

MINUTES

**UTAH
FUNERAL SERVICE LICENSING
BOARD MEETING**

February 17, 2010

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

CONVENED: 9:06 a.m.

ADJOURNED: 10:50 a.m.

Bureau Manager:

Clyde Ormond

Board Secretary:

Jacky Adams

Board Members Present:

Mitchell Blackburn, Acting Chairperson
Mary W. Bearson
Ned Nordgren
Mark Walker

Board Members Absent:

Reginal V. Ecker, Chairperson
Joseph W. Thalman
Brent Russon

DOPL Staff Present:

Kent Barnes – Compliance Supervisor

Guests:

Scott Russon – Utah Funeral Directors Association
Joyce Mitchell – Funeral Consumers Alliance

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

Approve November 18, 2009 Board Meeting Minutes

Mr. Nordgren seconded by Mr. Walker made a motion to approve the Board Meeting minutes from the November 18, 2009 meeting. The motion carried unanimously.

DISCUSSION ITEMS:

Examination Review

Mr. Ormond reviewed the November 18, 2009 Board Meeting minutes, regarding this issue. The Board had recommended for the examination to be given by PSI, the Division's testing vendor for administration. Mr. Ormond had agreed to discuss this issue with the

Division Director, and report to the Board Meeting if the examinations could be administered by PSI.

Mr. Ormond explained that upon Board approval of the proposed rules changes to R156-9-302a, the examination writing process could begin. He then added that the cost to the licensees will be about seventy-two dollars.

An extensive discussion ensued regarding, past examination changes, and the examination writing procedure.

An open book, seventy-five to one hundred question, Laws and Rules examination will be established for the Funeral Service Directors, Funeral Interns and Pre-need Sales Agents. Additionally the passing score will be reduced from one-hundred percent to seventy-five percent. All Pre-Need Sales Agents, Funeral Service Interns, and Funeral Services Directors (if applying by endorsement or for reinstatement) must pass the exam prior to licensure.

It was then determined to table this issue until the April 28, 2010 Board Meeting, at that time the Board will propose recommendations for the following:

- Length of time the examination should be good for.
- Number of examinations to be offered.
- Examination re-takes consideration.

The Utah Funeral Directors Association will contact its member to receive profession opinion.

A representative of PSI will attend the meeting to answer any additional questions the Board, Association, or Profession have.

Establishment Licensure Requirements

Mr. Walker explained that the Division sent a letter to the Funeral Establishments, reminding them of the requirements of 58-9-302-(3), he then recommended clarification of 58-9-302 (3) (c). Mr. Ormond agreed, adding that use of a third party establishment was unacceptable.

After a brief discussion it was determined that leasing of a facility operated by the licensee was acceptable. However, leasing the use of a third party establishment

which is not operated by the licensee is not acceptable. To ensure all new licensees are meeting this requirement the Board requested for all new applicants to be reviewed and approved by the Board prior to issuance of licensure, the Division agreed.

In the case of a Funeral Establishment opening a new location, who will be utilizing the same Embalming Room, and/or Refrigerator what maximum distance should between the two Establishments.

The Board then expressed their concern with third-party establishments, who specialize in removal, embalming, and preparation only. It was further clarified that these establishments utilize office space, and are leasing to another establishment.

The Board then questioned if they could perform site checks prior to issuance of licensure, for Funeral Establishments. Mr. Ormond explained that upon approval by the Division Director this could be done. It was then determined that all new Establishment applications shall be reviewed by the Board, if they have concerns a site visit may be conducted, Mr. Ormond will discuss this issue with the Division Director to ensure his approval.

Mr. Nordgren seconded by Ms. Bearson made a motion to conduct random site checks of all establishments. The motion carried unanimously.

Funeral Establishment licensure with the
Division of Insurance

58-9-302 (3) (f) was then reviewed. The Board was under the impression that at the time of the Statute change, in 2007; all licensed Establishments were “grandfathered” and were not required to comply with this section of the Statute. Mr. Ormond explained that there was not a “grandfathering” clause. After the Board meeting convened Mr. Ormond spoke with the previous Bureau Manager, Noel Taxin, who stated that as of the Statute change all Establishments were required to submit documentation of meeting the new requirements. Mr. Ormond then reminded the Board that licenses for this profession expire on May 31, 2010, and all Establishments, and Pre-Need Sales Agents must submit documentation having appropriate licensure with the Department of Insurance.

CORRESPONDENCE:

“Arizona family sues over kin’s shattered casket” - Salt Lake Tribune Article For Board review.

“Connecticut Funeral Home Cremates Wrong Body” – Fox News.com For Board review.

“Family sues N.M. Utah funeral home over brain in bag” – Heraldextra.com For Board review.

NEXT MEETING: April 28, 2010

ADJOURN: 10:50 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.

April 28, 2010 (ss) Reginal V Ecker
Date Approved Chairperson, Utah Funeral Service Licensing Board

April 28, 2010 (ss) Clyde Ormond
Date Approved Bureau Manager, Division of Occupational & Professional Licensing