

Tuesday – April 26, 2005

The regular meeting of the Board of Embalmers and Funeral Directors was held in the Riffe Center located in Columbus. Vice-President, Robert L. Shank called the meeting to order at 1:00 P.M. Other Board members present were: Virginia S. Cheney, Ross C. DeJohn, John J. Hadley, Pernel Jones, and Kurtis A. Tunnell. Also, present were: Anthony Siciliano, Assistant Attorney General; Frank J. Savage, Inspector; Charles H. Wisby, Inspector; Cameron R. Casper, Administrative Assistant; and Ann Cunningham, Executive Director.



On a motion by Mr. DeJohn, seconded by Mr. Hadley, the Board approved, as amended, the minutes of the meeting held on March 29-30, 2005. Ayes: 6. Nay: 0. Motion approved.



Mr. DeJohn, Mr. Jones, Mr. Casper and Ms. Cunningham reported on their participation in the International Conference of Funeral Service Examining Boards Annual Conference in Northwest Arkansas. Mr. Casper and Ms. Cunningham attended April 8 meeting of Executive Directors from twelve states. Mr. DeJohn and Mr. Jones joined them for the April 9-10 Conference. Mr. DeJohn and Mr. Jones will be paid per diem and actual travel expenses. The Conference included speakers from the American Board, the Military Mortuary Service and included small group discussions.



Mr. Hadley will monitor the Board's examinations on April 27-28. He will be paid per diem and actual travel expenses.



Mr. Shank and Mr. Hadley represented the Board at the Ohio Funeral Directors Association on April 13-14-15. Along with staff members, they were available to convention attendees in the exhibition hall. Mr. Shank and Mr. Hadley will be paid per diem and actual travel expenses.



Ms. Cunningham reminded Board Members that she is the guest speaker at the Annual Meeting of the Funeral Consumers Alliance of Central Ohio on May 7 at the Clintonville Women's Club.



Board Members received a summary of Sub. S.B. 26 concerning delays and phases-in the implementation of destination-based sourcing of sales for vendors with delivery sales that are made to other counties or states. Sub.S.B. 26 requires that all vendors follow destination-based sourcing on and after January 1, 2009, regardless of the amount of their delivery sales.



Unfinished Business

With regret, the Board received a letter of resignation from David Tobias, Board Member, effective April 15, 2005. Secretary to prepare a resolution to present to Mr. Tobias. Mr. Shank assumed the office of President, leaving the office of Vice-President vacant until elections in July.



Ms. Cunningham informed the Board that Vital Statistics opened discussions concerning access to the Board’s data files to verify licensure as part of the Health Department’s new on-line certificate of death program. Ms. Cunningham, assisted by the Board’s IT support staff in the Department of Administrative Services, will work with Vital Statistics. Any costs for the development and production will be paid by the Health Department



New Business

There were no applications for crematory facility licenses



On a motion by Mr. Tunnell, seconded by Mr. Hadley, applications for crematory facility **pending** receipt of the occupancy permit and final inspection by the Board. Ayes: 6. Nays: 0. Motion approved.

| <u>Facility</u> | <u>Location</u> | <u>County</u> |
|-----------------|-----------------|---------------|
| Ohio Crematory  | Reynoldsburg    | Franklin      |



There were no applications for crematory facility license to the following **after** approval of the application, receipt of the occupancy permit, and the final inspection



On a motion by Mr. Tunnell, seconded by Mr. Hadley, the Board approved the following applications for funeral home license. Ayes: 6. Nays: 0. Motion approved.

| <u>Firm Title</u>         | <u>Address</u> | <u>County</u> | <u>Inspection</u> |
|---------------------------|----------------|---------------|-------------------|
| Lane FH, Shafter Winans C | Cortland       | Trumbull      | 02/16/05          |

|                          |        |          |          |
|--------------------------|--------|----------|----------|
| Lane FH, Robert –Clark C | Warren | Trumbull | 02/17/05 |
| Lane FH                  | Niles  | Trumbull | 02/17/05 |
| Smith & Ogle             | Oxford | Butler   | 07/27/04 |



On a motion by Mr. Tunnell, seconded by Mr. Hadley, the Board approved the following applications for funeral home licenses **pending** receipt of the occupancy permit and final inspection by the Board. Ayes: 6. Nays: 0. Motion approved.

| <u>Firm Title</u> | <u>Location</u> | <u>County</u> |
|-------------------|-----------------|---------------|
| Pfeifer FH        | Reynoldsburg    | Franklin      |
| J E Scott FH LLC  | Akron           | Summit        |



There were no applications for funeral home license **after** approval of the application, receipt of the occupancy permit and the final inspection.



The following funeral homes submitted amendments to change the manager for the funeral home for the month of March 2005.

| <u>I. D. #</u> | <u>Firm Title</u> | <u>Manager</u>  | <u>County</u> |
|----------------|-------------------|-----------------|---------------|
| FH 002418      | Newcomer-Farley   | Quinton R. Kell | Montgomery    |
| FH 002116      | Foos-Klein FH     | Kevin M. Mason  | Sandusky      |
| FH 002513      | Siferd FH         | James Szakovits | Allen         |



The following funeral homes submitted amendments to change the funeral director actually in charge of and ultimately responsible for the funeral home for the month of March 2005.

| <u>I. D. #</u> | <u>Firm Title</u> | <u>AIC/UR</u> | <u>County</u> |
|----------------|-------------------|---------------|---------------|
|----------------|-------------------|---------------|---------------|

|           |                  |                 |        |
|-----------|------------------|-----------------|--------|
| FH 002513 | Siferd FH        | James Szakovits | Allen  |
| FH 001888 | Heitmeyer FH Inc | David Heitmeyer | Putnam |



On a motion by Mr. DeJohn, seconded by Mr. Hadley the Board issued licenses to the following individuals who met the licensure requirements for embalmer and/or funeral director. Ayes: 6. Nays: 0. Motion approved.

| <u>First name/initial</u> | <u>Last name</u> | <u>Embalmer License #</u> | <u>Funeral Director License #</u> |
|---------------------------|------------------|---------------------------|-----------------------------------|
| Eugene G.                 | Brown            | 9131 A                    | 9082                              |



The following individuals qualified, and were issued registration numbers during the month of March 2005:

| <u>First Name</u> | <u>Last Name</u> | <u>Embalmer Number</u> | <u>Funeral Director Number</u> | <u>Date Registered</u> |
|-------------------|------------------|------------------------|--------------------------------|------------------------|
| Eric W.           | Hayes            | 0096 05                | 0140 05                        | 03/04/05               |
| Tracie L.         | Haynie           | 0097 05                | 0141 05                        | 03/04/05               |
| Stephen A.        | Clymer           |                        | 0142 05                        | 03/07/05               |
| Benjamin M.       | Staley           | 0098 05                | 0143 05                        | 03/14/05               |
| Marc F.           | Burr             | 0099 05                | 0144 05                        | 03/22/05               |
| Stephanie S.      | Flight           |                        | 0145 05                        | 03/22/05               |
| Andrea M.         | Jackson          |                        | 0146 05                        | 03/22/05               |
| Thomas C.         | Beaver           |                        | 0147 05                        | 03/31/05               |



The following individual certified an apprenticeship during the month of March 2005.

| <u>First name/initial</u> | <u>Last name</u> | <u>Apprenticeship</u> | <u>Funeral Home</u>   |
|---------------------------|------------------|-----------------------|---|
| Thomas C.                 | Beaver           | FD                    | Cremeens FH & Crem. Svc<br>75 Grape St<br>Gallipolis Ohio 45631 |

|         |      |       |   |
|---------|------|-------|---|
| Marc F. | Burr | EM/FD | Burr Funeral Home<br>116 South St<br>Chardon Ohio 44024 |
|---------|------|-------|---|



The Board office received and processed the following reports during the month of March 2005:

| <u>Apprentice Reports</u> | <u>Embalmer</u> | <u>Funeral Director</u> |
|---------------------------|-----------------|-------------------------|
| Apprenticeship Reports    | 211             | 339                     |
| Quarterly Master Reports  | 35              | 54                      |
| Board Interviews          | 3               | 7                       |



The Board members reviewed various news articles.



The Executive Directors informed the Board that 1,198 annual preneed report forms were mailed to Ohio funeral homes before the March 30<sup>th</sup> deadline. 167 funeral homes received a second notice mailed on April 25, 2005. 60 funeral homes submitted incomplete reports, which the Board office returned for corrections.



The Continuing Education Committee reported success with reviewing applications for continuing education forms prior to the Board Meeting. The Committee will meet on Tuesday, May 24 prior to the May meeting to review applications for continuing education programs.



Correspondence

1. A letter from Thomas J. Horvath concerning a change of firm title. The Board approved the change from “Wonderly-Horvath Funeral Home, Inc.” to

- “Wonderly-Horvath-Hanes Funeral Home.” Secretary to inform Mr. Horvath that “& Crematory, Inc.” cannot be included in the firm title, but may be used in advertisements. All signage and advertisement must reflect the new firm title.
2. A letter from Brian E. Foos concerning a change of firm title. The Board approved the change from “Harris Funeral Home” to “Harris-Foos Funeral Home.” All signage and advertisement must reflect the new firm title.
  3. A letter from Roger A. Wilhem announcing the closing of the Wood-Kortright Funeral Home in Kent. Secretary to request return of the display license and a clearly enumerated list of all preneed.
  4. A letter from Craig Wellman announcing the closing of Wellman Funeral Home in Laurelville. The display license was returned, and Secretary will request clearly enumerated list of preneed. Mr. Wellman also informed the Board that a new facility is being built on SR 56 in Laurelville.
  5. A letter from John R. Atkins announcing the sale of the Richeson-Wickham and Atkins Funeral Home in Saint Paris. Mr. Atkins returned the display license, renewal card and a clearly enumerated list of all preneed.
  6. A letter from Bart A. Shively relative to the sale of Richeson-Wickham and Atkins Funeral Home. Secretary to forward an application for funeral home license.
  7. A letter from James E. Qualls, III and Marlan J. Gary concerning a change of firm title. The Board approved the change from “Porter-Qualls Funeral Home” to Porter-Qualls & Gary Funeral Home.” Secretary to inform Mr. Qualls and Mr. Gary that “and Cremation Services.” cannot be included in the firm title, but may

be used in advertisements. All signage and advertisement must reflect the new firm title.

8. A letter from Aaron M. Shank, President of the Funeral Consumers Alliance of Central Ohio concerning the Alliances recent survey of funeral homes. The Board with the assistance of Mr. Siciliano, A.A.G. will review the letter and attached information.



### Inspectors' Reports

From March 19, 2005 through April 15, 2005, Inspector Savage reported that he drove 1,168 miles in the counties of Cuyahoga, Harrison, Mahoning, Summit, and Tuscarawas. He inspected no crematory facilities, 45 funeral homes, and found four violations, conducted 8 investigations, and monitored no apprentices.

From March 19, 2005 through April 15, 2005, Inspector Wisby drove 2,267 miles in the counties of Clermont, Darke, Hamilton, Lucas, Meigs, and Montgomery. He inspected no crematory facilities, and 38 funeral homes, and found three violations, conducted 4 investigations, and monitored no apprentices. Inspector Wisby reported on the presentation to the Northwest Ohio Funeral Directors Association by himself, Mr. Casper, and Mr. Siciliano. The Board received many favorable comments on the program.



On a motion by Mr. DeJohn, seconded by Mrs. Cheney, the Board went into executive session pursuant to Section 121.22(G)(1) of the Revised Code, to consider complaints

and possible disciplinary action against licensees, and Section 121.22(G)(3) of the Revised Code to conference with the Board's counsel to consider pending litigation. Roll call vote: Cheney, Aye; DeJohn, Aye; Hadley, Aye; Jones; Aye; Shank, Aye; Tunnell, Aye.

The President declared the Board out of executive session.

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On a motion by Mr. Hadley, seconded by Mr. DeJohn, the Board considered and closed fifteen (15) investigatory files. Roll call vote: Cheney, Aye; DeJohn, Aye; Hadley, Aye; Jones; Aye; Shank, Aye; Tunnell, Aye.

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On a motion by: Mr. Hadley, seconded by: Mr. Tunnell, the Board voted to rescind charges against Austin Wiley and the Chute-Wiley Funeral Home for a violation of Section 4717.06(B)(2)(a) of the Revised code, which requires an embalming room that is adequately equipped and maintained; and Section 4717.14(A)(3) of the Revised Code, when the licensee has purposely violated any provision of Section 4717-1-16(B)(2)(a)(ii)(iii) of the Administrative Code which requires running hot and cold water in a lavatory sink for personal hygiene. In the board meeting of May 14, 2002, the board had voted to charge the funeral director and funeral home with the above charges. The funeral director brought the above-mentioned violation into compliance and, as a result, there is no need for formal action regarding this matter. Roll call vote: Cheney, Aye; DeJohn, Aye; Hadley, Aye; Jones; Aye; Shank, Aye; Tunnell, Aye.

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Fiscal

The Board reviewed the revenue journal with a balance as of \$1,018,123.00 as of the end of March; the balance is a result of the biennial renewal, and voucher journal with 41 vouchers and encumbrances for March. Also, the Board reviewed a comparison chart of expenditures to date.

The Board received a copy of the Board's Red Book, produced by the Legislative Service Commission for use by the Legislature during the budget hearings.

On a motion by Mr. Tunnell, seconded by Mr. Hadley, the Board voted to pay \$150.00 the annual membership dues to the Federation of Associations of Regulatory Boards. Ayes: 6. Nays: 0. Motion approved.

The Board approved the purchase of new chairs for the Board office, digital recorder, and Adobe software to create documents in a PDF format.



Relative to the Governor's proposed consolidation of 27 licensing Boards, the Members decided to send the following letter to Senator John Carey, Chairman of the Senate Finance and Financial Institutions Committee who are currently considering the Budget for Fiscal Years 06-07.

Senator Carey and Committee Members:

The Board of Embalmers and Funeral Directors remains neutral on the proposal to consolidate 27 licensing boards due to a lack of detailed information concerning the proposed consolidation process and its potential impact on services provided to

consumers and licensees. The Board is very concerned, however, with the changes that were made in the House budget, which exempted several significant boards from the proposal. The Governor's original proposal considered 27 boards with a total biennial budget of \$29,214,555, representing .08% of the state's budget. Under the House proposed exemption of seven boards, the total budget for the remaining consolidated boards is \$9,085,861, representing .02% of the state's budget. The Governor's proposal considered 27 boards with 27 executive directors, 220 staff and 124 investigators. The House version consolidates 20 boards with 20 executive directors, 65 staff and 61 investigators. The Board does not see how the theoretical objectives of the proposed consolidation are viable when the overwhelming amount of the staff and budget of the boards are exempted. Any operational and cross-functional efficiencies that might be envisioned are hard to accomplish if all boards are not part of the consolidation program. Management structure and oversight issues are constant no matter the size of the board. If it has merit as a concept, the proposal should include all boards to achieve any efficiencies about staffing and functions.

While the Board understands the proposal calls for a detailed study to determine what can be effectively accomplished with a proposed consolidation, we believe there are several issues which should be contemplated as the consolidation process is reviewed. For instance, a major investment of State resources has just been made in a licensing system and some careful thought should be given to how moving the various boards, which are now all on this system, will be dealt with as the boards are proposed to be split between agencies each of which have their own software and licensing systems. Without careful consideration of all facets of the boards' activities, there is the potential for a great deal of unnecessary dislocation, lost institutional knowledge, and lost productivity. There are many other operational issues which require much additional consideration in order to understand if potential cost savings and other proposed consolidation benefits can be realized. There certainly needs to be some assurances that whatever action is taken that there is an accounting for a variety of the different organizational and operational issues that face each group of licensees and the consumers they serve.

The Board is certainly convinced that efficiencies can be accomplished and the Board and its staff have been working and will continue to work to accomplish these objectives. As an example; the boards currently share one DAS IT employee at a median cost of \$4,450. The same level of support for that small agency has cost similar entities over \$8,000 per year. In addition, prior to the introduction of the budget, the Central Service Agency at the Department of Administrative Services held a strategic planning session with a group of Board Executive Directors to discuss adding additional administrative efficiencies, which could be achieved through CSA. The planning session was quite useful to the Board and provided a forum to accomplish many of the administrative efficiencies the Governor's proposal contemplates. A consideration of an expanded role of the CSA is probably also worth some additional discussion and consideration to see if it is possible to meet the Governor's objectives while continuing to keep like functioning regulatory board agencies under a single management structure. This may provide another effective model that could lead to more controls, broader inter-board staff usage and more operational efficiency.

We hope that we have the opportunity to continue to work cooperatively with the General Assembly and the Administration to advance the improvements in operations of our Board in order to better serve our licensees and the consumers to whom they provide services. If you have any questions, please do not hesitate to contact us. Thank you.



The Board recessed at 3:08 P.M.



Wednesday April 27, 2005

The Board reconvened at 8:00 A.M. in the Boardroom on the 31<sup>st</sup> Floor of the Riffe Center. President Robert L. Shank presided. Present were: Ross C. DeJohn, Pernel Jones, Kurtis A. Tunnell, Inspector Frank J. Savage, Inspector Charles H. Wisby, Anthony D. Siciliano, Assistant Attorney General, Administrative Assistant Cameron R. Casper, Executive Director Ann Cunningham.



On a motion by Mr. Tunnell, seconded by Mr. Hadley, the Board voted to amend Section 4717.05 of the Revised Code, to add “satisfactorily completed” to the funeral director requirement. Mr. Siciliano, A.A.G., will draft the appropriate language to forward to the Legislature. Ayes: 5. Nays: 0. Motion approved.

Continuing education

The list of continuing education programs considered by the Board during the April 2005 meeting, is attached to the approved minutes filed in the Board’s office, and appears in the Continuing Education Section of the Board’s Website.

On a motion by Mr. DeJohn, seconded by Mr. Jones, the Board approved, and where indicated denied, the following Prior Approval continuing education programs. Ayes: 5. Nays: 0.

On a motion by Mr. Tunnell, seconded by Mr. Jones, the Board approved, and where indicated denied, the following Blanket Approval continuing education programs. Ayes: 5. Nays: 0. Motion approved

On a motion by Mr. Hadley, seconded by Mr. Tunnell the Board approved, and where indicated denied, the following Individual Approval continuing education programs. Ayes: 5. Nays: 0 Motion approved

On a motion by Mr. Hadley, seconded by Mr. Jones, the Board approved the following exemptions and waivers. Ayes: 5. Nay: 0. Motion approved.

Application for Waivers or Exemption 2004-2006

| Waiver | Exemption | Licensee Name       | Granted/Denied |
|--------|-----------|---------------------|----------------|
|        | X         | Bacopoulos, Robin J | Granted        |
|        | X         | Pope, Carie A.      | Granted        |
|        | X         | Sullivan, Julia A.  | Granted        |



On a motion by Mr. Hadley, seconded by Mr. Jones, the Board meeting adjourned at 8:26 A.M. Ayes: 5. Nays: 0. Motion approved.

