

NEVADA FUNERAL AND CEMETERY SERVICES BOARD

MINUTES

Thursday, August 7, 2014, at 9:00a.m.

Video-Conference Locations:

Legislative Building
401 South Carson Street, Room 3137
Carson City, Nevada
And
Grant Sawyer Building
555 E. Washington Avenue, Room 4412E
Las Vegas, Nevada

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

Chairman, Dr. Wayne Fazzino called the meeting to order at 9:05 a.m.

Members Present

Wayne Fazzino, Chair
Todd Noecker
Wendy Simons
Lorretta Guazzini
Bart Burton

Members Absent

Lisa Franqui
Tammy Dermody

Board Staff Present

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

Public

John Lawrence
Warren Hardy
Laura Sussman

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)

John Lawrence stated that he would like to comment under the legislative subcommittee section of the agenda. Legal counsel advised that Mr. Lawrence could submit public comment at this point or at the end of the meeting.

3. Discussion, recommendation, and possible action regarding review and approval of June 12, 2014 meeting minutes (For possible action)

Wendy Simons moved to approve the minutes. The motion was seconded by Loretta Guazzini and carried unanimously.

4. Presentation from Caleb Cage, Director of Military and Veterans Policy, Governor Sandoval's Office on veteran's and military licensing issues.

Caleb Cage thanked the Executive Director and the Board for the support and sending out the requested letter. He stated that the Governor had declared 2014 the year of the veteran and that there was a request for state agencies to focus on supporting veterans. He discussed the Green Zone Initiative, wellness education, employment, and licensure reciprocity efforts for expedited licensing reciprocity for veterans. He stated that there is potential legislation regarding licensing agencies building data queries to applications so that there can be better data analysis in terms of tracking success for reciprocity to veterans.

Jennifer asked questions regarding the exact type of data that they would like to track, and Mr. Cage stated that he would email the specifics to Jennifer.

The Board thanked Mr. Cage for his presentation.

5. Discussion, recommendation, and possible action regarding request from The Hardy Consulting Group LLC for the Board to distribute annual list of licensees (For possible action)

Mr. Hardy stated that this was a follow-up request from the previous meeting. He thanked Jennifer for creating a list of licensees and placing it on the website. He further explained that he was requesting the list be on official Board letterhead as there are issues with hospitals and nursing homes releasing lists of establishments which participate in rotations and the general public understanding that list to be a complete listing of establishments. There was discussion on the possibility of publishing the document discussed in NRS 642.066, but general consensus that including the general price list for every establishment is problematic as they change so frequently. There was discussion on possibly changing the statute. Mr. Hardy clarified that he was not asking the Board to create the publication allowed by NRS 642.066, but was simply requesting the list be put onto official letterhead.

There was discussion that "limited license" establishments are not currently on the lists in Clark County, but they may be on the lists in the northern part of the state. There was discussion concerning the list needing to specify the type of establishment so that the public is clear on what services are offered.

Bart moved to have the executive director put together a list of establishments on Board letterhead. The motion was seconded by Wendy Simons and carried unanimously.

6. Discussion, recommendation, and possible action regarding Board approved transport containers as authorized by NAC 642.160 (For possible action)

Jennifer stated that the Board had been asked to clarify the containers approved under this regulation. There was discussion that it needed to be a level 3 containment

process. Bart stated that bio-seal bags are approved by all airlines and doesn't add weight when shipping on common carrier. There was discussion that dry ice and gel packs should be added to body bags.

Todd Noecker moved to clarify NAC 642.160 to specify Board approved containers as a Ziegler sealed case, a bio-seal container, or a sealed casket preserved with dry ice and gel packs. The motion was seconded by Bart and carried unanimously.

7. Discussion, recommendation, and possible action regarding designation of Board authority under NRS 642.557 to Board staff and Board counsel (For possible action)

Jennifer explained that the Board has authority to issue orders and this request was to formally designate that Board authority to staff and Board counsel as an immediate method to advise licensees to cease and desist any violations of the law.

Wendy moved to designate Board authority under 642.557 to staff and counsel. The motion was seconded by Loretta and carried unanimously.

8. Discussion, recommendation, and possible action regarding clarification on process for reactivation of inactive licenses as referenced in NRS 642.115 and NRS 642.455 (For possible action)

Jennifer explained that the Board currently approves new applications during public meetings as there is a requirement for a proper hearing before the Board. She stated that currently, renewals are processed by staff, but had questions on whether the Board wanted to review reactivating inactive licenses during public meetings or have staff approve.

Bart moved to have reactivation of inactive licenses handled by staff. The motion was seconded and carried unanimously.

9. Discussion, recommendation, and possible action regarding clarification of regulatory fee collection (For possible action)

Jennifer stated that a member of the public requested clarification regarding the regulatory fee and what constitutes a funeral service.

Todd stated that any time a permit is issued, the fee needs to be charged. He stated that it would not be charged for merchandise, but would be charged for disinterment or moving a body out of state.

There was discussion that the statute said the fee cannot be charged more than once for any individual, and if a disinterment was done, there is the potential for charging more than once for the individual.

Loretta commented that the wording of the statute has been problematic, and said that the fee was not charged to the family, but built into the services fee, and she would not necessarily charge the fee for a disinterment.

Wayne asked under what circumstances a disinterment would be done and there was discussion that a disinterment is common when families move out of state, move their loved ones to a different cemetery or want to cremate so that their loved one is more transportable.

There was discussion on the funeral establishments self-reporting, and whether there is any verification on the amounts they are submitting. There was further discussion that with the investigator, they may be able to look at records and get an idea whether the reporting seems accurate. Additionally, there was discussion that State releases a report every quarter on the number of cases for each establishment, so that may be looked at as well.

There was further discussion and general consensus that legal counsel review the statute closely with the Executive Director and determine if there are any regulatory decisions that could be made, or additional clarifications on this issue. There will be additional discussion at the next meeting.

10. Overview of complaint process and current complaint status

Jennifer overviewed the current complaint process as detailed within the meeting packet and reviewed the list of current complaints.

11. Discussion, recommendation, and possible action regarding approval of Board personnel policies and procedures (For possible action)

Jennifer stated that since the Board would be hiring an investigator it would be beneficial to have personnel policies and procedures in place. She stated that there would be the need to revise as any issues develop.

Wendy Simons thanked Jennifer for formalizing the document and stated that she had no questions or concerns on the content. Wendy moved to adopt the personnel policies and procedures document noting that it would be a fluid document as the need for changes are identified. The motion was seconded by Loretta Guazzini and carried unanimously.

12. Discussion, recommendation, and possible action regarding hiring of investigator (For possible action)

Jennifer introduced Peter Shaw and stated that he brought over 25 years of investigative experience to the position. She stated that he had previously been a welfare fraud investigator, and was currently working as an investigator for the Division of Insurance. She also noted that Mr. Shaw currently had a part-time contract with the FBI to conduct background investigations for the purpose of issuing security clearance.

Loretta Guazzini asked who would be training him for the position. Mr. Shaw commented that he would be doing quite a bit of research on the statutes and regulations and that he was up for the task.

Wendy moved to approve the hiring of Peter Shaw with the terms specified. The motion was seconded by Loretta Guazzini and carried unanimously.

13. Discussion, recommendation, and possible action regarding recommendations for legislative changes from Legislative Subcommittee for inclusion in the report to the Sunset Subcommittee (For possible action)

The Board discussed various recommendations from the Legislative Subcommittee for a legislative request to be presented to sunset subcommittee.

There was discussion that funeral directors and embalmers should be required to complete 10 hours of continuing education per year. Todd Noecker moved to approve including this as a recommendation for legislative change. The motion was seconded by Loretta Guazzini and carried unanimously.

There was discussion that the Board licenses the owners of the crematories, but not the individuals physically operating the equipment. Bart Burton stated that there are many national groups that conduct one day certification courses. There was discussion that the Board would not be offering a certification, but would verify the certifications during inspections. Bart Burton moved to approve including this as a recommendation for legislative change. The motion was seconded by Todd Noecker and carried unanimously.

There was discussion that the Board does not have specific statutory authority for fingerprint based background checks. Jennifer stated that the Board previously had an account with DPS to conduct fingerprint based checks but that DPS no longer allows those accounts to be set up unless the Board has authority within NRS. Jennifer stated that there may be other ways to conduct fingerprint based checks, but that it would be a good idea to have specific authority. Bart Burton moved to approve including this item as a recommendation for legislative change. The motion was seconded by Wendy Simons and carried unanimously.

There was discussion that currently the Board issues licenses to crematories and cemeteries, but that they are not included under the disciplinary statute except to revoke or suspend, and typically there would be other steps prior to a revocation or suspension. Todd Noecker moved to approve including adding crematories and cemeteries under the current disciplinary statutes as a recommendation for legislative change. The motion was seconded by Bart Burton and carried unanimously.

There was discussion on cleaning up various sections that refer to a Board president and some that refer to Board chair. Additionally, it was noted that there are sections requiring that certain items be sent to Board secretary when the Board staff actually handles those items. Lastly, it was discussed that the secretary was also required to send lists of embalmers to railroad stations, which is outdated. Wendy Simons moved to accept clean-up of these various sections as a recommendation for legislative change. The motion was seconded by Loretta Guazzini and carried unanimously.

There was discussion on current statute which states that it is the Attorney General who initially decides whether a complaint is dismissed or investigated further. Jennifer stated that the request is to have the Attorney General "recommend" the outcomes.

Wendy Simons moved to accept this as a recommendation for legislative change. The motion was seconded by Loretta Guazzini and carried unanimously.

There was discussion concerning changing the definition of a funeral establishment to allow for an inactive preparation room by stating that the establishment must have access to necessary equipment and supplies, to state that it must be maintained in a professional and sanitary manner and that nothing would prohibit embalming from occurring at a central location. There were questions regarding establishments which embalm at a central location and whether families are told that the decedent will go to a different location for the embalming. Todd Noecker stated that their establishments always tell families the process and where the individual will be transported. Lorretta Guazzini moved to accept the recommendation to change the definition of a funeral establishment. The motion was seconded by Wendy Simons and carried unanimously.

There was discussion on eliminating the limited license. Jennifer stated that the previous board had been issuing a "limited establishment" license, but stated that the license was actually called a "license to conduct direct cremation or immediate burials." She stated that license was being issued to establishments, but seemed to be written as a license for an individual or "natural" person. Additionally, there was discussion that there were no requirements to hold the license other than being 18 years old and of good moral character. There was general consensus that it was not in the best interest of public health and safety to have individuals practicing who did not even have to have knowledge of the laws surrounding the custody and care of dead bodies. Wendy Simons moved to approve this item as a recommendation for legislative change. The motion was seconded by Loretta Guazzini and carried unanimously.

14. Discussion, recommendation, and possible action regarding approval of FY2015 Board budget (For possible action)

Jennifer stated that she has not been able to locate any prior budgets for the Board. She said that there would likely need to be budget revisions throughout the year, and that expenditures over 10% in any category would need approval by the Board.

Bart Burton stated that he was very impressed with Jennifer being able to present a budget in such a short time, when to his knowledge the Board had never even had a budget.

Wendy thanked the executive director for the work on the budget and moved to approve. The motion was seconded by Loretta Gauzzini and carried unanimously.

15. Discussion, recommendation, and possible action regarding approval of audit services for the Board (For possible action)

Jennifer stated that she was requesting approval to enter into contract for audit services. Wendy Simons moved to approve. The motion was seconded by Loretta Guazzini. The motion was carried unanimously.

16. Discussion, recommendation, and possible action regarding approval of additional Board member being added to existing and future banking accounts (For possible action)

Jennifer stated that she was requesting an additional Board member be added to the bank account in the event the treasurer or executive director leave the Board, there would not be only one person on the account. Additionally, she stated that the person would provide some additional oversight. Wayne suggested Tammy Dermody. Bart moved to add Tammy Dermody to the account. The motion was seconded by Wendy Simons and carried unanimously.

17. Discussion, recommendation, and possible action regarding approval of request for Board credit card (For possible action)

Jennifer stated that the previous executive director utilized a debit card for purchases, but that debit cards are generally not allowable on accounts with public funds. She stated that the credit card would primarily be utilized for travel and would require receipts prior to any payment. Jennifer stated that two Board members would be required to sign the application and that she recommended that the Board members on the bank account be responsible for signing.

Wendy Simons moved to approve a Board credit card for the executive director. The motion was seconded by Bart Burton and carried unanimously.

18. Discussion, recommendation, and possible action regarding prior gift purchase by the Board (For possible action)

There was discussion that Loretta Guazzini had paid for the gift for the outgoing executive director, and Wayne stated that he was giving Loretta a check for the full amount so that there are no potential issues.

19. Discussion, recommendation, and possible action regarding approval of up to two days' compensation per month to Board Treasurer for financial duties (For possible action)

Jennifer stated that Loretta Guazzini had been handling all financial duties for the Board including all payments, payroll, review of invoices, and entry to Quickbooks. She stated that the Board allows for Board member compensation for days that individuals are conducting Board business. She said the request is to allow up to two days compensation to the Treasurer for those duties.

Wendy Simons moved to approve up to two days compensation per month for the duties of the treasurer. The motion was seconded by Bart Burton. The motion was carried unanimously with Loretta Guazzini abstaining.

20. Report from Board Treasurer

- **Status of Board funds**
- **Status of regulatory fee collection to date**

Loretta presented the Board expenditure and regulatory fee collection amounts to date.

21. Report from Executive Director, Jennifer Kandt

Jennifer presented a written report on her activities and the status of various Board items.

22. Report from Senior Deputy Attorney General

Henna stated that she has been working on several complaints and assisting with setting up good procedures for handling complaints with the executive director as well as researching various statutes.

23. Board member comments

Wendy Simons commented that she had reviewed the new forms on the website and stated that she believes the executive director has done a great job in elevating the level of professionalism for the Board in a very short time.

24. Discussion regarding future agenda items and future meeting dates

There was discussion that October 14th was already set as the next meeting date.

Loretta Guazzini stated that the \$75 inspection fee was brought up by Gerald Hitchcock at the last meeting and that she did not see that item on the agenda. Jennifer asked the Board if that was an item that they wanted to revisit. Board members indicated that they did not want to revisit that item at this point in time.

25. Public comment

<p>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)</p>
--

John Lawrence stated that he felt the limited license needed to be eliminated, and that all establishments needed to be fully licensed as there are currently no qualifications for the limited license. He stated that in changing some of the legislation, there could be individuals who are grandfathered in or given a certain period of time to comply. Lastly, he stated that he wanted the opportunity as a member of the Legislative Subcommittee to speak during presentation of that item.

26. Adjournment (For possible action)

Meeting was adjourned at 11:40.