

MINUTES

**UTAH
FUNERAL SERVICE LICENSING
BOARD MEETING**

May 21, 2008

**Room 475 – 4th Floor – 9:00 A.M.
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 9:00 A.M.

ADJOURNED: 10: 30 A.M.

Bureau Manager:

Clyde Ormond

Board Secretary:

Jacky Adams

Board Members Present:

Reginal V. Ecker, Chairperson
Allyn Walker
Ned Nordgren
Joseph W. Thalman

Board Members Absent:

Mark Walker
Mary W. Bearson

DOPL Staff Present:

F. David Stanley, Division Director
Connie Call, Compliance

Guests:

Thomas Sanderson, International Conference of
Funeral Service Examining Boards

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

**ADMINISTRATIVE BUSINESS:
MINUTES:**

Mr. Walker seconded by Mr. Nordgren made a motion to approve the November 15, 2007 board meeting minutes, the motion carried unanimously.

MINUTES:

Mr. Walker seconded by Mr. Nordgren made a motion to approve the February 20, 2008 board meeting minutes, the motion carried unanimously.

APPOINTMENTS:

9:15 a.m. Wilcoxen, Robert

Mr. Wilcoxen contacted the Division on May 20th requesting to be excused from this meeting, due to a family emergency, his request was granted by Ms. Adams.

Ms. Call reminded the Board that at the February 2008 meeting it was determined that Mr. Wilcoxon was in compliance with his Stipulation and Order, and if he remained in compliance, at this meeting the Board could motion to release him. After a brief discussion it was determined that Mr. Wilcoxon has continued to remain in compliance with his Stipulation and Order.

Mr. Thalman seconded by Mr. Nordgren, made a motion to release Mr. Wilcoxon from the requirements of his Stipulation and Order and issue him an unrestricted license as a Funeral Services Director, the motion carried unanimously.

DISCUSSION ITEMS:

Ricks, Ryan

Mr. Ormond reviewed Mr. Ricks application for licensure as a Sales Agent (Pre-Need Funeral Arrangement Sales Agent), explaining that Mr. Ricks pleaded guilty to a "Battery Domestic Violence" charge on November 28, 2005, which was held in abeyance pending completion of a treatment program, and thirty-one hours of community service, the plea in abeyance was later terminated on November 28, 2006.

Mr. Ormond then explained that Mr. Ricks license to practice as a Real Estate Agent was placed on probation in December 2007, due to falsification of his original application, and his criminal history.

It was then determined that the Division needed to review the Division of Real Estates Stipulation and Order, and Mr. Ricks must submit a letter from his counselor stating that if he was issued a license, would he be a threat to the public health, safety, and welfare.

HB 437 – Funeral Services Licensing Act Amendments

Mr. Ormond requested for all Board Members, to review Title 58, Chapter 9, and notify him of any areas which may needed to be better defined in R156-9 Utah Administrative Code. He then explained that any changes must be completed prior to November 1, 2008.

Mr. Ormond then requested for the Board to clarify: 58-9-102 (24) and (25) - The Board explained that the difference between Processing, and Pulverization, are the size of the particles left over after cremation.

Mr. Walker then explained that most Funeral Establishments complete the two processes simultaneously.

58-9-607 (1)(c) – Mr. Ecker explained that if the decedent's death is due to a criminal offense, an authorization letter must be received from the county attorney's office prior to cremation, also other states require an additional certificate prior to cremation.

58-9-607 (2)(a)(x) – Mr. Ecker explained that some families request for items to be placed in the "Urn" with the deceased's ashes.

It was then discussed whether to adopt the professions "Code of Ethics", to the professions "Unprofessional Conduct" sections of their Administrative Code. Adding that adoption of the FTC (Federal Trade Commission) Title 16 Part 453 could be adopted at the same time, the Board agreed.

Mr. Ormond questioned the Board regarding who they felt should be disciplined if a Sales Agent, not employed by a Funeral Establishment, enters into a Pre-need Funeral Arrangement, with a client. The Board explained that all individuals who sign the Arrangement, and are licensed under Title 58, Chapter 9, should be disciplined.

It was then determined that in this scenario the first occurrence a verbal warning should be given, the second occurrence a written warning, should be given, and the third a cease and desist order should be issued, this determination is based on the over all compliance of this profession.

Pre-Need Agreement Review

Mr. Ormond questioned the Board regarding if all Pre-Need Funeral Arrangement Contracts must be identical to the Divisions Model Contract.

After a brief discussion it was determined that Contracts do not need to be identical to the Divisions Model Contract, the determination was based on the understanding that most Contracts are now Trusts. Mr. Walker then added that some old contracts and trusts

were not funded properly; some Funeral Establishments need to absorb the cost difference.

CORRESPONDENCE:

YB News – March, April, and May 2008

Reviewed, with no further action taken

Life Appreciation – Training

Reviewed, with no further action taken

R.I.P. Off – Article

Reviewed, with no further action taken

“Reflections from San Antonio”

Mr. Sanderson met with the Board to report on the “The International Conference of Funeral Services Examining Boards” “104th Annual Convention” in San Antonio, TX. He felt that the Division and Board should take a more active role with the Conference.

Mr. Sanderson explained that New York has now passed new Laws which restrict Funeral Establishments from participating in tissue donations. He further explained that in some instances the decedent is dismembered, the body parts are sent through out the county, the decedent is then cremated, and the family has no guarantee that the ashes of their loved one is in the Urn, which is returned to them. The Board expressed their concern with this issue, however, they felt that this practice is not occurring with in this State.

Mr. Sanderson then explained that the CFSEB (Conference of Funeral Service Examination Board) meets two times a year to review and write exam questions. It was then explained that twenty five of the one hundred and seventy five exam questions, are test questions.

Mr. Sanderson stated that students who are obtaining their education on-line are passing this exam at an equal rate to students who have obtained their education in a classroom, he then explained that if an institutions students are not passing the exam on a consistent basis, the institution poses the risk of their students not being allowed to take the exam. The only educational difference between the on-line and classroom students is the lack of hands on experience of the on-line students.

Mr. Sanderson reminded the Board that the next conference will be held in February 2009 in Virginia.

Funeral Consumers Alliance – 2008
Conference

Reviewed, with no further action taken

Matthews International - Seminars

Reviewed, with no further action taken

NEXT MEETING SCHEDULED FOR:

August 20, 2008

ADJOURN:

10: 30 A.M.

Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.

August 20, 2008
Date Approved

(ss) Reginal Ecker
Chairperson, Utah Funeral Service Licensing Board

August 20, 2008
Date Approved

(ss) Clyde Ormond
Bureau Manager, Division of Occupational &
Professional Licensing