



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: 04.24.2023
<p>Date: Thursday May 4, 2023 8:30 a.m.</p> <p>Location: State Office Building (14th & M st) 301 Centennial Mall S. Lower Level, Goldenrod Room 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>	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) <ul style="list-style-type: none"> 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	CANA Crematory Operations Certification Program (online version)
	6	Comments
	7	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
	8.	OPEN SESSION (approx 10:30 am): Application Review and Recommendations Convictions / Reinstatements / Unlicensed Practice or Operation
	9	Adjournment
<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 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: 1.26.2023 4.27.2023-rescheduled 5.4.2023 7.27.2023 10.26.2023</p> <p>All meetings start at 8:30 am</p>

Agenda Items 4

License Statistics:

		SUMMARY COUNT OF LICENSES B	
Profession	License Statuses: License Types	Active	Active-Military
Funeral Directing	Apprentice-Full	5	
	Apprentice-Split 1	2	
	Apprentice-Split 2		
	Branch Establishment	91	
	Embalmer		
	Funeral Director	1	
	Funeral Director and Embalmer	400	1
	Funeral Establishment	160	
	Grand Total	659	1

Disciplinary/Non-Disciplinary Actions:

DIVISION OF PUBLIC HEALTH, LICENSURE UNIT COMPLIANCE LISTING REPORT						
Profession: Funeral Directing					Run Date: 04/24/2023	
Action Start Date Range: 01/01/2023 to 04/24/2023					Page No: Page 1 of 1	
Licensee Name	License No	License Type	License Status	Disciplinary Action	Action Start	Action End
Nabity, Gregory L	997	Funeral Director and E	Active	Petition for Disciplinary Action Filed	02/24/2023	03/01/2023
Nabity, Gregory L	997	Funeral Director and E	Active	Censure	03/01/2023	
Nabity, Gregory L	997	Funeral Director and E	Active	Other	03/01/2023	04/30/2023
Sievers-Sprick Funeral Home	2415	Funeral Establishment	Active	Probation	03/16/2023	03/16/2024

Examinations:

DIVISION OF PUBLIC HEALTH, LICENSURE UNIT EXAMINATION STATISTICS SUMMARY REPORT			
Profession: Funeral Directing		Run Date: 04/24/2023	
Date Range: 01/01/2023 to 4/24/2023		Page No: Page 1 of 1	
Exam Battery	Exam Name	Result Status	Number of Candidates per Result Status
Funeral Directing and	1-JURISPRUDENCE	Pass	2
	2-VITAL STATISTICS	Pass	2
Jurisprudence - CE	Jurisprudence - CE	Pass	5
Jurisprudence -	Jurisprudence - CE	Pass	2

Renewals: None

These minutes have not been approved by the Board

**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 person)
Arvid Wiest, Vice Chair (on call)
Leo Seger, Member (on call)
Lawrence Battaglia, Secretary

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

e. 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 Segar, to support LB16 with options of placing in minutes, testifying 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: Segar 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.

- f. 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.

- g. 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

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

7. INVESTIGATIONAL REPORTS & OTHER CONFIDENTIAL INFORMATION – CLOSED SESSION

MOTION: Segar 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: Segar – Chair, Battaglia – Vice Chair, Wiest – Secretary

MOTION: Wiest moved, seconded by Segar. 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

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).