

Monday – July 16, 2007

The regular meeting of the Board of Embalmers and Funeral Directors was held in the Commodore Perry Inn located in Port Clinton, Ohio. Pernel Jones, Vice- President, called the meeting to order at 1:00 P.M. Other Board members present were: John J. Hadley, Roger Primm, Robert L. Shank, and Kurtis A. Tunnell. Also, present were: Laura Meechan Assistant Attorney General; Frank Savage, Inspector; Charles H. Wisby, Inspector; Jennifer Baugess, Administrative Assistant; Lena Wright, Administrative Assistant, and Ann Cunningham, Executive Director.

◆◆◆◆◆

On a motion by Mr. Hadley, seconded by Mr. Primm, the Board approved, as amended, the minutes of the meeting held on June 18-19, 2007. Ayes: 5. Nay: 0. Motion approved.

◆◆◆◆◆

Reorganization

On a motion by Mr. Hadley, seconded by Mr. Shank, the Board elected Mr. Jones as President for Fiscal Year 2008. Ayes: 5. Nays: 0. Motion approved. Mr. Jones continued to preside over the meeting as President.

On a motion by Mr. Shank, seconded by Mr. Tunnell, the Board elected Mr. Hadley as Vice-President for Fiscal Year 2008. Ayes: 5. Nays: 0. Motion approved.

On a motion by Mr. Hadley, seconded by Mr. Shank, the Board elected Mr. Primm as Secretary-Treasurer for Fiscal Year 2008. Ayes: 5. Nays: 0. Motion approved.

The Committee assignments for Fiscal Year 2008 are as follows:

- Crematory Review Board: DeJohn, Hadley, Shank.
- Apprenticeship Guidelines Committee: DeJohn, Hadley, Jones.
- Continuing Education Committee: Hadley, Primm, Shank.
- Preneed Committee: DeJohn, Jones, Primm.
- Staff Committee, Hadley, Jones, Shank.

◆◆◆◆◆

Executive Director's Report

Ms. Cunningham informed the Board that Mr. DeJohn was recovering from surgery. In addition, former Board Member, Robert E. O'Shaughnessy, Jr. died on July 6, 2007.

◆◆◆◆◆

Ms. Cunningham reported that Mr. DeJohn and Mr. Shank met with the Executive Director on June 27, 2007. Both Board Members received per diem and will be reimbursed for allowable travel expenses.

◆◆◆◆◆

Mr. Hadley monitored the Ohio Laws examination on July 25, 2007. He received per diem and will be reimbursed for allowable travel expenses.

◆◆◆◆◆

The Board reviewed a letter from Pamela Williams-Briggs for the Buckeye State Funeral Directors and Embalmers Association, thanking Mr. Jones for representing the Board at the Association's annual convention. Ms. Williams-Briggs also asked "What is in place if the funeral director/embalmer dies in during an pandemic/epidemic? The funeral director/embalmer are almost last on the list for vaccine." Board to research the question.

◆◆◆◆◆

Mr. Hadley and Mr. Shank will assist the Executive Director in responding to a survey from the American Board of Funeral Service Education. The American Board is in the final stage of an extensive analysis and discussion of the need for a new degree for Funeral Directors only.



Board Members were reminded that they may sign up for ID theft prevention and protection for one year, offered by the State as a result of the recent theft of State employee names and Social Security numbers.



Ms. Cunningham informed the Board Members that she reminded the Governor’s Office that the Board needs one public member over sixty years of age and one Board member who is licensed as an embalmer and funeral director.



The Board Members are waiting for information on Ethics Training. The Governor’s Office is responsible for Board Member Ethics Training.



Ms. Cunningham reported that H.B. 104 Criminal Background Check passed the House. Board Members were provided with a summary, and reminded that the Board will promulgate rules when the legislation becomes law.



H.B. 130 is still under discussion, but it was clarified that when the Board denies a license it offers a hearing under Chapter 119 of the Revised Code, and therefore would not have to promulgate rules to determine the criminal offenses that are substantially related to a person’s fitness and ability to perform duties of the profession.



The Executive Director offered Board Members copies of S.B. 175 Fetal Death Certificates and Burials.



Ms. Cunningham reported that the Administrator of Geographic Information Systems who will analyze distribution of facilities to create a more efficient method of inspection has not completed his analysis at this time.



The State of Ohio OAKS data system for named financials began on July 1, 2007, Fiscal Year 2008. It has caused a delay in processing as staff learns and adjusts to the new procedures.



Licensure

There were no applications for crematory facility license offered for the Board’s consideration.



There were no applications for crematory facility license pending receipt of the occupancy permit and final inspection by the Board.



Previously the Board approved the issuance of a crematory facility license to the following after approval of the application, receipt of the occupancy permit, and the final inspection. The crematory license number was issued the date of the final inspection.

<u>License no.</u>	<u>Crematory facility</u>	<u>Location</u>	<u>Final inspection</u>
CREM 000115	Hillcrest Mem Pk Cem Assoc	Bedford Hts	06/20/07

◆◆◆◆◆

There were no applications for embalming facility license offered for the Board's consideration.

◆◆◆◆◆

There were no applications for embalming facility license pending receipt of the occupancy permit and final inspection by the Board.

◆◆◆◆◆

There were no applications for embalming facility license to ratify after receipt of the occupancy permit and final inspection by the Board.

◆◆◆◆◆

On a motion by Mr. Hadley, seconded by Mr. Tunnell, the Board approved the following applications for funeral home license. Ayes: 5. Nays: 0. Motion approved.

<u>Firm Title</u>	<u>Location</u>	<u>County</u>	<u>Inspection</u>
Kacirek FH	North Olmsted	Cuyahoga	06/16/06
Sibley-Murray	Warren	Trumbull	12/13/06

◆◆◆◆◆

There were no applications for funeral home license pending receipt of the occupancy permit and final inspection by the Board.

◆◆◆◆◆

There were no applications for funeral home license to ratify after receipt of the occupancy permit and final inspection by the Board.

◆◆◆◆◆

The Board Member reviewed Mrs. Clark's report on registrations, apprenticeships, and initial licenses to the Board Members.

◆◆◆◆◆

On a motion by Mr. Primm, seconded by Mr. Hadley, the Board voted to issue embalmer and/or funeral director licenses to the following qualified applicants. Ayes: 5. Nays: 0. Motion approved.

<u>License No.</u>	<u>Applicant</u>	<u>City</u>
FD 9240	Chad McGreevey	Fairview Park

The following individual were issued embalmer and/or funeral director registration numbers during the month of June 2007.

<u>Registration No.</u>	<u>Name</u>	<u>City</u>	<u>Date</u>
EMB-0210 FD-0308	Allen, Brian L.	Columbus	06/20/07
EMB-0211 FD-0309	Binkowski, Jada M.	Toledo	06/20/07
EMB-0212 FD-0310	Boorom, Tracy V.	Cincinnati	06/20/07
FD-0311	Denes, Nicholas J.	Liverpool	06/20/07
EMB-0209 FD-0307	Gentry, Douglas P.	Beavercreek	06/13/07
EMB-0213	Goldsmith, Sean R.	Uniontown	06/20/07

FD-0312			
EMB-0214 FD-0313	Grooms, Terry W.	Waverly	06/20/07
EMB-0225 FD-0326	Hamilton, Rebecca M.	Dayton	06/28/07
FD-0314	Jones, Anne T.	Cleveland	06/20/07
EMB-0215 FD-0315	Jutte, Jennifer L.	Coldwater	06/20/07
EMB-0216 FD-0316	Koch, Mitchell W.	Loudonville	06/20/07
EMB-0217 FD-0317	Lewis, Nathaniel R.	Cincinnati	06/20/07
EMB-0218 FD-0318	McCartney, Holly R.	Grove City	06/20/07
EMB-0219 FD-0319	McKenna, Jennifer D.	Frankfort	06/20/07
EMB-0224 FD-0325	Miller II, Gary J.	Cincinnati	06/22/07
EMB-0220 FD-0320	Neidhardt, Jennifer M.	Elida	06/20/07
FD-0321	Shoemaker, Steven K.	Cuyahoga Falls	06/20/07
EMB-0221 FD-0322	Stanfield, Zachary D.	Hillsboro	06/20/07
EMB-0222 FD-0323	Townson, Andra M.	Ironton	06/20/07
EMB-0208 FD-0306	Watson, Matthew E	East Liverpool	06/06/07
EMB-0223 FD-0324	Zoe, Molly E.	Fairfield	06/20/07

The following individual certified an apprenticeship during the month of June 2007.

<u>Certificate No.</u>	<u>Name</u>	<u>Funeral Home</u>	<u>Effective Date</u>
EMB-0210 FD-0308	Allen, Brian L.	Schoedinger State St	06/20/07
EMB-0211 FD-0309	Binkowski, Jada M.	Sujkowski FH	06/20/07
EMB-0209 FD-0307	Gentry, Douglas P.	Newcomer FH	06/25/07
EMB-0214 FD-0313	Grooms, Terry W.	Botkin Funeral Home	06/28/07
FD-0060	Houston, Wendy E.	Thomas G. Smith FH	06/01/07
FD-0314	Jones, Anne T.	Cummings & Davis FH	06/25/07
EMB-0215			

FD-0315	Jutte, Jennifer L.	NJ Hogenkamp & Sons	06/26/07
FD-0305	Kirby, Albert H.	Tate Funeral Service	06/12/07
EMB-0216 FD-0316	Koch, Mitchell W.	Byerly-Lindsey FH	06/29/07
EMB-0217 FD-0317	Lewis, Nathaniel R.	Nurre-Mihovk-Rosenacker	06/20/07
EMB-0218 FD-0318	McCartney, Holly R.	Newcomer FH	06/20/07
EMB-0219 FD-0319	McKenna, Jennifer D.	Ebright Funeral Home	06/20/07
EMB-0224 FD-0325	Miller II, Gary J.	Paul R. Young FH	06/25/07
FD-0321	Shoemaker, Steven K.	Clifford-Shoemaker FH	06/20/07
EMB-0221 FD-0322	Stanfield, Zachary D.	Thompson FH	06/20/07
EMB-0222 FD-0323	Townson, Andra M.	Phillips FH	06/25/07
EMB-0208 FD-0306	Watson, Matthew E.	Martin-MacLean-Altmeier	06/11/07
EMB-0223 FD-0324	Zoe, Molly E.	Avance Funeral Home	06/20/07



The Board office received and processed the following reports during the month of June 2007:

<u>Apprentice Reports</u>	<u>Embalmer</u>	<u>Funeral Director</u>
Apprenticeship Reports	186	279
Quarterly Master Reports	31	46
Board Interviews	9	6



License Issue No. 1

The Board reviewed a letter from Douglas P. Gentry concerning part-time employment during his embalmer and funeral director apprenticeship. On a motion by Mr. Hadley, seconded by Mr. Shank, the Board approved Mr. Gentry's request to work part time as a respiratory therapist for no more than twenty hours a week. Ayes: 5. Nays: 0. Motion approved.



Fiscal

Miss Wright presented the fiscal portion of the Board meeting and the Board Members reviewed the revenue journal with a balance as of \$1,175,303.32 as of the end of June and Fiscal Year 2007. Also, the Board reviewed the voucher journal with 30 vouchers and encumbrances for June, and a comparison chart of expenditures to date.



Person Before the Board

Gerry Krauss and George Wilson, Homesteaders Life Company, appeared before the Board to discuss the allegation that the Board requires a "face to face" meeting between

the consumer and a funeral director to lawfully execute a funeral service contract. Mr. Krauss and Mr. Wilson concur that Ohio law limits sales of funeral service contracts to licensed Funeral Directors. Charles Anderson, Outlook Group, was also present and participated in the discussion.

The Board allayed their fears by clarifying that the Board does not require a “face to face” meeting but direct contact, such as Mr. Krauss described in his presentation to the Board; “Many Ohio consumers are ready and willing to make funeral transactions, both preneed and at-need, through the mail, by phone or over the internet, without meeting face to face with a funeral director.”

The Board reviewed a form, offered by Mr. Wilson, titled “Funeral Cost Estimate” used by insurance agents for Homesteaders Life Company. The Board, in turn, offered a copy of a Statement of Goods and Services included in an informational packet given to consumers. Both Mr. Krauss and Mr. Wilson, and the Board agreed that the Statement of Good and Services must be completed and signed by a funeral director.

The Board expressed concern that insurance agents proffer business cards from funeral homes, but do not identify themselves as insurance agents. Another concern is that when a consumer contacts a funeral home inquiring about preneed, the funeral home sends an insurance agent, without disclosing that the person is an insurance agent. The Board believes that is unprofessional for a funeral home.

The Board expressed its appreciation for the discussion with Mr. Krauss, Mr. Wilson, and Mr. Anderson, and stated that the Board is preparing a guidance letter to be mailed to all licensees and facilities to clarify the situation



#### Committee Reports

Mr. Hadley reported that the Continuing Education Committee prior to the Board meeting to review applications for approval of a continuing education activity.

The Preneed Committee is scheduled to attend a meeting of interested parties called by Senator Tim Schaffer to discuss S.B. 196.

The Board determined that the guidance letter describe “direct contact, that the Statement of Goods and Services must be completed and signed by the funeral director, and reiterated the need for educational information for consumers. The guidance letter is a standard by which the Board bases judgment of unprofessional conduct.

The Board allowed Charles Anderson of Outlook, to offer the suggestion that training with scenarios and role-playing be offered twice a year. The Board Members received this idea favorably.

There was discussion of the recent complaint involving the theft of preneed funds by filing false insurance claims and death certificates. It was noted that some insurance companies repay the premiums if theft was by funeral director who is also licensed as an insurance agent. Also, if insurance agent uses insurance company application, the insurance company will “make good” on the policy.



Inspectors' Reports

Between June 10, 2007 and July 7, 2007, Inspector Savage reported that he drove 1,597 miles in the counties of Cuyahoga and Wayne. Inspector Savage attended Ethics Training on June 12, 2007 along with the Board Office Staff.

Crematory facility inspections	5
Embalming Facility inspections	0
Funeral home inspections	29
Violations discovered	3
Investigations activities	4
Apprentices monitored	0
Hearings	0



From June 10, 2007 to July 7, 2007, Inspector Wisby drove 2,362 miles in the counties of Auglaize, Franklin, Gallia, Hamilton, Licking, Meigs, Pike, Ross, Vinton, and Muskingum. Inspector Wisby attended Ethics Training on June 12, 2007 along with the Board Office Staff.

Crematory facility inspections	3
Embalming Facility inspections	0
Funeral home inspections	37
Violations discovered	0
Investigations activities	2
Apprentices monitored	2
Hearings	0



Compliance

Mrs. Baugess reported that there were three hearings conducted since the June Board meeting. In addition, the Board office received \$2,500 forfeiture from Newcomer Funeral Home, complaint # 0704113. The Board Office received one Report and Recommendation.

Mrs. Baugess reported that as of July 10, 2007, there are twenty-two (22) complaints under investigation by the Board office, twenty-nine (29) charged complaints.



The following funeral homes submitted amendments to change the manger and/or funeral director actually in charge of and ultimately responsible for the funeral home in the month of June.

<u>License #</u>	<u>Business Name</u>	<u>Licensee</u>	<u>Type</u>	<u>County</u>
FH001752	Delong-Baker & Lanning	Lanning Jason	Mgr	Muskingum
FH000131	E C Nurre Funeral Home	Branham John	Mgr	Clermont
FH001863	Lanning FH	Lanning Joseph	Mgr	Muskingum
FH001864	Lanning FH	Young Troy	Mgr	Perry
FH002622	Porter-Qualls FH	Kenney D	Mgr	Greene
FH001843	Schoedinger Worthington	Mooney Carl	Mgr	Franklin
FH002659	Weigel FH	Webert Angie	Mgr	Fulton

Compliance Motion No. 1

On a motion by Mr. Hadley, seconded by Mr. Primm, the Board voted to close three (3) investigatory files. Roll call vote: Hadley, Aye; Jones, Aye; Primm, Aye; Shank, Aye; Tunnell, Aye.

<u>Complaint #</u>	<u>Date received</u>	<u>Issue</u>
0711043	11/27/06	Funeral bill dispute
0705128	05/14/07	“Dummy” grave
0705131	05/28/07	“Dummy” grave

◆◆◆◆◆

On a motion by Mr. Hadley, seconded by Mr. Tunnell, the Board voted to charge Wyers Funeral Chapel, Steve D. Wyers, and Bryan R. Robey with violation of Section 4717.14(A)(4) of the Revised Code, for unprofessional Conduct; specifically making the removal of a deceased human body and embalming that body without permission. Roll call vote: Hadley, Aye; Jones, Aye; Primm, Aye; Shank, Aye; Tunnell, Aye.

◆◆◆◆◆

Compliance Issue No. 1:

The Board Office received complaint regarding a GPL at a funeral home not being in compliance with the FTC requirements. The Board Staff reviewed the GPL and forwarded a request to the funeral home to update/correct their GPL so that it would be in FTC compliance. The Board Office received an updated GPL, and asked for Board how to proceed.

The Board agreed that the Board Office should send a thank you for complying with the Board’s request letter, and state that while the Board cannot approve the GPL, the Board is able to charge for a violation under unprofessional conduct for violating the FTC funeral rule. The Board suggests that the funeral home have their GPL reviewed by their legal counsel and the FTC.

◆◆◆◆◆

Compliance Mail No. 1

The Board reviewed a response from Robert D Mihovk informing the Board of the closure of the Nurre-Mihovk-Rosenacker Funeral Home located at 345 West. McMillan Street in Cincinnati. Mr. Mihovk submitted the clearly enumerated list of all preneed. The Board accepted the notice, and the Secretary will amend the Board records to reflect the closure.

◆◆◆◆◆

Compliance Mail No. 2

The Board reviewed a letter from Warren J. Newcomer, Jr. concerning the selling of preneed. Secretary to respond that the Board requires direct contact between the consumer and the funeral director. In the instance of the violation, there was no contact between the consumer and the funeral director.

◆◆◆◆◆

On a motion by Mr. Hadley, seconded by Mr. Shank, the Board went into executive session pursuant to Section 121.22(G) of the Revised Code, and Section 121.22(G)(3) of the Revised Code to conference with the Board’s counsel to consider pending litigation. Roll call vote: Hadley, Aye; Jones, Aye; Primm, Aye; Shank, Aye; Tunnell, Aye.

The President declared the Board out of executive session and state that there was no action to report.



The Board meeting recessed at 4:30 P.M.



Tuesday – July 17, 2007

The Board reconvened at 8:00 A.M. in the Commodore Perry Inn in Port Clinton. President Pernel Jones presided. Present were: John J. Hadley, Roger Primm, Robert L. Shank, Kurt A. Tunnell, Laura Meechan, Frank Savage, Charles H. Wisby, Jennifer Baugess, Lena Wright, Ann Cunningham. Barbara Hadley observed the Board meeting.



Continuing education

The list of continuing education programs considered by the Board during the July 2007 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. Hadley, seconded by Mr. Shank , the Board approved, and where indicated denied, the Prior Approval continuing education programs, and individual continuing education programs. Ayes: 5. Nays: 0. Motion approved.

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

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

On a motion by Mr. Hadley, seconded by Mr. Shank, the Board approved the following applications for waiver or exemption of the continuing education requirement. Ayes: 5. Nays: 0. Motion approved.

Applications for Waiver or Exemption 2006-2008:

<u>Waiver</u>	<u>Exemption</u>	<u>Licensee</u>	<u>Granted/Denied</u>
	X	Betsy M. McNulty	Granted



Secretary instructed to advise licensees on exemption from the required continuing education that the licensee is not permitted to practice embalming or funeral directing and therefore is not permitted to advertise as a licensed embalmer and/or funeral director.



Continuing Education Mail 1

The Board reviewed a letter from Chad R. Hogenkamp concerning the denial of his request for individual approval of a continuing education program in Florida. On a motion by Mr. Shank, seconded by Mr. Primm, the Board voted to approve the individual request for eight hours of Annual Training. Secretary to warn Mr. Hogenkamp that the rules clearly state that out-of-state requests by individuals must be submitted within thirty days after the program, if not approved prior. Mr. Hogenkamp is to retain proof of his attendance as his continuing education is subject to random audit during the next biennial renewal for 2009-2010. Ayes: 5. Nays: 0. Motion approved.



On a motion by Mr. Primm, seconded by Mr. Tunnell, the Board meeting adjourned at 8:06 A.M. Ayes: 5. Nays: 0. Motion approved.