

These minutes were approved by the Board on May 5, 2022

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

January 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 1.21.2022.

The following members answered roll call:

**Members Present (3):**

The following members answered roll call:

Lawrence Battaglia, Secretary (on call)  
Steven Brunken, Chairperson (in person)  
Leo Seger, Member (in person)

**Members Absent (1):**

Arvid Wiest, Vice Chair

**Others Present(3):**

Kris Chiles, Program Manager, Licensure Unit (in room)  
Carrie Oldehoeft, Health Licensing Coordinator (in room)  
Milissa Johnson-Wiles, Assistant Attorney General (in room)

A quorum was present and the meeting convened.

**2. ADOPTION OF AGENDA**

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

**3. APPROVAL OF MINUTES (10.28.2021)**

**MOTION:** Seger moved, seconded by Battaglia, to approve the minutes of 10.28.2021, with spelling corrections. A voice vote was taken. Voting aye: Battaglia, Brunken, Seger (3). Voting nay: None (0). Absent: Wiest (1). Motion carried.

9:00 Public entered room

**4. 2022 Legislation**

Chiles went over the legislative recommendation of LB 704 regarding education requirements. Brunken testified on own and not as part of the Board, he went over what he testified about.

Concerns about the shortage of the number of Funeral Directors.

Chiles went over the neutral letter that was submitted by the Department to the committees.

Neighboring states don't have the same requirements regarding education.

Discussion regarding Assistant Funeral Directors with an expansion of definitions; Chiles will work with legal to update regulations.

## **5. UPDATES AND REPORTS**

- a. Nebraska Funeral Directing Association (NEFDA) <http://www.nefda.org>  
NEFDA, Paul Seger was present at meeting and reported they are working on school requirement hours defining requirement for LB704.  
Casket sales reporting with new system gives same information as hand wrote report.  
Fetal death certificates are not electronic and there is no change planned at this time. The  
Electronic Death Records (EDR) system has everything, but the Fetal Death records.  
Discussing regarding going between bordering states to pick up deceased.  
CEU's are for 12 hours and pass the Jurisprudence exam, there are NO hours attached to the exam.

9:37am Paul Seger exited room

- b. International Conference of Funeral Service Examination Board, Inc. (ICFSEB)  
<http://www.theconferenceonline.org> Wiest will be attending the conference, which will be February 23 – 24, 2022 in Houston.
- c. Review of the Disciplinary and Non-Disciplinary Actions, Licensure Statistics, Examination Pass/Fail Report, and Administrative Penalty Fees Assessed as attached to agenda.

## **6. INVESTIGATIONAL REPORTS & OTHER CONFIDENTIAL INFORMATION – CLOSED SESSION**

No investigations

## **7. REVIEW AND RECOMMENDATIONS – OPEN SESSION**

### **8. Annual Business**

#### **a. Elections and Appointments**

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

**MOTION:** Seger moved, seconded by Brunken. A roll call vote was taken. Voting aye: Battaglia, Brunken, Seger (3). Voting nay: None (0). Absent: Wiest (1). Motion carried.

Investigative Consultant – Seger

#### **b. 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:** Seger 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.

#### **c. 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).

#### **9. ADJOURNMENT**

The next meeting is scheduled for 4.28.2022 as a conference call and declared the meeting. There being no further business, the chair declared the meeting adjourned at 9:55 a.m.

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Lawrence Battaglia, Secretary  
Board of Funeral Directing and Embalming

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

Proposed by Lauber

10.28.2021

**38-1414. Funeral directing and embalming; license; requirements.**

- 1) The department shall issue a single license to practice funeral directing and embalming to applicants who meet the requirements of this section. An applicant for a license as a funeral director and embalmer shall:
  - a.) Present satisfactory proof that the applicant has earned the equivalent of ~~sixty-four~~ semester hours of college credit in addition to a full course of instruction in an accredited school of mortuary science. **An applicant who presents proof of a bachelor's degree in Mortuary Science Program or a bachelor's degree in a field of biological sciences shall have met the 40 hour requirements. They will have to also show proof of a full instruction in an accredited school of mortuary science.** Such hours such include the equivalent of (i) six semester of hours of English, (ii) ~~six-12~~ semester hours of **Accounting Business**, (iii) ~~eight-four~~ semester hours of Chemistry, (iv) 12 semester hours of Biological Science relating to the human body, and (v) six semester hours of Psychology/Counseling; and
  - b.) Present proof to the department that he or she has completed the following training;
    - (i) A full course of instruction in an accredited school of Mortuary Science;
    - (ii) A 12-month apprenticeship under the supervision of a license funeral director or embalmer practicing in the State of Nebraska, Which apprenticeship shall consist of arterial embalming 25 bodies and assisting with 25 funerals.....

Suggestions for Board consideration based on proposal above:

**38-1414. Funeral directing and embalming; license; requirements.**

- (1) The department shall issue a single license to practice funeral directing and embalming to applicants who meet the requirements of this section. An applicant for a license as a funeral director and embalmer shall:
  - (a) ~~Present satisfactory proof that the applicant has~~ Have earned the equivalent of ~~sixty-four~~ semester hours of college credit in addition to a full course of instruction in an accredited school of mortuary science. Such hours shall include the equivalent of (i) six semester hours of English, (ii) ~~six twelve~~ semester hours of ~~accounting Business~~, (iii) ~~eight four~~ semester hours of chemistry, (iv) twelve semester hours of a biological science relating to the human body, and (v) six semester hours of psychology or counseling; ~~and~~ An applicant who has a bachelor's degree from an accredited school of Mortuary Science has met the forty semester hour requirements specified in section (1)(a);
  - (b) ~~Present proof to the department that he or she has completed the following training:-~~
    - (b) Have completed (i) A a full course of instruction in an accredited school of mortuary science;
    - (c) Have completed (ii) A a twelve-month apprenticeship under the supervision of a licensed funeral director and embalmer practicing in the State of Nebraska, which apprenticeship shall consist of arterially embalming twenty-five bodies and assisting with twenty-five funerals; and
    - (d) ~~(iii)~~ Have successfully completed ~~ion~~ of the licensure examination approved by the board.
- (2) ~~Any person holding a valid license as an embalmer on January 1, 1994, may continue to provide services as an embalmer after such date. Upon expiration of such valid license, the person may apply for renewal thereof, and the department shall renew such license to practice embalming.~~
- (3) ~~Any person holding a valid license as a funeral director on January 1, 1994, may continue to provide services as a funeral director after such date. Upon expiration of such valid license, the person may apply for renewal thereof, and the department shall renew such license to practice funeral directing.~~

**38-1416. Apprenticeship; apprentice license; examination.**

- (1) Before beginning an apprenticeship, an applicant shall apply for an apprentice license. The applicant shall show that he or she has completed thirty-nine of the sixty hours required in subdivision (1)(a) of section 38-1414. The applicant may complete the twelve-month apprenticeship in either a split apprenticeship or a full apprenticeship as provided in this section.
- (2) A split apprenticeship shall be completed in the following manner:
  - (a) Application for an apprentice license to complete a six-month apprenticeship prior to attending an accredited school of mortuary science, which license shall be valid for six months from the date of issuance and shall not be extended by the board. The apprenticeship shall be completed over a continuous six-month period;
  - (b) Successful completion of a full course of study in an accredited school of mortuary science;

- (c) Successful passage of the national standardized examination; and
  - (d) Application for an apprentice license to complete the final six-month apprenticeship, which license shall be valid for six months from the date of issuance and shall not be extended by the board. The apprenticeship shall be completed over a continuous six-month period.
- (3) A full apprenticeship shall be completed in the following manner:
- (a) Successful completion of a full course of study in an accredited school of mortuary science;
  - (b) Successful passage of the national standardized examination; and
  - (c) Application for an apprentice license to complete a twelve-month apprenticeship. **This license shall be valid for twelve months from the date of issuance and shall not be extended by the board. The apprenticeship shall be completed over a continuous twelve-month period. ????????????**
- ~~(4) An individual registered as an apprentice on December 1, 2008, shall be deemed to be licensed as an apprentice for the term of the apprenticeship on such date.~~

Consideration for eliminating the Branch establishment ?????????????? since a funeral home can provide all of the following, combination of the following, or just one of the following services:

**38-1411. Funeral establishment, defined.**

Funeral establishment means a place of business situated at a specific street address or location devoted to the care and **preparation** of dead human bodies for burial, disposition, or cremation **or to conducting or arranging funeral services for dead human bodies.**

Want to add any language to reciprocity for ease in mobility to Nebraska?

**38-1421. Reciprocity; military spouse; temporary license.**

The department, with the recommendation of the board, may issue a license based on licensure in another jurisdiction to an individual who meets the requirements of the Funeral Directing and Embalming Practice Act or substantially equivalent requirements as determined by the department, with the recommendation of the board. An applicant for licensure under the act who is a military spouse may apply for a temporary license as provided in section 38-129.01.