

BOARD DOCUMENT 12-01

**STATE BOARD OF FUNERAL AND CEMETERY SERVICE
BOARD MEETING
THURSDAY FEBRUARY 9, 2012
INDIANA GOVERNMENT CENTER SOUTH
302 W WASHINGTON STREET, CC 17
INDIANAPOLIS, IN 46204**

MINUTES OF THE MEETING

BOARD MEMBERS PRESENT: Paul St. Pierre, Chairman
David McComb, Vice Chairman
Samuel Frain
Theodore Mau, Chairman
Matthew Drury
James Todd
John Gerlach
Anne M. Patterson

BOARD MEMBER ABSENT: Roland Cutter
Erin Kellam, State Board of Health

STATE OFFICIALS PRESENT: Rae Harman, Assistant Board Director
Kevin McDowell, Deputy Attorney General

**MINUTES TRANSCRIBED AND
COMPILED BY:** Rae Harman, Assistant Board Director

**MINUTE NO. 12-01
CALL TO ORDER**

The meeting was called to order at 11:00 a.m. by P.St Pierre, pursuant to public notice posted at the principal office of the board at least forty-eight (48) hours before the time of the meeting.

**MINUTE NO. 12-02
ADOPTION OF THE FEBRUARY 9, 2012 AGENDA**

S. Frain moved to adopt the February 9, 2012 agenda. T. Mau seconded the motion. Motion carried.

**MINUTE NO. 12-03
ADOPTION OF THE MINUTES OF DECEMBER 1, 2011 MEETING OF THE BOARD**

J. Todd moved to adopt the minutes of the December 1, 2011 meeting of the board. J. Gerlach seconded the motion. Motion carried.

**MINUTE NO. 12-04
ADMINISTRATIVE HEARING IN THE MATTER OF RICHARD DUANE PYKE, FD08800208, SBFCS 10-06**

Administrative hearing in the matter of Richard Duane Pyke, FD08800208, SBFCS 10-06 continued until April 12, 2012.

MINUTE NO. 12-05
ADMINISTRATIVE HEARING IN THE MATTER OF JEFFREY NATHAN SACHS, FD29800086, SBFCS 11-13

Administrative hearing in the matter of Jeffrey Nathan Sachs, FD29800086, SBFCS 11-13 continued until April 12, 2012.

MINUTE NO. 12-06
CONSIDERATION OF APPLICATIONS FOR FUNERAL DIRECTOR LICENSE

J. Todd moved to require Emily Hagen repeat one (1) case report for the third quarter, pursuant to IAC 3-2-3, above and beyond what she has completed. M. Drury seconded the motion. Motion carried.

The board requested that a letter be sent to Burns-Kish Funeral Home, FH83004968 regarding an unlicensed Indiana Funeral Director, Daniel Hillegonds, that signed a case report for Funeral Director, Emily Hagen. The case report was signed by D. Hillegonds October 1, 2011 using an Illinois license number. D. Hillegonds was not licensed by reciprocity in Indiana until January 5, 2012. The letter will provide an explanation for how this matter came to the Board's attention. The letter will request the Funeral Home to detail D. Hillegonds' responsibilities during the period of time that he was seeking reciprocity and an explanation from D. Hillegonds as to why he signed off on the case report while he was not a licensed Funeral Director in Indiana. The board also requested that compliance director, Larry Harvey, visit the Burns-Kish Funeral Home regarding this matter.

S. Frain moved to approve the application for funeral director license in the matter of Anthony Holmes. P. St. Pierre seconded the motion. Motion carried.

MINUTE NO. 12-07
CONSIDERATION OF APPLICATION FOR FUNERAL DIRECTOR INTERN LICENSE

J. Todd moved to table the application for funeral director intern license through successful completion of diversion program in the matter of Michael Robert Delaney. S. Frain seconded the motion. Motion carried.

MINUTE NO. 12-08
DISCUSSION OF CERTIFICATE OF DEATH PRIOR TO CREMATION

S. Frain indicated that is has been brought to his attention that in Marion County, funeral directors and crematories are getting around the requirement for a completed and executed certificate of death prior to cremation (IC 23-14-31-27(a)(3)). They are paying \$10 to the Marion County Coroner for a Coroner's Cremation Release. That is allowed in the Cremation Act only if the coroner is investigating the death. They are using the provision routinely when the doctor is delaying certificate and it is not a coroners case. At this point in the discussion this matter is based upon hearsay and the board needs evidence that this is occurring in the manner described. During this discussion, another matter was introduced by State Inspector, Jeanne Tucker. Recent inspections revealed that several crematories had failed to submit a cremation authority registration/annual report (state form 50144). Curtis Rostad will put notice in an upcoming Indiana Funeral Director Association newsletter, to bring awareness to licensees that paying the \$10 for a Coroner's Cremation Release when it isn't a case being investigated by the coroner is not accepted practice and to notify crematories that they shall be registered and submit the annual report with the State Board of Funeral and Cemetery Service (state form 50144). The board indicated they would like to further discuss state form 50144 at the next scheduled meeting. P. St. Pierre requested that S. Frain review matters regarding trade embalmers and discuss any findings with the board.

MINUTE NO. 12-09
NORTHEAST INDIANA CREMATION SOCIETY (closed) TELEPHONE NUMBER

Midwest Cremation Society, CR30800004, disconnected the telephone number that was previously utilized by the former Northeast Indiana Cremation Society. The use of the telephone number leads the public to believe that Northeast Indiana Cremation Society is now Midwest Cremation Society.

MINUTE NO. 12-10
VERIFIED COMPLAINTS REQUESTING RESTITUTION FROM THE PRENEED CONSUMER PROTECTION FUND

A. Michael Poorman for Ralph Poorman

Re: Northeast Indiana Cremation Society, CR30000006

J. Todd moved to approve the request. D. McComb seconded the motion. Motion carried.

B. William Gatheridge for Rowena Gatheridge

Re: R.D. Pyke Funeral Home, FH89200005

T. Mau moved to approve the request. A. Patterson seconded the motion. Motion carried.

**MINUTE NO. 12-11
CORRESPONDENCE**

- A. C. Lawson, FD21000058 is no longer employed with Boultinghouse Funeral Home, FH10500016.
- B. M. Hanrahan, FD20900062 is no longer employed with Chapel Lawn Funeral Home and Memorial Gardens, FH19900051.
- C. Forest Lawn, FH88600034, P.Caldwell, FD29600064
- D. J McGee FD21100029 is no longer employed with StoneMor Indiana Subsidiary LLC, dba Forest Lawn Funeral Home, FH11000034.
- E. B. Fetters, FD01022164 is now employed with Garr Funeral Home, FH19500005, and is no longer employed with Myers Funeral Home Huntington Chapel, FH11000011, and Myers Funeral Home, Markle Chapel, FB41000004
- F. K. Russell, FD 29800115 is no longer employed with Johnson-Danielson Funeral Home.
- G. A. Parrott, FD 21100010 is no longer employed with Meredith – Clark Funeral Home, FH83004837,
- H. B. Robinson, FD01018874 is no longer employed with Midwest Funeral Home and Cremation Society Inc., FH10900003 and B. Myers, FD01000988 is now employed with Midwest Funeral Home and Cremation Society Inc., FH10900003
- I. D. Denney, FD0800005 is now employed with Myers Funeral Home Huntington Chapel, FH11000011.
- J. J. Wheeler, FD20800049 is no longer employed with Forest Lawn Funeral Home, FH11000034, and is now employed with Shirley Brother's Mortuary, FH10100017.
- K. Nathan Butler Funeral Home, FH10400019, is closed as of January 17, 2012
- L. Bussell Family Funerals, Inc, FH11000007 will submit name change and operate as Bussell Family Funerals of Carmel, IN as of March 1, 2012.
- M. D. Clause, FD21100050, is no longer employed with M.Needham-Storey-Wampner Funeral Service, FB41100004
- N. Dana Clause, FD21100050 has moved to Missouri and is currently employed at Ford and Sons Funeral Home in Missouri.
- O. Kayla Battishill, FD20900085 is employed at Raven-Choate Funeral Home, FH10100032.
- P. Brocksmith Funeral Home, FH10700025, request to change the operating name of the funeral home to Brocksmith-Blake Funeral Home.
- Q. Thallemer, Goethals & Wells Funeral Home, FH10300011 change name to Goethals & Wells Funeral Home
- R. Billings Funeral Home, Inc. DBA Altera Cremation Services, CR31100007, physical address of the crematory is 54125 Violet Road, Elkhart, IN 46514

**MINUTE NO. 12-12
PRENEED CONSUMER PROTECTION FUND BALANCE**

The board requests to review past dates of Preneed Consumer Protection Fund, as well as receive further explanation on revenue. The board requests further discussion of the Preneed Consumer Protection Fund Balance at the next scheduled board meeting.

**MINUTE NO. 12-13
REVIEW OF CONTINUING EDUCATION SPONSORS AND COURSES, APPROVED**

M. Drury moved to approve the Continuing Education as follows. J. Todd seconded the motion. Motion carried.

APPLICATION FOR RECOGNITION AS A SPONSOR OF CONTINUING EDUCATION

Indiana State Coroners Training Board, 329 West 1200 South, Romney, IN 47981

- 40 Hour Medicolegal Death Investigators Course, February 15 – February 19, 2012, 40 ceu

VNA of Porter County, 2401 Valley Drive, Valparaiso, IN 46383

- VNA Phoenix Center~healing after loss for children, teens, young adults, March 6, 2012, 1 ceu

NEW COURSES FROM PREVIOUSLY APPROVED SPONSORS

APEX Continuing Education Solutions

- Funeral Service Ethics, Ongoing, 2 ceu
- Working With Difficult People, Ongoing, 2 ceu
- FTC Rule, Ongoing, 3 ceu
- OSHA Essentials, Ongoing, 3 ceu

Aurora Casket Company

- Lifetimes, March 21, May 23, July 25, and September 19, 2012, 8 ceu

Batesville Casket Company

- Exploring the Critical Elements of Meaningful Funerals, April 26, 2012 3 ceu

Continental Computer Corporation

- Directors Assistant.Net, March 10, June 23, September 22, and December 8, 2012, 8 ceu

Dodge Chemical Co.

- Dodge Managerial Seminar, March 19 & 20, 2012, 9 ceu
- Dodge Technical Seminar, March 22 & 23, 2012, 9 ceu

D.O. McComb & Sons Inc.

- The Art of "Companioning" the Mourner: Caregiver Principles to Bring Hope and Healing, April 25, 2012, 5 ceu

Epsilon Nu Delta Mortuary Fraternity, INC

- Re-Evaluating our Profession, March 26, 2012, 1 ceu
- The Above Average Embalmer, March 26, 2012, 1 ceu
- Career Advancement in Funeral Service, March 26, 2012, 1 ceu

FuneralDirectorCEUs.com

- Understanding Google: The External & Internal Effects on Your Funeral Home, February 16, 2012, 3 ceu
- Social Media & Funeral Service: Making Sense of Face Book, Twitter and You Tube, February 16, 2012, 3 ceu

International Cemetery, Cremation & Funeral Association

- ICCFA Annual Convention & Exposition, March 19 – 22, 2012, 17 ceu

MKJ Marketing

- The Value of a Funeral Part II, February 13 – 16, 2012, 12 ceu
- Improving Your Business During Challenging Times, March 5-6, 2012, 6 ceu
- Communicating Effectively With Your Community Part II, March 7-8, 2012, 6 ceu
- Improving Communication with the Cremation Consumer, March 18, 2012, 7 ceu

Ohio Funeral Directors Association District 1

- Signature Caskets: Newest Personalization, January 25, 2012, 2 ceu
- Dayton National Cemetery, February 29, 2012, 2 ceu
- Annual OSHA Updates, March 29, 2012, 3 ceu

Selected Independent Funeral Homes

- 2012 Spring Management Summit, April 16-18, 2012, 10 ceu

MINUTE NO. 12-14

REVIEW OF PRENEED CONTRACTS FROM NATHAN BUTLER

Larry Harvey provided notification indicating that Nathan Butler Funeral Home is closed and introduced pre-needs from Nathan Butler. P. St. Pierre and M. Drury will meet Tuesday, February 21, 2012 to assign preneed contracts.

MINUTE NO. 12-15

DISCUSSION OF WILLIAM BAITY

A business card for William Baity, Director with Spring Valley Funeral & Cremation Service was introduced to the board. S. Frain may introduce cease and desist with consumer protection regarding Mr. William Baity.

MINUTE NO. 12-16

DISCUSSION OF STATE BOARD OF FUNERAL AND CEMETERY SERVICE STATUTES

J. Gerlach requested that State Board of Funeral and Cemetery Service Licensure Laws and Regulations that were distributed through shared files to the board members be updated to reflect current Licensure Laws and Regulations.

MINUTE NO. 12-17

DISCUSSION OF TRANSITION OF EMPLOYMENT FORM

The board discussed implementing a transition of employment form. Currently funeral directors and funeral homes send correspondence to the board indicating employment changes; however this doesn't ensure that complete and accurate records are being reported.

MINUTE NO. 12-18

OFFICE OF THE ATTORNEY GENERAL REPORT

The board reviewed the report of complaints from the Office of the Attorney General. Gabrielle Owens, Consumer Protection Division Director, was unable to attend the meeting as requested by the board. It was the consensus of the board to request that the board liaison be more involved in the complaint review process. Deputy Attorney Amber Swartzell will express the board's concern to Gabrielle Owens.

MINUTE NO. 12-19

ADJOURNMENT

There being no further business to discuss, the meeting was adjourned at 12:12 p.m.

Dated: 4/12/12

Paul St. Pierre
Paul St. Pierre,
Chairman

Attest: Tracy Hicks
Tracy Hicks, Board Director