

MINUTES

**UTAH
FUNERAL SERVICE LICENSING
BOARD MEETING**

February 18, 2009

**Room 474 - 4th Floor – 9:00 A.M.
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 9:00 a.m.

ADJOURNED: 11:23 a.m.

Bureau Manager:

Clyde Ormond

Board Secretary:

Jacky Adams

Board Members Present:

Reginal V. Ecker, Chairperson
Ned Nordgren
Mary W. Bearnson
Allyn Walker
Mitchell Blackburn
Mark Walker
Joseph W. Thalman

Board Members Absent:

DOPL Staff Present:

F. David Stanley, Division Director

Guests:

Spencer Larkin, Larkin Mortuary
Rob Larkin, Larkin Mortuary
Mark Hewlett, Larkin Mortuary
Joyce Mitchell, Funeral Consumers Alliance of Utah
Daniel Finlay

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

Approve December 17, 2008 Board Meeting Minutes

Mr. Walker seconded by Ms. Bearnson made a motion to approve the Board Meeting Minutes from the December 17, 2008 meeting, the motion carried unanimously.

DISCUSSION ITEMS:

House Bill 265

Mr. Ormond explained that HB (House Bill) 265 “Postmortem Procedures Amendments”. Has been approved by the House of Representatives and is now awaiting approval by the Senate.

Senate Bill 142

Mr. Ormond explained that SB (Senate Bill) 142 “Disposition of a Dead Body” has been reviewed by the Senate, but has not been approved at this point. If passed the Bill will prohibit a person from rendering a dead body unavailable for postmortem investigation or autopsy, unless the person has first obtained a permit from the medical examiner. The Bill also allows the medical examiner to charge a fee to recover the cost of fulfilling these requirements.

The Board was not in favor of this Bill, due to the cost involved, and the understanding that the cost would be forwarded to the deceased’s family. Prior to a Funeral Establishment performing a cremation, it will now be required for them to obtain the Death Certificate, Cremation Authorization, and this additional permit.

Trust Accounts

At the November 12, 2008 Board Meeting Mr. Mark Hewlett had proposed to amend R156-9-614, to either:

- Decrease the 100% trust rule back to 75% which was in effect up to April 30, 1991 with a 1% management fee and dispose of the 30% management fee; or
- Decrease the 100% trust rule back to 85% with a 3% management fee and dispose of the 30% management fee; or
- Leave the 100% trust rule in effect; increase the management fee to 5% and dispose of the 30% management fee.

Mr. Ormond reported that after discussions with the Attorney General representative, decreasing the amount of the deposit from 100% to either 85% or 75% would require a statutory change. However, increasing the management fee could be amended, upon Board approval. Mr. Ormond further added that prior to the current wording being enacted; the Division had received several complaints regarding misuse of funds.

A detailed discussion issued, to explain how trust fund

monies are managed by the Bank. It was then explained that no matter what changes are made to this section of R156-9 the public will be protected. The change will only affect the fees a Funeral Establishment is allow to access for management of the Trust.

During the discussion additional proposals were discussed:

- o Leave the 100% trust rule in effect; increase the management fee to 10% the first year, then decrease the management fee percentage by 2% for the following three years, and also dispose of the 30% management fee.
- o Check with other States who currently require all Trusts to be 100% funded, and emulate their wording.
- o Proposed change should outline the management fee should not exceed a percentage or a total dollar amount of, for the duration of the contact.

Hansen, Arvin

Mr. Ormond explained that the Division was concerned with the proof of examination documentation that Mr. Hansen submitted with his application for licensure as a Funeral Service Director. The documentation reflects that Mr. Hansen passed the International Conference of Funeral Services Examining Boards, exam on October 6, 1966.

After a brief review it was determined that in 1966 there was only one exam required. Mr. Hansen's application for licensure was approved.

Finlay, Daniel

Mr. Ormond reviewed Mr. Finlay's application for licensure as a Pre-Need Sales Agent, explaining that Mr. Finlay surrendered his license as a Hearing Instrument Specialist on April 11, 2007, due to falsification of his renewal of licensure.

Mr. Finlay explained that he had not intended to falsify his renewal; however due to other life's issues, he was unable to complete is Continuing Education hours as required by R156-46a-304.

After a detailed discussion Mr. Blackburn seconded by Mr. Thalman made a motion to approve Mr. Finlay's application for licensure as a Pre-Need Sales Agent, contingent upon submitting documentation of

licensure with the Department of Insurance, the motion carried, with Mr. Ecker opposed.

CORRESPONDENCE:

Executive Order "Ethics"	Reviewed, with no further action taken.
Eco-friendly burial now an option – Salt Lake Tribune article	Reviewed, with no further action taken.

NEXT MEETING: May 20, 2009

ADJOURN: 11:23 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.

<u>April 15, 2009</u>	<u>(ss) Reginal Ecker</u>
Date Approved	Chairperson, Utah Funeral Service Licensing Board

<u>April 27, 2009</u>	<u>(ss) Clyde Ormond</u>
Date Approved	Bureau Manager, Division of Occupational & Professional Licensing