directing				Run Date: 01/11/2023		
Action Start Date Range: 01/01/2022 to 01/11/2023				Page No: Page 1 of 1		
Licensee Name	License No	License Type	License Status	Disciplinary Action	Action Start	Action End
Hovendick, Richard H	981	Funeral Director and E	Active	Probation	12/14/2022	06/14/2023
Hoy, Michael Joseph	1461	Funeral Director and E	Active	Nondisciplinary Assurance of Complianc	01/01/2022	
Kremer Funeral Home	2231	Funeral Establishment	Active	Nondisciplinary Assurance of Complianc	01/09/2022	
Roper & Sons, Inc	2182	Funeral Establishment	Active	Nondisciplinary Assurance of Complianc	01/09/2022	
Roper, Thomas H	1109	Funeral Director and E	Active	Nondisciplinary Assurance of Complianc	01/09/2022	
Sheffield, Travis W	1399	Funeral Director and E	Active	Nondisciplinary Assurance of Complianc	01/09/2022	

Examinations:

EXAMINATION STATISTICS SUMMARY REPORT			
Profession: Funeral Directing		Run Date: 01/11/2023	
Date Range: 01/01/2022 to 1/11/2023		Page No: Page 1 of 2	
Exam Battery	Exam Name	Result Status	Number of Candidates per Result Status
Funeral Directing and	1-JURISPRUDENCE	Pass	16
	2-VITAL STATISTICS	Pass	13
National Arts Exam	3-ARTS TOTAL	Pass	5
National Science Exam	4-SCIENCE TOTAL	Pass	5
Jurisprudence - CE	Jurisprudence - CE	Pass	105
	Jurisprudence - CE	Fail	2

Renewals: None

DRAFT-- These minutes have not approved by the Board

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

October 27, 2022

1. ROLL CALL

The meeting of the Board of Funeral Directing and Embalming was called to order by Steven Brunken, Chair, at 8:30 a.m., in the Lower Level B, Nebraska State Office Building, 301 Centennial Mall South, Lincoln, Nebraska. In accordance with § 84-1411 of the Nebraska Open Meetings Act, copies of the agenda were 1) emailed to the Board members and other interested parties, and 2) posted on the DHHS web site at <https://dhhs.ne.gov/licensure/Pages/Agendas-and-Minutes.aspx> and on the bulletin board in the Licensure Unit Lobby on 07.15.2022.

The following members answered roll call:

Members Present (3):

Steven Brunken, Chairperson (in person)
Arvid Wiest, Vice Chair (on call)
Leo Seger, Member (on call)

Members Absent (1):

Lawrence Battaglia, Secretary

Others Present (3):

Kris Chiles, Program Manager, Licensure Unit (in room)
TJ O'Neill, Assistant Attorney General (in room)
Joanna Uden, DHHS Attorney (in room)
Jennifer Morales, DHHS Attorney (in room)
Anna Harrison, Compliance Monitor (in room)

A quorum was present and the meeting convened.

2. ADOPTION OF AGENDA

MOTION: Wiest moved, seconded by Seger, to adopt the agenda. A voice vote was taken. Voting aye: Brunken, Wiest, Seger (3). Voting nay: None (0). Absent: Battaglia (1). Motion carried.

3. APPROVAL OF MINUTES (07.21.2022)

MOTION: Wiest moved, seconded by Seger, to approve the minutes of 07.21.2022 as corrected. A voice vote was taken. Voting aye: Brunken, Seger, Wiest (3). Voting nay: None (0). Absent: Battaglia (1). Motion carried.

4. GLOBAL ANATOMIX (WITHOUT FORMALDEHYDE)

Chiles reported there has been no further conversation with Creighton University regarding global anatomix, do not believe they are pursuing including this process in statute.

5. UPDATES AND REPORTS

- a. Nebraska Funeral Directing Association (NEFDA) <http://www.nefda.org>

Paul Seger with FDA Association, discussed the effects of the passage of bill that was proposed by the Association, that changed the educational hours. A couple of apprentices are short the business hours.

- 1) Try to help kids out as best can, should have had a grandparent for those in school.
- 2) Other big change relates to Vital Records; Sara (unit administrator) indicated they are removing 'unembalmed requested signature on form, and informed Seger that they are understaffed.
- 3) Possible to remove military dates on death certificate to just include a yes or no on the form.
Board members, Segar likes option 2 and Steve like option 2 and 3

Chris with NFDA suggested they pursue changes to the fetal death certificates and the death certification system is not working well. There is a 5 year plan to address fetal death certificates to push them to the website and programming of system, vital records needs to work with the web provider to implement these changes.

Additional discussion included:

- Suggestions were made for creating a license as a Funeral Assistant, who could meet with families.
- There may be future conversations about National License.
- Examination pass rates are concerning.
- Many students choosing to not go to Kansas City.
- Internship in schools in some states count towards apprenticeship.
- Could applicant count hours if working in Funeral Home and going to school—ongoing discussion
- Is an apprenticeship needed? Would require statute change if consider.

- b. International Conference of Funeral Service Examination Board, Inc. (ICFSEB)
<http://www.theconferenceonline.org>

Brunken plans to attend the 9th annual meeting ICFSEB March 2023, in Phoenix, AZ.

April 11-13, 2023 State NFDC meeting

Brian Roeder reported that the examination will no longer be provided while students are in school, schools perhaps can assist students to sign-up for exam. \$500 per test, concern with the integrity of exam questions.

- c. Disciplinary and Non-Disciplinary Action Reports, Renewal, License and Examination Statistics

Reports attached to the agenda.

6. MEETING DATES 2023

Proposed meeting dates approved by board. Meetings in 2023 January 26, April 27, July 27 and October 26

7. INVESTIGATIONAL REPORTS & OTHER CONFIDENTIAL INFORMATION – CLOSED SESSION

MOTION: Wiest moved, seconded by Seger, to enter into closed session at 9:18 a.m. to hear discussions of an investigative/confidential nature, and for the prevention of needless injury to the reputation of the individuals. Brunken repeated the motion purpose. A roll call vote was taken. Voting aye: Brunken, Seger, Wiest (3). Voting nay: None (0). Absent: Battaglia (1). Motion carried.

7. REVIEW AND RECOMMENDATIONS – OPEN SESSION

Board agreed to move to open session at 9:44 am.

Thomas Funeral Home – Funeral Establishment

MOTION: Wiest moved, seconded by Segar, to recommend issuance of the license with no terms and conditions. A roll call vote was taken. Voting aye: Brunken, Seger, Wiest (3). Voting nay: None (0). Absent: Battaglia (1). Motion carried.

Laughlin-Hoevet Funeral Home – Funeral Establishment

MOTION: Wiest moved, seconded by Segar, to recommend issuance of the license with no terms and conditions. A roll call vote was taken. Voting aye: Brunken, Seger, Wiest (3). Voting nay: None (0). Absent: Battaglia (1). Motion carried.

Griffiths Hovendick Chapel, Inc. – Funeral Establishment

MOTION: Wiest moved, seconded by Segar, to recommend issuance of the license with no terms and conditions. A roll call vote was taken. Voting aye: Brunken, Seger, Wiest (3). Voting nay: None (0). Absent: Battaglia (1). Motion carried.

Richard Hovendick – Funeral Director and Embalmer Reinstatement

MOTION: Seger moved, seconded by Wiest, to the recommend a 6 month probation, with the following terms and conditions: The owner successfully complete the jurisprudence examination within 90 days. A roll call vote was taken. Voting aye: Brunken, Seger, Wiest (3). Voting nay: None (0). Absent: Battaglia (1). Motion carried.

8. ADJOURNMENT

The next meeting is scheduled for 1.26.2023. There being no further business, the chair declared the meeting adjourned at 9:51 a.m.

Lawrence Battaglia, Secretary
Board of Funeral Directing and Embalming

Summarized by: Carrie Oldehoeft, Health Licensing Coordinator, Licensure Unit

Item 8B

38-171. Board; advisory committee or body; compensation; limitation; expenses.

Each member of a board shall, in addition to necessary traveling and lodging expenses, receive a per diem for each day actually engaged in the discharge of his or her duties, including compensation for the time spent in traveling to and from the place of conducting business. Traveling and lodging expenses shall be on the same basis as provided in sections 81-1174 to 81-1177. The compensation per day shall not exceed fifty dollars and shall be determined by each board with the approval of the department. Persons serving on an advisory committee or body under section 38-161 shall receive remuneration of expenses as provided in sections 81-1174 to 81-1177, including compensation for time spent in traveling to and from the place of conducting business, and a per diem of fifty dollars.

Some Samples for consideration:

1. \$50 For 1 day of preparation for each meeting (investigations/applications).
2. \$50 Attending the Board meeting (in person or by conference call).
3. \$50 Each day of travel where overnight arrangements have been made (board meeting or national meeting).
4. \$50 Each day the member is representing the board at a national meeting of state licensing boards.
5. \$50 Regulation Hearing, Legislative Hearing, or other board related meetings when representing the Board (prior board approval required).

PUBLIC MEETINGS: NOTICE AND AGENDA REQUIRED

<https://ago.nebraska.gov/open-meetings>

E. Section 84-1411 sets out several requirements for the notice which must be given for a public meeting and for the agenda which must be prepared: (1) the public body must give reasonable advance publicized notice of the time and place of each meeting, (2) that notice must be transmitted to all members of the body and to the public, (3) the notice must contain an agenda of subjects known at the time of the publicized notice, or a statement that such an agenda, which must be kept continually current, is readily available for inspection at the principal office of the public body during normal business hours.

1. **Notice.** 2020 Neb. Laws LB 148, § 3 placed restrictions on certain public bodies with respect to publication of meeting notices. Under § 84-1411(1)(b)(i)-(iii), governing bodies of political subdivisions and their advisory committees must publish notice in a newspaper of general circulation within the public body's jurisdiction and, if available, on the newspaper's web site. Governing bodies of cities of the second class or villages and their advisory committees must either publish notice in a newspaper of general circulation within the public body's jurisdiction and, if available, on the newspaper's web site, or by posting written notice in three conspicuous public places in the city or village. The posting locations shall remain the same for each meeting. For all other public bodies, notice shall be given by a method designated by the public body. Governing bodies of political subdivisions and their advisory committees may, in addition to the requirements set out above, provide notice of their meetings by any other appropriate method designated by the public body. Section 84-1411(1)(c). Section 84-1411(1)(d) requires each public body to record the method(s) and date(s) of such notice in its minutes. Public bodies holding meetings by videoconferencing and telephone conference call, as provided in § 84-1411(2) and (3) respectively, must follow the meeting notification requirements in § 84-1411(1).