

MINUTES

**UTAH
FUNERAL SERVICE LICENSING
BOARD MEETING**

April 28, 2010

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

CONVENED: 9:02 a.m.

ADJOURNED: 10:55 a.m.

Bureau Manager:

Clyde Ormond

Board Secretary:

Jacky Adams

Board Members Present:

Reginal V. Ecker, Chairperson
Mitchell Blackburn
Mary W. Bearnson
Ned Nordgren
Brent Russon
Mark Walker

Board Members Absent:

Joseph W. Thalman

DOPL Staff Present:

Laurie Noda – Attorney General Representative
Kent Barnes – Compliance Supervisor

Guests:

Joyce Mitchell – Funeral Consumers Alliance
Kent Heideman – Heideman Mortuary LLC

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

Approve February 17, 2010 Board Meeting Minutes

Mr. Ecker requested clarification of the February 17, 2010 discussion regarding Establishment Licensure Requirements. It was clarified that Board members should not be conducting sight visits. However, a Board Member could be appointed to assist Division Investigations, Mr. Russon was then appointed.

Mr. Walker seconded by Ms. Bearnson made a motion to approve the February 17, 2010 Board Meeting Minutes. The motion carried unanimously.

APPOINTMENTS:

9:15 a.m. Stevens Funeral Service LLC –
Stevens, Todd

Prior to this meeting the Division received notification that this Establishment wished to withdraw their application for licensure.

Stevens Funeral Service LLC was not discussed.

9:30 a.m. Heideman Mortuary LLC –
McDonald, Randy

Mr. Heideman appeared for his scheduled appointment with the Board to review Heideman Mortuary LLC's application for licensure as a Funeral Service Establishment with Mr. Randy McDonald as the Funeral Service Director.

Mr. Ormond explained Heideman Mortuary LLC had submitted a complete application for licensure, except for an appropriate Pre-need Sales Contract. Mr. Heideman then added that they intend to have two locations, one dedicated to Preparations, and the other to Viewings. The Board reminded Mr. Heideman that each location must be individually licensed. Mr. Heideman agreed to submit an application for each location, and a sample Pre-need Sales Contract.

It was then determined upon receipt of the missing information, Heideman Mortuary LLC meets the requirements for licensure.

All missing information was later submitted a license was issued to Heideman Mortuary LLC and Heideman Cremation Services LLC.

DISCUSSION ITEMS:

Examination & Proposed Rules Review

Mr. Ormond explained the Division is proposing amending R156-9-302a; Qualifications for Licensure, Examination Requirements:

(2) An applicant for licensure as a funeral director, funeral service intern, preneed sales agent or funeral director by endorsement shall pass the Utah Funeral Service Law and Rule Examination with a score of at least 75%.

(3) An individual who fails an examination may retake the failed examination as follows:

(a) no sooner than 30 days following any failure, up to three failures; and

(b) no sooner than six (6) months following any failure thereafter.

The Board approved the proposed amendments.

Mr. Barnes then explained the examination writing process in detail. It was added that the Subject Matter Experts and the Board will determine:

- The number of examinations to be given;
- The content of the Content Outline;
- Write each question; and
- If the examination is to be an Open or Closed Book.

It was clarified that two examinations will be established, one for Pre-Need and one for Funeral Interns and Directors.

Mr. Barnes will contact PSI and set up a meeting with them to begin the examination writing process.

Pre-Need Sales Contracts

It was explained, the “Additional Benefit” funds listed on a Pre-Need Sales Contract, are required to be Guaranteed. Mr. Ecker questioned, would it be ethical to list the cost of the “Funeral Goods and Merchandise” in this area, contingent upon the Recipient having not selected the Goods and Merchandise. He then clarified only the “Professional Services” and selected Goods and Merchandise would be Guaranteed.

A detailed discussion ensued where the Board clarified the “Additional Benefit” funds can be utilized for any “Funeral Goods and Merchandise” the family chooses, within the fund limits. The majority of the Board expressed their concern with this process, adding the Buyer and Family would not fully understand what portion of the Pre-Need Contract is guaranteed, and which portion is not.

It was also explained Sales Agents are paid by commissions, and a majority of Pre-Need Contracts being signed in the Buyers residence. If this process was allowed it would enable a Sales Agent to more easily defraud the Buyer, by not allowing the Buyer to choose “Funeral Goods and Merchandise”, until after the Pre-Need Contract has been signed.

A concern arose regarding ensuring the Sales Agents is appropriately representing the Pre-Need Contract the Buyer. It was further explained, in some instances

the Sales Agent may be implying to the Buyer, that they are getting more goods and merchandise, than is listed on the Pre-Need Contract. It was then recommended for all Pre-Need Contracts to be accompanied by a disclaimer outlining all “Funeral Goods and Merchandise” and “Professional Services” to be provided at the time of need. Additionally it was recommended bonding all Sales Agent, prior to licensure. Mr. Ormond then requested for Mr. Russon to instruct the Divisions Investigators on this issue, Mr. Russon agreed.

Ms. Noda then joined the meeting to assist in resolving this issue. After a brief discussion Ms. Noda stated that utilizing the “Additional Benefit” funds listed on a Pre-Need Sales Contract, for all unselected “Funeral Goods and Merchandise”, and only guaranteeing the “Professional Services” was allowable. She then added if the Buyer later picks Funeral Goods and Merchandise” the items will not be guaranteed.

Mr. Ormond then recommended, for the Utah Funeral Directors Association to review all Statute’s regarding this issue with an Attorney, to ensure there is no confusion. Additionally he proposed amending 58-9 to clarify any confusion.

CORRESPONDENCE:

“Cremation Now Permitted in Salt Lake City”
– Deseret News Article

Reviewed, no further action taken.

The Conference – 2010 Budget

Reviewed, no further action taken.

Funeral Consumers Alliance – National
Conference 2010

Reviewed, no further action taken.

NEXT MEETING: August 18, 2010

ADJOURN: 10:55 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 18, 2010	(ss) Reginal V Ecker
Date Approved	Chairperson, Utah Funeral Service Licensing Board
August 19, 2010	(ss) Clyde Ormond
Date Approved	Bureau Manager, Division of Occupational & Professional Licensing