

These minutes have been approved by the Board on 5.4.2023

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

January 26, 2023

1. ROLL CALL

The meeting of the Board of Funeral Directing and Embalming was called to order by Steven Brunken, Chair, at 8:33 a.m., in the 3rd floor Conference Room H, 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 1.17.2023.

The following members answered roll call:

Members Present (4):

Steven Brunken, Chairperson (in room)
Arvid Wiest, Vice Chair (in room)
Leo Seger, Member (in room)
Lawrence Battaglia, Secretary (in room)

Members Absent (0):

Others Present (3):

Kris Chiles, Program Manager, Licensure Unit (in room)
TJ O'Neill, Assistant Attorney General (in room)
Teresa Hampton, DHHS Attorney (via Webex)
Public (in room and on phone)

A quorum was present and the meeting convened.

2. ADOPTION OF AGENDA

MOTION: Battaglia moved, seconded by Seger, to adopt the agenda. A voice vote was taken. Voting aye: Brunken, Wiest, Seger, Battaglia (4). Voting nay: None (0). Absent: None (0). Motion carried.

3. APPROVAL OF MINUTES (10.27.2022)

MOTION: Seger moved, seconded by Battaglia, to approve the minutes of 10.27.2022 as corrected. A voice vote was taken. Voting aye: Brunken, Wiest, Seger, Battaglia (4). Voting nay: None (0). Absent: None (0). Motion carried.

4. UPDATES AND REPORTS

Updates and Reports

- a. 2023 Legislation (LB 16, 261, other)
Chiles gave an update on LB16. This is an additional pathway for reciprocity and changes the Preliminary Conviction process and stands. Chiles explained preliminary conviction process as it stands. The board discussed what this would mean going forward.

MOTION: Wiest moved, seconded by Seger, to support LB16 with options of placing in minutes, testimony, or a letter. A voice vote was taken. Voting aye: Brunken, Wiest, Seger, Battaglia (4). Voting nay: None (0). Absent: None (0). Motion carried.

Brunken will draft a letter of support for the Board to sign and will present on behalf of the board.

The public is not taking opposition on LB16, the NEFD (Brian Roeder) indicates they do like the legislation.

NEFD is working on reciprocity changes, lessening requirements.

LB261- Public (Roeder) apprentice part of the school NE FDE goal to make easier. They don't see concern doing while in school.

Board discussion—see it as a plus doing the apprenticeship in school. Currently it has to be a Nebraska Funeral Director to sign off.

Chiles reviewed the current regulations with the board, currently it has to be in Nebraska.

Association is supporting changed,

MOTION: Seger moved, seconded by Wiest, to support LB 261 with Brunkin testing as part of the board. . A voice vote was taken. Voting aye: Brunken, Wiest, Seger, Battaglia (4). Voting nay: None (0). Absent: None (0). Motion carried.

- b. Nebraska Funeral Directing Association (NEFDA) <http://www.nefda.org>
Public- Roeder updated Funeral Assistance Program, would be a new line only Funeral Director NOT an embalmer. Kansas does have this and suggested Nebraska could use it as an example. Assistants could help setup funerals and handle arrangements.

9:04am Wiene-investigations entered room

9:06 am Chiles exited room

Jurisprudents, under a specific Funeral Director/Embalmer with education requirements

9:09am Chiles entered room

MOTION: Battaglia moved, seconded by Wiest, to support NEFDE to work on FD Assistant. A voice vote was taken. Voting aye: Brunken, Wiest, Seger, Battaglia (4). Voting nay: None (0). Absent: None (0). Motion carried.

Public on phone Chris Klinger-VP NEFD, they are working on a legislative committee.

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

Brunken has registered to be delegate for Nebraska. He will discuss pass rate and check to see the test is to hard.

Roeder per DMAC more times taken scores get worse.

Brunken no direction on missed items and verify keeping up with changes.

Wiest concern that online student not getting s prepared.

9:42 am Wiene -investigations exited room

- d. Disciplinary and Non-Disciplinary Action Reports, Renewal, License and Examination Statistics (attached)

7. INVESTIGATIONAL REPORTS & OTHER CONFIDENTIAL INFORMATION – CLOSED SESSION

MOTION: Seger moved, seconded by Wiest, to enter into closed session at 9:28 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 , Battaglia (4). Voting nay: None (0). Absent: None (0). Motion carried.

9:28 am public exited room
9:28 am public exited phone call and public line was closed

9:28 am Wiene (investigations) entered room

7. REVIEW AND RECOMMENDATIONS – OPEN SESSION

Board agreed to move to open session at 10:28 am.

8. Annual Business **Elections and Appointments**

Officers: Seger – Chair, Battaglia – Vice Chair, Wiest – Secretary

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

10:31 am Break

10:45 am Return to open session

Board Goals for 2023

Board wants to have State review contractor for inspection and to divide the state into areas.

Include crematories with contractor in the funeral establishing inspecting.

Board officers will have a 2-year term limit

2023 meeting will all be in person unless changes, they are able to do ½ of the board meetings virtual.

Investigative Consultant – Seger
ICFSEB delegate-Brunken

Approval of Method of Noticing Meeting Agendas

Current process is post the agendas on the website, in the lobby of the department or have individuals on a mailing list.

MOTION: Brunken moved, seconded by Battaglia, to approve the current method of meeting agendas. A roll call vote was taken. Voting aye: Battaglia, Brunken, Seger (3). Voting nay: None (0). Absent: Wiest (1). Motion carried.

Per Diem Payments (Neb. Rev. Stat. §38-171)

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.

The Board approved the following per diem payments:

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

Reviewed 2023 meeting dates: 1.26.2023, 4.27.2023, 7.27.2023, 10.26.2023

Random audits at next renewal board will give % to be reviewed

CEU – 12 hours, plus jurisprudent exam

Board thank Kris Chiles for her service following the announcement of her retirement.

8. ADJOURNMENT

The next meeting is scheduled for 4.27.2023. There being no further business, the chair declared the meeting adjourned at 11:07 a.m.

Lawrence Battaglia, Secretary
Board of Funeral Directing and Embalming

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