

**NEVADA FUNERAL AND CEMETERY SERVICES BOARD**  
Legislative Subcommittee

**AGENDA AND NOTICE OF PUBLIC MEETING**

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***Monday, July 28, 2014, at 1:00 p.m.***

Meeting via Teleconference with Public Access Location at:

Legislative Building  
401 South Carson Street, Room 2134  
Carson City, Nevada 89701

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**Please Note:** The Board may 1) address agenda items out of sequence to accommodate persons appearing before the Board or to aid the efficiency or effectiveness of the meeting; 2) combine items for consideration by the public body; and 3) pull or remove items from the agenda at any time. The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person. (NRS 241.030)

Public comment is welcomed by the Board, but at the discretion of the chair, may be limited to five minutes per person. A public comment time will be available before any action items are heard by the public body and then once again prior to adjournment of the meeting. The Chair may allow additional time to be given a speaker as time allows and in his/her sole discretion. Once all items on the agenda are completed the meeting will adjourn. Prior to the commencement and conclusions of a contested case or a quasi judicial proceeding that may affect the due process rights of an individual the board may refuse to consider public comment.

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***Action by the Board on an item may be to approve, deny, amend, or table.***

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**1. Call to order, roll call, establish quorum**

**2. Public comment**

**Note:** No vote may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken. (NRS 241.020)

**3. Discussion, recommendation, and possible action regarding minutes of July 1, 2014 meeting (For possible action)**

**4. Discussion, recommendation, and possible action regarding recommendations to be made to the full Board for possible changes to NRS 642, NRS 451 and NRS 452. (For possible action)**

**5. Discussion regarding future agenda items and future meeting dates**

**6. Public comment**

**Note:** No vote may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken. (NRS 241.020)

**7. Adjournment (For possible action)**

Anyone desiring additional information including meeting materials may contact Jennifer Kandt at 775-825-5535. Meeting materials are also available for download from the Board website at <http://funeral.nv.gov>

The Board is pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify Jennifer Kandt at 775-825-5535, no later than 48 hours prior to the meeting. Requests for special arrangements made after this time frame cannot be guaranteed.

This agenda has been sent to all members of the Board and other interested persons who have requested an agenda from the Board. Persons who wish to continue to receive an agenda and notice of meetings must request so in writing every six months.

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THIS MEETING HAS BEEN PROPERLY NOTICED AND POSTED  
IN THE FOLLOWING LOCATIONS:

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Reno City Hall One E. First Street Reno, NV 89501	Office of the Attorney General 100 N Carson Street Carson City, NV 89701	Grant Sawyer State Office Building 555 E. Washington Ave. Las Vegas, NV 89101
	Legislative Building 401 S Carson Street Carson City, NV 89701	

**NEVADA FUNERAL AND CEMETERY SERVICES BOARD**  
Legislative Subcommittee

**MINUTES OF MEETING**

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***Tuesday, July 1, 2014, at 1:00 p.m.***

Meeting via Teleconference with Public Access Location at:

Legislative Building  
401 South Carson Street, Room 2134  
Carson City, Nevada 89701

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**1. Call to order, roll call, establish quorum**

Meeting was called to order at 1:05 p.m.

**Members Present**

Bart Burton  
Tammy Dermody  
John Lawrence  
Chris McDermott  
Todd Noecker

**Board Staff Present**

Jennifer Kandt, Executive Director  
Henna Rasul, Senior Deputy Attorney General  
Colleen Platt, Deputy Attorney General

**Members Absent**

None

**2. Public comment**

<p><b>Note:</b> No vote may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken. (NRS 241.020)</p>
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No public comment.

**3. Discussion, recommendation, and possible action regarding election of subcommittee chair (For possible action)**

John Lawrence moved to nominate Bart Burton as chair of the subcommittee. The motion was seconded by Todd Noecker. Bart Burton abstained and the motion was carried.

**4. Discussion, recommendation, and possible action regarding possible legislative topics and changes, timelines and strategies (For possible action)**

There was discussion that the Board should consider a certification for funeral arrangers who are actually working with the families.

John Lawrence extensively discussed a funeral practitioner license and stated that he wanted to see the Board add a funeral service practitioner license which would be a dual funeral director and embalmer license and that he wanted every establishment to be required to have a full time funeral service practitioner. Tammy Dermody stated that she felt that would be very difficult, especially in some of the more rural areas of the state. John Lawrence stated that there could be a three year time frame for implementing the new requirement.

Tammy Dermody said that she felt that each establishment should be required to have access to a licensed embalmer at all times. There was discussion surrounding whether the embalmer needed to be a full-time employee or if the establishment would only need to have access to an embalmer.

There was discussion regarding funeral directors that manage multiple facilities and questions surrounding how one person could be responsible for the facility if they are not physically present. Chris McDermott stated that he did not feel a funeral director could responsibly manage more than one facility.

Jennifer stated that she had concerns regarding the Board issuing a "Limited Establishment License" when there did not appear to be any reference to that type of license within NRS. Todd Noecker stated that the "Limited Establishment License" was the license to conduct direct cremations and immediate burials which was referenced in NRS 642.355. Todd said that the statute was very brief and should be revised. Tammy said that she felt that the license to conduct direct cremations and immediate burials should be eliminated.

There was discussion surrounding adding continuing education requirements for funeral directors and embalmers and suggestions for 6 to 12 hours per year.

FBI fingerprint background checks were discussed and Board members questioned whether the Board was conducting background checks. Jennifer clarified that the Board was conducting background checks but that they were not fingerprint based, so not as extensive. She stated that the Board would need specific authority within NRS for that type of background check.

There was general consensus that the subcommittee members needed to provide more detailed suggestions for changes. Bart Burton requested that the subcommittee members provide Jennifer a document with more detailed suggestions detailing exactly which statutes needed to be addressed.

Timing for the changes was discussed, as Jennifer stated that the full Board would still need to approve the suggested topics for changes. She said that those suggestions would then be given to Bustamante-Adams for inclusion in the Sunset Subcommittee report, which could then potentially result in a bill draft request.

**5. Discussion regarding future agenda items and future meeting dates**

Next meeting date was set for July 28<sup>th</sup> at 1pm via teleconference.

**6. Public comment**

**Note:** No vote may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken. (NRS 241.020)

**7. Adjournment (For possible action)**

Bart Burton adjourned the meeting at 2 p.m. DAG Colleen Platt explained that a motion was not needed to adjourn the meeting.

Topic	Relevant NRS References	Considerations
1) Addition of Continuing Education Requirements for Funeral Directors and Embalmers	NRS 642.120 NRS 642.430	How many hours per year? Does Board approve continuing education? Process for approval? Subjects?
2) Certification for operators of crematory equipment	NRS 451.635	Add language to require licensed operator (owner) ensure that each person who physically operates the crematory has completed a certification course. The Board may verify certifications during inspections.
3) Request authority for Board to conduct FBI fingerprint based background checks.	New section within 642	
4) Change grounds for disciplinary action to include crematories and cemeteries	NRS 642.470 NRS 642.480	
5) Changes to various sections dealing with duties of treasurer and secretary as many of these duties are completed by Board staff, as opposed to secretary of Board. Additionally, secretary should not need to furnish lists of embalmers to railroads and transportation companies. Lastly, there are references to Board Chair and other references to President – should be consistent.	NRS 642.040 NRS 642.070 NRS 642.140 NRS 642.210 NRS 642.230 NRS 642.240 NRS 642.290	
6) Change of language to state that the Attorney General shall “recommend” various outcomes pertaining to investigation of alleged violations	NRS 642.0677	
7) Add certification requirements for “Funeral Arranger”	New section within 642	Definition of “Arranger”? Education and testing requirements? Renewal requirements? Discipline? Is this a common certification in other states? How to handle those already working?
8) Define “reasonable” time for cremation or burial	NRS 451.020	
9) Create “Funeral Service Practitioner” license – Dual FD/Embalmer and require that establishments employ a full-time FSP at each location	New section within 642 and amend various sections as referenced in document submitted by John Lawrence	

10) Require that the funeral director approved to manage each establishment be ABSFE certified	NRS 642.345	
11) Allow funeral directors to be approved to manage no more than one facility.	NRS 642.345	How to handle funeral directors already approved to manage more than 1 facility?
12) Require that each funeral establishment have a licensed funeral director	NRS 642.345 or NRS 642.365	Is this covered in NRS 642.345?
13) Require each establishment to have a licensed embalmer available 24/7	New Section in 642 or NRS 642.365	
14) Change definition of "funeral establishment" * Do not mandate instruments and necessary supplies for preparation and embalming of dead human bodies in inactivate preparation rooms. *Facility must still be equipped to meet OSHA requirements *Add refrigeration storage for un-embalmed remains	NRS 642.016	Conflict with recommendation above? Require an Embalmer but not embalming equipment?
15) Change authority to order cremation *unless POA/Advance Health Care Directive has given right of disposition of remains to the attorney-in-fact it is not a legal document for disposition of human remains, especially when cremation is involved. *remove person who held primary domicile in joint tenancy *add EX-PARTE issued by county of residence of decedent	NRS 451.650	
16) Eliminate "limited license" – license to conduct direct cremations and immediate burials	NRS 642.355	What would the Board do to address the licenses which have already been issued under this category?
17) Disciplinary action more specific to offenses;	NRS 642.135 NRS 642.473	Very difficult for the Board to state every possible offense and what the disciplinary action should be; also subsequent violations may result in different disciplinary action
18) Add requirements to license pre-need sales person	Add new section to NRS 642	Is this under the authority of this Board? Division of Insurance?

Submitted by Bart Burton:

Certification program for those individuals making funeral arrangements with families. It would be referred to as something along the lines of "Certified Funeral Arranger." We need something so that these individuals have to be registered with the board, given a number and held accountable by the board. This position would require continuing education.

Continuing education for funeral directors and embalmers.

Certification program for anyone who performs cremations in the state. Programs are already in place to get this done by outside organizations.



Submitted by John Lawrence:

State of Nevada  
Funeral & Cemetery Services Board  
PMB186  
4894 West Lone Mountain Road  
Las Vegas, NV 89130

July 9, 2014

RE: Legislative Changes

Members of the State of Nevada Funeral & Cemetery Board,

Follows are topics for changes to the NRS that I would like to propose.

NRS needs to be created to reflect and define a Funeral Service Practitioner, which would have both a funeral director and embalmer credentials and licenses.

NRS needs to be amended and changed to define licensing requirements for Funeral Directors.

The rationale for creating a Funeral Service Practitioner within the State of Nevada, is to insure that the public receives the highest quality service from educated funeral service providers. This requirement would be no different in any other professional field. In order for a person to manage and operate a licensed funeral firm, one must first have a full understanding of all elements within the industry including all aspects of handling a dead human body. This would be achieved through the requirement of a Funeral Service Practitioner, whom would have both funeral director and embalmers credentials. Embalming education not only teaches the art of embalming but appropriate care of a dead human body in all conditions. The a person license as a funeral director would not have this knowledge base without having appropriate funeral service education. Allowing and expecting someone who has never received the education and credentials in the care of the body to manage and supervise a task they have no or little knowledge about is reckless and puts the public at risk. The public look to funeral service providers in one of their greatest moments of need, insuring that we have educated professionals is of upmost importance.

Upon implementation of the Funeral Service Practitioner, I would propose a three year implantation period to allow those not in compliance to meet the new standards of the law.

**NRS 642.340**; language to be changed from Licensed Funeral Director to Funeral Service Practitioner

**NRS 642.345**; language change from Funeral Director to Licensed Funeral Service Practitioner as well as, must be a full time employee at licensed location. Funeral Service Practitioner may not manage no more than one location in a 60,000 population base or more.

**NRS 642.350**; Language change from a person to Funeral Service Practitioner

**NRS 642.355**; language change from a person to Funeral Service Practitioner

**NRS 642.360**; Language change may be needed to comply with other proposed language changes

**NRS 642.363**; addition to this NRS to read that funeral establishment is required to have a Funeral Service Practitioner as the licensed manager.

**NRS642.370**; add language to include Funeral Service Practitioner

**NRS642.390**; add language to include Funeral Service Practitioner

**NRS 642.400, NRS 642.420, NRS 642.430, NRS 642.440, NRS 642.450, NRS 642.460, NRS 642.470, & NRS 642.473**, add language to include Funeral Service Practitioner.

Submitted by Tammy Dermody:

NAC 642.160

Amend wording to describe the Board approved sealed container for transporting un-embalmed remains to be a Ziegler Container or 20 gauge Sealing Casket.

Add amendment wording to authorize family's of decedents to transport as long as the decedent is in one of the containers mentioned above and all permits have been filed to be carried by family with remains.

NRS 642.016

Amend wording allowing inactivated preparation rooms, when there is a centralized preparation facility, to NOT MANDATE instruments and necessary supplies for the preparation and embalming of dead human bodies for burial and transportation IN THESE INACTIVE PREPARATION FACILITIES.

NRS 451.650

AMEND authority to state that unless POA/Advance Health Care Directive has given right of disposition of remains to the attorney-in-fact it is not a legal document for disposition of human remains, especially when cremation is involved.

I have found out as well that an executor/executrix/personal representative which has been nominated, but not appointed in this State DOES NOT have the legal authority to authorize cremation or burial unless direction for disposition of remains is mentioned or the decedent appoints the person to do so in the will. Other wise the legal next of kin has the right.

I believe that we need to address the POA for the decedent's legal next of kin situation as well. We have run into this when the legal next-of-kin is incapacitated and their POA claims the right to sign for them. When this happens we should obtain documentation of said individual's incapacitation and move to a majority of next-of-kin.

\* Continuing Education requirements 6- 12 hours per year for embalmers.

\* Each Funeral Establishment must have an licensed embalmer available 24/7. Not a licensed embalmer for each facility.

- Each Funeral Establishment must have a licensed funeral director

\* Each funeral arranger must be licensed by the state as a funeral Service Practitioner. This will enable us to regulate and discipline them if needed.

\* Eliminate limited license - all must be Funeral Establishment with a funeral director.

\* Enable that we can do FBI fingerprint background check

642.135, 642.473 should be more specific for offenses, this is too subjective. What disciplinary action is for what offense should be clear...?

Submitted by Todd Noecker:  
Changes to Nevada Revised Statutes Suggestions:

NRS 642-340

Amend wording to state "without being the Responsible Funeral Director tied to the location by the State Board of Funeral Services and Cemetery of Nevada" Must be a Licensed Funeral Director as described by the board. A Responsible Funeral Director must operate only one Funeral Home that they are engaged to do business as.

NRS 642-355

This statute must be omitted wholly.

NAC 642-160

Must add may not transport across state lines without an executed Burial/Transit Permit. Bodies transported across state lines must be transported in a Ziegler Container or 20 Gauge sealing Casket. Unembalmed remains transported across state lines must be contained in same with Dry Ice or Gel packs for preservation.

NAC 642.180

2. Upon receipt of an informal complaint, the "Board" shall examine the complaint.

NAC 451.120

Same verbiage as above

NRS 451.650

Remove (i) add and EX-PARTE issued by County of residence of decedant Do NOT add POA

NRS 642.016

Add Refrigeration storage for Un Embalmed Remains. Add Inactive Preperation rooms when there is a Centralized facility must still be equipped with OSHA requirements. No mandated equipment need be on this site unless activated.

Continuing Education requirements 6-12 hours per year for embalmers

Funeral Establishments must have a licensed embalmer available 24/7. Not a licensed embalmer for each facility

Each funeral director must be licensed by the state and required to achieve 6-12 hours of CEU's each calendar year.

FBI fingerprint backgrounds for each Arranger Embalmer

Pre-need Sales person license/ Mandatory to pass Nevada Rules and Regulations \$200.00 renewal

Crematories must be operated by a "Certified Crematory Operator"

Must also be licensed as a Crematory operator by the State Board and Pass Nevada Rules and Regulations

The Responsible Funeral Director to each location must be ABSFE Certified.