

MINUTES

**UTAH
FUNERAL SERVICE LICENSING
BOARD MEETING**

November 16, 2011

**Room 402 - 4th Floor – 9:00 A.M.
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 9:05 a.m.

ADJOURNED: 10:32 a.m.

Bureau Manager:

Clyde Ormond

Board Secretary:

Yvonne King

Board Members Present:

Reginal V. Ecker, Chairperson
Mary Bearnson
Brent Russon
Ned Nordgren
Louie Hamner
P. Mark Brown

Board Members Absent

Mitchell Blackburn

DOPL Staff Present:

Connie Call, Compliance

Guests:

Phil Perkes, Probationer
Rob Larkin, NFDA
Sherrie Loewen, SLCC
David Hess, SLCC

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

Nominations for Board Chair

Ms. Bearnson seconded by Mr. Hamner made a motion to nominate Mr. Ecker for Board Chairman. The motion carried unanimously.

Approve August 17 & May 18, 2011 Board Meeting Minutes

Ms. Bearnson seconded by Mr. Hamner made a motion to approve the May 18, 2011 and August 17, 2011 minutes as written. The motion carried unanimously.

APPOINTMENTS

Compliance

Ms. Call stated that Mr. Perkes was current on drug screenings, the twelve step attendance record, but was late submitting his employer reports to the Division. Ms. call also stated that the Division required an additional evaluation report which he turned in with no change. Ms. Call felt Mr. Perkes however was non-compliant due to the employer reports arriving late.

Phillip Perkes

Mr. Perkes appeared before the Board for his scheduled appointment. Mr. Russon performed the interview. Mr. perkes stated that his employer was late supplying the reports to the Division but has been totally supportive of his probation requirements. Mr. Russon then asked Ms. Call what steps were needed now. Ms. Call stated that Mr. Perkes could put in a request for early release of his probation.

Mr. Ormond then stated that the Board could have Mr. Perkes meet with the Board once every six months but Ms. Call pointed out that Mr. Perkes had been non-compliant three times with in the year due to employer reports arriving late.

The Board then determined that Mr. Perkes would need to still meet with the Board at each meeting and speak with his employer about submitting the reports in a timely manner.

David Hess

The Board introduced David Hess as the new director for (SLCC), Salt Lake Community College's Mortuary Science Program which will get underway in early Spring. Mr. Hess stated that this is his first official day at work. Mr. Hess would like to lay the ground work and would be implementing an orientation to meet with all the students. Sherrie Loewen with (SLCC) then stated that Mr. Hess will be spearheading the renovation of the cadaver lab.

Mr. Ormond reminded SLCC that they should proceed with the licensing process now to insure everything will be in working order when their program begins. Mr. Ormond stated that an investigator from the Division may help to insure that they are compliant. Mr. Ormond then stated that Walter Parker who was the investigator for the Funeral Service Board is no longer with the Division so the new investigator may require some training.

Examination Rule Discussion

Mr. Ormond presented a review of the law and rule pass/fail rates for the funeral service director and pre-need sales agent exam which included statistics from January to October 2011. Mr. Ormond indicated that when the testing facility changed to open book the scores shot up significantly.

Mr. Ormond then suggested instead of making a rule change to hold off for three months because there does not appear to be a problem with the exam since it was changed to open book.

Mr. Ecker stated that one of the concerns the Board had was the 30 day waiting period between tests because the pre-need sales agents need to get to work.

Mr. Ormond then suggested monitoring the test statistics for the next three months and if there were still problems, the Board could consider eliminating the 30 day waiting period for the first three tries.

The Conference Annual Meeting

Mr. Ormond stated that there will be an annual conference in Little Rock Arkansas February 29, 2012. Mr. Ormond then stated if any of the Board members would like to attend to send in a request.

Mr. Ecker stated that he did not recall the Board ever attending those meetings but Tom Sanderson from the funeral industry usually attended and reports back to the Board.

Consumer Alliance Fees

Mr. Ecker stated that the Board has not paid any fees to the Consumer Alliance in the past. The Board concluded that it was an unnecessary fee.

Legislative Updates

Mr. Ormond wanted to know if there was any pending legislation that the Board was aware of.

The Board noted that the auto insurance industry may have legislation concerning automobile accidents with regards to the transport of the deceased body, transportation time, funding and the signing of the death certificate which may cause a concern with the funeral industry.

Rob Larkin

Mr. Larkin had three issues to bring before the Board.
(1) Mr. Larkin wanted to know what triggers the requirement for a burial transit permit to be

issued because of a concern with Idaho when traveling across state lines with a deceased body. Mr. Ormond stated that Mr. Larkin would have to check with Vital Records if he had a concern and wanted to request a change. Mr. Ormond also stated that he would look into requesting the web-site to Vital Records be posted on the Division's Web-site.

(2) Mr. Larkin stated that Utah does not have a law regulating military protesters around funeral services and burials. Mr. Larkin provided a statute from Illinois, Arizona and Michigan that shows what they have done. Mr. Larkin wants to know if the State of Utah could take that on with the UFDA. Mr. Ormond stated it depends if this affects public safety. Mr. Ormond suggested that the UFDA would need to take legislative action.

(3) Green cremation or alkaline hydrolysis is a chemical process leaving a dry bone residue and sterile liquid. The sterile liquid is then disposed of. The dry bone residue is pulverized and made available to the family. Mr. Larkin in conjunction with the UFDA wanted to know what the model guidelines for state regulation would be in the event the Board was approached by someone requesting licensure.

Mr. Ormond stated that he would take those three issues and present them to Mark Steinagel and Ray Walker to review.

Investigations

Mr. Ormond discussed the Investigation report with the Board which included a comparison from 2010 to 2011.

Mr. Ormond reviewed the statistics in 2011 which included: 15 received cases, 1 admin sanction order, 1 stipulation, 2 citations, 2 inspections, 2 letters of concern, 5 unfounded and 2 voluntary compliances.

Mr. Ormond then provided an example of an inspection of a facility that was working with out a license.

The Board would like to know what the complaints are about and include this in investigative report for the next meeting.

CORRESPONDENCE:

The Conference Report	Reviewed with no action taken
The Compass	Reviewed with no action taken
Funeral CE	Reviewed with no action taken
Funeral Home & Cemetery Sept & Oct.	Reviewed with no action taken

NEXT MEETING:

February 15, 2012

ADJOURN:

10:32

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.

February 15, 2012

(ss) Reginal V. Ecker

Date Approved

Chairperson, Utah Funeral Service Licensing Board

February 15, 2012

(ss) Clyde Ormond

Date Approved

Bureau Manager, Division of Occupational & Professional Licensing