

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

**MINUTES OF MEETING**

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**Friday, November 14, 2014, at 8:30 a.m.**

Meeting Location:

Funeral and Cemetery Services Board Office  
501 Hammill Lane  
Reno, Nevada 89511

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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**

**Members Present**

Bart Burton  
Tammy Dermody  
John Lawrence  
Todd Noecker (Telephone)

**Board Staff Present**

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

**Public Present**

Warren Hardy (Telephone)  
Ryan Bowen (Telephone)

**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)

Warren Hardy asked if public comment could be taken throughout the discussion of each item, and Chairman Bart Burton stated that he would allow public comment on each item.

**3. Discussion, recommendation, and possible action regarding minutes of September 25, 2014 meeting (For possible action)**

Motion: Todd Noecker moved to approve the minutes. The motion was seconded by John Lawrence and carried unanimously.

**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)**

Warren Hardy asked for clarification on status of a bill draft request. Jennifer stated that a required report had been submitted to the sunset subcommittee and that the Board had included in the report certain recommendations for legislative changes. She stated that this Board and one other Board were given bill draft requests, but that they would need to work with legal division on language.

There was discussion on the language to require continuing education. Warren Hardy asked for details on topics and how the courses would be approved. Jennifer stated that the Board should probably just have the authority within NRS to require the continuing education and come up with the details of approval within regulation. Warren Hardy stated that he would be in favor of that recommendation, but does want to be sure that continuing education is available and accessible.

Bart Burton stated that many states require continuing education and there are many online courses dealing with the funeral industry.

There was general consensus that the suggested language for continuing education was appropriate.

There was discussion on requiring crematory operators to complete a certification course. Ryan Bowen asked about the accessibility of the trainings and Bart Burton indicated that there are at least two per year in Las Vegas. Ryan Bowen stated he thinks it is the right thing to do and does not have a problem with this requirement as long as the training is accessible.

Warren Hardy requested that the Board keep the industry informed of course availability, and requested that language be added to indicate a certification course be "approved by the Board". There was general consensus that this change was acceptable.

There was discussion regarding requiring FBI fingerprint based background checks and general consensus that the suggested language was appropriate.

There was discussion on changing disciplinary sections to include crematories and cemeteries and general consensus that the suggested language was appropriate.

There was discussion regarding general clean-up of duties of secretary and treasurer and general consensus that the suggested language was appropriate.

There was discussion regarding language for the Attorney General to "recommend" various outcomes pertaining to investigation of alleged violations and general consensus that the suggested language was appropriate.

There was discussion regarding the change of the definition of a funeral establishment and general consensus that the suggested language was appropriate.

There was discussion regarding adding requirement to comply with OSHA and general consensus that the suggested language was appropriate.

There was discussion regarding changes to name under which an establishment conducts business. There was general consensus that the suggested language was appropriate.

There was discussion regarding changes to the authority to order burial and cremation including removing the joint tenancy section, giving discretion to the funeral establishment to require a majority of members of one class, and relinquishing authority when the individual has been arrested in connection with the death of the decedent. There was general consensus that the suggested language was appropriate.

There was discussion regarding changes to the requirements for printing a publication guide and general consensus that the language was appropriate. Jennifer indicated that this was the result of a recommendation by Warren Hardy.

There was discussion regarding adding reference to vital records section and general consensus that the suggested language was appropriate.

There was extensive discussion regarding the direct cremation and immediate burials license which the Board termed "limited establishment" license. Jennifer reiterated that there is no reference to a limited establishment license in statute, and that the direct cremation and immediate burial license is written as if it is to be given to an individual person, not a location. Additionally, she stated that these locations need a funeral director for death certificates, but that funeral directors are not allowed to do business in any other place than a licensed funeral establishment.

John Lawrence stated that he wanted the limited license eliminated and felt that only a full service funeral establishment should be allowed to sell a direct cremation.

Warren Hardy stated that they would be adamantly opposed to eliminating the license, but agrees that the statute needs to be cleaned up.

Ryan Bowen stated that zoning allows for these facilities to be located in neighborhoods closer to families since there are no bodies stored at the locations. He stated that these facilities allow for a more affordable option for families and that he didn't understand what the concern to public protection was since all of his limited licenses are contracted with full service locations.

Tammy stated that the public doesn't understand the limitations of these facilities. She said that the license is violating various statutes and that Ryan Bowen stated that they are used to get around current zoning laws. She stated that the Coroner's Office didn't even know that these places do not have preparation rooms.

Bart Burton stated that he thought disclosure was very important and that the Board should possibly require limited licenses to disclose that ID viewings must go to a full service mortuary. He also stated that it was important to protect the public, not protect the full service establishments. He said that a solution was needed as to what to do with the ones operating and clean-up of the statutes.

There was further discussion on eliminating the "immediate burial" provision of the license and keep it a direct cremation facility and put limitations on their advertising and disclosures regarding the services that they can offer.

Warren Hardy stated that the direct cremation allows for a much lower cost to the public and does not want the model to be eliminated. He also strenuously objected to any insinuation to the characterization that Ryan Bowen was attempting to get around zoning laws. He asked if there had been any complaints against the limited licenses and stated that he wanted to do a public records request for any such complaints.

Henna Rasul stated that there were very limited complaint records, as nothing was ever forwarded to the Attorney General's Office. She also stated that any records related to complaints would be confidential anyway unless there had been a consent decree or hearing.

There was further discussion that the statute be drafted to create a direct cremation facility and then clarify in regulation what can and can't be done in those locations, and make sure that the public understands the difference.

There was discussion regarding licensing the funeral arrangers. Bart Burton stated that currently they are operating under a funeral directors license.

Henna Rasul stated that there was some research done into the legislative history on funeral directors and whether only a funeral director could sit with families to make arrangements. She said that the history did not give any information on the original intent.

Warren Hardy stated that he wanted to guard against over-regulating. Bart stated he had concerns about the funeral directors being responsible for the mistakes of the arrangers, and felt that the arrangers should have their own license.

John stated that he would like to see the arrangers by licensed as "death care consultants." There was general consensus that language be drafted for creation of "death care consultant."

There was discussion on creating a "Funeral Service Practitioner" license which would be a dual funeral director and embalmer license and require that establishments have a full-time FSP at each location. John Lawrence stated that it was important to have someone who has been to mortuary school managing the establishment.

Tammy Dermody stated that she did not feel this was important, as she was able to hire the individuals that she needs to be in her establishments. There was general consensus that this item not be pursued.

There was discussion that the funeral director approved to manage each establishment be ABSFE certified, and general consensus that this item would not be pursued.

There was discussion regarding licensing pre-need sales persons and general discussion that this item would not be pursued.

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

There was discussion regarding the need for regulations on maintenance of records, Funeral Director, Embalmer and Death Care Consultant parameters, and managing Funeral Director requirements for residing within a certain mileage or spending a certain number of hours at the establishment.

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

There was general consensus that the next meeting be decided as needed, and would probably be for drafting of regulations.

**7. 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)

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

Meeting adjourned at 11:50 A.M.