



## NOTICE OF MEETING and AGENDA BOARD OF FUNERAL DIRECTING AND EMBALMING

This meeting will be held in-person. The public is welcome to attend any Open Session discussion in the Lower Level, Goldenrod Room. This meeting will also be available to the **public** to participate by WEBEX using this link: <https://sonvideo.webex.com/sonvideo/j.php?MTID=m718d8bcac734e92a015b889b0b974785>

or call in information is 1-408-418-9388 using meeting number of 2482 905 8924

<b>AGENDA</b> revision	Date Posted: 7.8.2024, 8.13.2024, 8.22.2024	
<p><b>Date:</b> Monday August 26, 2024 <b>8:30 a.m.</b></p> <p>Location: State Office Building (14<sup>th</sup> &amp; M st) 301 Centennial Mall S. Lower Level, Goldenrod Room Lincoln</p> <p>Contact: Sean Loving, Program Manager, 402-471-2117 or <a href="mailto:Dhhs.licensure2117@nebraska.gov">Dhhs.licensure2117@nebraska.gov</a></p> <p><b>Nebraska Open Meetings Act: 84-1407 through 84-1414</b> <a href="https://ago.nebraska.gov/open-meetings">https://ago.nebraska.gov/open-meetings</a></p>	1	Call Meeting to Order and Roll Call <b>Announcement:</b> 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	<b>CLOSED SESSION (approx 8:45 am):</b> Investigative Reports & Other Confidential Information <b>Purpose:</b> To hear discussions of investigative/confidential nature, and for the prevention of needless injury to the reputation of the individuals
	4	<b>OPEN SESSION (approx 9:45 am):</b> Application Review and Recommendations a. Convictions / Reinstatements / Unlicensed Practice or Operation
	5	<b>Updates and Reports</b> a. 2024 Legislation b. Regulation updates c. Nebraska Funeral Directing Association (NEFDA) <a href="http://www.nefda.org">http://www.nefda.org</a> d. International Conference of Funeral Service Examination Board, Inc. (ICFSEB) <a href="http://www.theconferenceonline.org">http://www.theconferenceonline.org</a> e. Disciplinary and Non-Disciplinary Action Reports, Renewal, License and Examination Statistics (attached)
	6	Public Comment
7.	<b>Adjournment (approx. 10:30 am)</b>	

<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: <a href="https://dhhs.ne.gov/licensure/Pages/Agendas-and-Minutes.aspx">https://dhhs.ne.gov/licensure/Pages/Agendas-and-Minutes.aspx</a> 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>2024 Meeting Dates: 1.29.2024-cancelled 2.22.2024 4.29.2024 7.29.2024-rescheduled 10.28.2024</p>
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**Agenda Items 5c**

**License Statistics:**

		SUMMARY COUNT OF LICENSES BY	
Profession	License Statuses: License Types	Active	Active-Military
Funeral Directing	Apprentice-Full	6	
	Apprentice-Split 1	3	
	Apprentice-Split 2	4	
	Branch Establishment	94	
	Embalmer		
	Funeral Director	1	
	Funeral Director and Embalmer	394	1
	Funeral Establishment	159	
<b>Grand Total</b>		<b>661</b>	<b>1</b>

**Disciplinary/Non-Disciplinary Actions**

DIVISION OF PUBLIC HEALTH, LICENSURE UNIT COMPLIANCE LISTING REPORT						
Profession: Funeral Directing Action Start Date Range: 01/01/2024 to 07/08/2024					Run Date: 07/08/2024 Page No: Page 1 of 1	
Licensee Name	License No	License Type	License Status	Disciplinary Action	Action Start	Action End
Thomas-Caston, Janet Ruth	935	Funeral Director and E	Active	Other	03/13/2024	05/12/2024
Thomas-Caston, Janet Ruth	935	Funeral Director and E	Active	Censure	03/13/2024	
Thomas-Caston, Janet Ruth	935	Funeral Director and E	Active	Petition for Disciplinary Action Filed	03/08/2024	03/13/2024

**Examinations:**

EXAMINATION STATISTICS SUMMARY REPORT			
Profession: Funeral Directing Date Range: 01/01/2024 to 7/8/2024		Run Date: 07/08/2024 Page No: Page 1 of 1	
Exam Battery	Exam Name	Result Status	Number of Candidates per Result Status
Funeral Directing and	1-JURISPRUDENCE	Pass	7
	2-VITAL STATISTICS	Pass	7
National Arts Exam	3-ARTS TOTAL	Pass	5
National Science Exam	4-SCIENCE TOTAL	Pass	5
Jurisprudence - CE	Jurisprudence - CE	Pass	6

Agenda Item #3

**These minutes have not been approved by the Board**

**MINUTES OF THE MEETING OF THE  
BOARD OF FUNERAL DIRECTING AND EMBALMING  
February 22, 2024**

**1. ROLL CALL**

The meeting of the Board of Funeral Directing and Embalming was called to order by Leo Seger, Chair, at 8:30 a.m., in the Lower Level Morrill Room, 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 Lobby on 2.2.2024

The following members answered roll call:

**Members Present (3):**

Steven Brunken, Member  
Arvid Wiest, Secretary  
Leo Seger, Chairperson

**Members Absent (1):**

Lawrence Battaglia, Vice Chair

**Others Present (7):**

TJ O'Neill, Assistant Attorney General  
Abigail Hoy Nissen, Assistant Attorney General  
Dina Mekic, Program Manager, Licensure Unit  
Carrie Oldehoeft, Health Licensing Board Coordinator  
Public (vis WebEx and in room)

A quorum was present and the meeting convened.

**2. ADOPTION OF AGENDA**

**MOTION:** Brunken moved, seconded by Wiest, 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**

**MOTION:** Arvid moved, seconded by Brunken, to approve the minutes of 7.27.2023. A voice vote was taken. Voting aye: Brunken, Wiest, Seger(3). Voting nay: None (0). Absent: Battaglia (1). Motion carried.

**4. UPDATES AND REPORTS**

Updates and Reports

b. 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.

- c. 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.

- d. 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

- e. 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.

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Lawrence Battaglia, Secretary  
Board of Funeral Directing and Embalming

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