

NEVADA FUNERAL AND CEMETERY SERVICES BOARD

AGENDA AND NOTICE OF PUBLIC MEETING

Tuesday, September 20, 2016, at 9:00a.m.

Video Conference Locations

Legislative Building
401 South Carson Street, Room 3138
Carson City, Nevada

and

Grant Sawyer Building
555 E. Washington Avenue, Room 4412
Las Vegas, Nevada

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 three 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.

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

1. **Call to order, roll call, introduce new member, 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. **Public hearing on proposed regulations. The Board will receive and hear all public comment regarding LCB file number R067-15 for changes to Chapters 451 and 642 of Nevada Administrative Code. Public comment may be made in person or submitted in writing.**
4. **Consideration of public comment and possible adoption of LCB file number R067-15. The Board will consider fully all public comment received regarding the proposed regulatory changes under agenda item 3. This agenda item may involve**

the Board proposing changes to the regulation after consideration of all public comments and determine whether to adopt the regulation. (For possible action)

5. **Discussion, recommendation, and possible action regarding review and approval of minutes of meetings (For possible action)**
 - a. June 14, 2016
6. **Discussion, recommendation, and possible action regarding granting the following Apprentice Embalmer Certificate of Registration and Funeral Arranger License to David Alan Penkala (For possible action)**
7. **Discussion, recommendation, and possible action regarding granting the following Funeral Arranger Licenses (For possible action)**
 - a. Jason Thomas Pulsifer
8. **Discussion, recommendation, and possible action regarding request for approval of new Managing Funeral Director for the following (For possible action)**
 - a. Christie D. Wilde FD917 – FitzHenry's Funeral Home EST36
 - b. Christie D. Wilde FD917 – FitzHenry's Carson Valley Funeral Home EST58
9. **Discussion, recommendation, and possible action regarding granting an establishment name change (For possible action)**
 - a. Kraft-Sussman Funeral Services – Proposed new name: Kraft-Sussman Funeral and Cremation Services
10. **Discussion, recommendation, and possible action regarding granting a Funeral Establishment Permit to BBBO, LLC, dba La Paloma Funeral Services, 437 Stoker Avenue, Reno, Nevada (For possible action)**
11. **Discussion, recommendation, and possible action regarding granting a Funeral Establishment Permit to Clark County Funeral Services, 2041 W. Bonanza Road, Las Vegas, Nevada (For possible action)**
12. **Discussion, recommendation, and possible action regarding request from Gerald Hitchcock to approve a continuing education credit (For possible action)**
 - a. NFDA Policy Board Meeting, Las Vegas, Nevada – July 8, 2016-July 9, 2016
13. **Discussion, recommendation, and possible action regarding decline of unaccompanied Veteran burial services and discussion of NRS 642.0197 regarding duties of a funeral director to report unclaimed human remains to the Department of Veterans Services (For possible action)**
14. **Discussion, recommendation, and possible actions regarding options for printed licenses and certificates through online renewal system (For possible action)**
15. **Financial Reports**
 - a. Regulatory Fee Collection
 - b. FY2016 Financial Reports
 - c. FY2017 Financial Reports
16. **Overview of current complaint status**
17. **Report from Executive Director, Jennifer Kandt**
18. **Report from Senior Deputy Attorney General**

19. Board member comments

20. Discussion regarding future agenda items and future meeting dates
Tuesday, December 13, 2016

21. 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)

22. 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> or can be picked up at the following location: 3740 Lakeside Drive, Suite 201, Reno, NV 89509.

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.

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

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 South Carson Street Carson City, Nevada	Funeral Board Office 3740 Lakeside Drive, Suite 201 Reno, NV 89509	

**SECOND REVISED PROPOSED REGULATION OF THE
NEVADA FUNERAL AND CEMETERY SERVICES BOARD**

LCB File No. R067-15

June 9, 2016

EXPLANATION – Matter in *italics* is new, matter in brackets [~~omitted material~~] is material to be omitted.

AUTHORITY: §§1-13, NRS 451.640, 452.026 and 642.063; §§14-30 and 32-46, NRS 642.063; §31, NRS 642.063, 642.115 and 642.455, as amended by section 41 of Senate Bill No. 286, chapter 348, Statutes of Nevada 2015, at page 1961.

A REGULATION relating to decedents; setting forth certain duties and procedures concerning cremation services; establishing the procedure for the Nevada Funeral and Cemetery Services Board to issue a notice of violation to licensees, permittees and holders of a certificate; setting forth procedures concerning changes affecting and the renewal of licenses, permits and certificates issued by the Board and the approval by the Board of continuing education required for funeral directors and embalmers; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law establishes the Nevada Funeral and Cemetery Services Board and grants the Board authority to issue licenses, permits and certifications to cemeteries, crematories, funeral establishments, direct cremation facilities, funeral directors, funeral arrangers and embalmers. (Chapters 451, 452 and 642 of NRS, as amended by Senate Bill No. 286, chapter 348, Statutes of Nevada 2015, at page 1948) Existing law also authorizes the Board to adopt regulations to carry out certain provisions relating to funeral directors, funeral arrangers, embalmers and operators of cemeteries and crematories. (NRS 451.640, 452.026, 642.063)

Section 9 of this regulation provides that the Board will interpret the phrase “cremation of human remains” to include, with certain exceptions, the container in which the human remains are placed for cremation, the personal effects of the deceased person and a negligible amount of chlorinated plastic.

Section 10 of this regulation sets forth the actions that the Board will interpret as falling within the phrase “physically operating the crematory equipment” for the purpose of requiring a person to complete a crematory certification program.

Section 11 of this regulation sets forth the duties of an operator of a crematory, funeral establishment or direct cremation facility with regard to the identity of human remains.

Sections 12, 13, 19, 21, 25, 27, 29, 35, 37, 39, 40, 43 and 44 of this regulation incorporate the newly authorized permits for the operation of direct cremation facilities and licenses to engage in business as a funeral arranger in regulations.

Sections 15, 16 and 31 of this regulation set forth the procedures for obtaining approval of the continuing education required for funeral directors and embalmers. **Section 17** of this regulation sets forth the criteria the Board will use in determining whether an applicant is of good moral character for the purpose of the issuance by the Board of a license, permit or certificate to a cemetery, crematory, funeral establishment, direct cremation facility, funeral director, funeral arranger or embalmer.

Section 19 of this regulation sets forth the requirements for a funeral director to obtain approval by the Board to manage a funeral establishment or direct cremation facility.

Section 20 of this regulation provides that, after 2 years, the Board will consider an application for the issuance by the Board of a license, permit or certificate to a cemetery, crematory, funeral establishment, direct cremation facility, funeral director, funeral arranger or embalmer to be withdrawn if the Board has not received the information and fees required to complete the application.

Section 24 of this regulation sets forth the circumstances in which a member of the Board is required to recuse himself or herself from proceedings of the Board.

Section 25 of this regulation establishes the procedure that the Board will follow regarding the issuance of a notice of violation to the operator of a funeral establishment, direct cremation facility, crematory or cemetery.

Section 26 of this regulation sets forth additional requirements concerning a statement of funeral goods and services selected that is required to be provided by a funeral provider pursuant to federal law.

Sections 28 and 29 of this regulation set forth procedures relating to changing the name of the holder of a license, permit or certificate issued by the Board or the location of the place of business of a funeral establishment, direct cremation facility or crematory.

Section 30 of this regulation sets forth the requirements for approval by the Board of a crematory certification program which is required for persons who physically operate crematory equipment. **Section 30** also provides that such persons are not required to complete a crematory certification program more than once.

Section 38 of this regulation requires every funeral establishment to employ, or retain on a contract basis, a licensed embalmer.

Existing law requires a license, permit or certificate renewed by the Board pursuant to chapter 451, 452 or 642 of NRS to be renewed on a biennial basis on January 1 of each even-numbered year. (NRS 642.069, as amended by section 20.5 of Senate Bill No. 286, chapter 348, Statutes of Nevada 2015, at page 1954) Existing law also provides that the renewal fee for a: (1) license to practice the profession of embalming; (2) license as a funeral director; (3) license as a

funeral arranger; (4) permit to operate a funeral establishment; and (5) a permit to operate a direct cremation facility is due on January 1 of each even-numbered year. Existing law further provides that if the renewal fee for such a license or permit is not paid by February 1 of that even-numbered year, a fee for the late renewal will be added to the renewal fee of the license or permit. (NRS 642.120, as amended by section 23.5 of Senate Bill No. 286, chapter 348, Statutes of Nevada 2015, at page 1956; NRS 642.430, as amended by section 38 of Senate Bill No. 286, chapter 348, Statutes of Nevada 2015, at page 1960; NRS 642.435, as amended by section 39 of Senate Bill No. 286, chapter 348, Statutes of Nevada 2015, at page 1960) **Sections 41 and 42** of this regulation similarly require a holder of a license to operate a crematory and a holder of a certificate of authority to operate a cemetery to pay a late fee in addition to the renewal fee if he or she does not pay the renewal fee for the license or certificate of authority, as applicable, before February 1 of an even-numbered year.

Section 43 of this regulation revises the restrictions on the transportation of dead human bodies.

Section 1. Chapter 451 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 13, inclusive, of this regulation.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 8, inclusive, of this regulation have the meanings ascribed to them in those sections.*

Sec. 3. *“Cremation” has the meaning ascribed to it in NRS 642.011.*

Sec. 4. *“Crematory” has the meaning ascribed to it in NRS 642.012.*

Sec. 5. *“Direct cremation facility” has the meaning ascribed to it in section 3 of Senate Bill No. 286, chapter 348, Statutes of Nevada 2015, at page 1950 (NRS 642.0135).*

Sec. 6. *“Embalmer” means a person who is licensed as an embalmer pursuant to chapter 642 of NRS.*

Sec. 7. *“Funeral director” has the meaning ascribed to it in NRS 642.015, as amended by section 12 of Senate Bill No. 286, chapter 348, Statutes of Nevada 2015, at page 1951.*

Sec. 8. “Funeral establishment” has the meaning ascribed to it in NRS 642.016, as amended by section 13 of Senate Bill No. 286, chapter 348, Statutes of Nevada 2015, at page 1951.

Sec. 9. 1. For the purposes of NRS 451.680, the Nevada Funeral and Cemetery Services Board interprets the phrase “cremation of human remains” to include:

(a) The container, unless incinerating the container is prohibited pursuant to subsection 3 of NRS 451.670;

(b) The personal effects of the deceased person; and

(c) A negligible amount of chlorinated plastic which may be attached to or accompanying the human remains.

2. As used in this section:

(a) “Container” has the meaning ascribed to it in NRS 451.615; and

(b) “Human remains” has the meaning ascribed it in NRS 451.620.

Sec. 10. For the purposes of NRS 451.635, as amended by section 55 of Senate Bill No. 286, chapter 348, Statutes of Nevada 2015, at page 1968, the Nevada Funeral and Cemetery Services Board interprets the phrase “physically operating the crematory equipment” to mean:

1. Starting the crematory equipment;

2. Loading the chamber;

3. Sweeping the chamber; and

4. Processing human remains, including the initial placement of the human remains into temporary urns.

Sec. 11. The operator of a crematory, funeral establishment or direct cremation facility shall ensure that:

- 1. Any human remains awaiting cremation are properly identified at all times.*
- 2. The identity of the human remains is maintained throughout the entire cremation process.*
- 3. The identifying document or label for the urn referred to in NRS 451.680 is affixed to the urn in a secure manner.*

Sec. 12. 1. The records required to be kept pursuant to NRS 451.665, as amended by section 58 of Senate Bill No. 286, chapter 348, Statutes of Nevada 2015, at page 1970, by the operator of a crematory, funeral establishment or direct cremation facility must be maintained for at least 7 years.

2. The maintenance of such records in a digital format satisfies the requirements of subsection 1.

Sec. 13. 1. Except as otherwise provided in this section and NAC 451.010, the operator of a crematory, funeral establishment or direct cremation facility shall ensure that each dead body of a human being is embalmed or refrigerated at a temperature of not more than 48 degrees Fahrenheit within 24 hours after the operator receives the human remains.

2. Except as otherwise provided in subsection 3, a funeral director, embalmer or another person assisting in the preparation of human remains for final disposition may delay the refrigeration of or remove the human remains from refrigeration for identification viewing and for the following activities:

- (a) Embalming the human remains;*
- (b) Transporting the human remains;*
- (c) Cremating or burying the human remains;*

(d) Washing, anointing, clothing, praying over, viewing or otherwise accompanying the unembalmed human remains, for a period of time not to exceed 8 consecutive hours, by a person acting according to the directions of the decedent or a person having the right to control the disposition of the human remains of the deceased person; or

(e) Any other activity approved by the local health officer after evaluating the specific circumstances, the need to protect the public health and the recognition of religious beliefs.

3. A funeral director, embalmer or another person assisting in the preparation of human remains for final disposition shall not delay the refrigeration of or remove the human remains from refrigeration for identification viewing or an activity set forth in paragraph (d) of subsection 2 if he or she is informed by a local health officer or medical examiner that doing so would pose a direct threat to human health.

4. Nothing in this section restricts the authority of a coroner or medical examiner concerning human remains that are under the jurisdiction of the coroner or medical examiner.

5. As used in this section, "identification viewing" means the viewing of human remains for identification purposes, for a period of time not to exceed 1 hour, by a person who is potentially capable of identifying the human remains.

Sec. 14. Chapter 642 of NAC is hereby amended by adding thereto the provisions set forth as sections 15 to 38, inclusive, of this regulation.

Sec. 15. *"Continuing education" means educational experiences in the form of a workshop, seminar, lecture, conference, class, meeting of the Board or other course of instruction related to the funeral industry.*

Sec. 16. “Hour of continuing education” means 50 minutes of participation in continuing education.

Sec. 17. 1. In determining whether an applicant is of good moral character for the purpose of the issuance of a license, permit or certificate pursuant to chapter 451, 452 or 642 of NRS, the Board will establish an initial assessment that the person is of good moral character if the person:

(a) Has never been convicted in a court of competent jurisdiction of a category A or B felony;

(b) Has not, within the 7 years immediately preceding the date of application for the issuance of the license, permit or certificate, been convicted in a court of competent jurisdiction of a gross misdemeanor or category C, D or E felony;

(c) Has not, within the 7 years immediately preceding the date of application for the issuance of the license, permit or certificate, been convicted in a court of competent jurisdiction of a misdemeanor that has a reasonable relationship to the person’s license, permit or certificate;

(d) Is not currently incarcerated or on parole or probation after a period of imprisonment in a local, state or federal penal institution;

(e) Has not engaged in fraud or misrepresentation in connection with an application for issuance of a license, permit or certificate issued pursuant to chapter 451, 452 or 642 of NRS or an examination required for issuance of the license, permit or certificate;

(f) Has not, within the 7 years immediately preceding the date of application for the issuance of the license, permit or certificate, had a license, permit or certificate revoked by the Board or by the funeral services licensing authority of any other jurisdiction;

(g) Does not currently hold a suspended license, permit or certificate or has not, within the 2 years immediately preceding the date of application for the issuance of the license, permit or certificate, had a license, permit or certificate suspended by the Board or by the funeral services licensing authority of any other jurisdiction, unless the suspension is pending final adjudication;

(h) Has not, within the 7 years immediately preceding the date of application for the issuance of the license, permit or certificate, surrendered a license, permit or certificate to the Board or the funeral licensing authority of any other jurisdiction in lieu of disciplinary action; and

(i) Has not practiced funeral directing or embalming without a license in this State or any other jurisdiction that requires licensure to perform those activities.

2. After establishing an initial assessment regarding whether an applicant is of good moral character, the Board will consider any aggravating or mitigating factors to determine whether the applicant is of good moral character for the purpose of the issuance of a license, permit or certificate pursuant to chapter 451, 452 or 642 of NRS.

Sec. 18. For the purposes of NRS 642.465, as amended by section 43 of Senate Bill No. 286, chapter 348, Statutes of Nevada 2015, at page 1961, the Board interprets the term “manage” to not include the management of administrative matters, including, without limitation, issues relating to budgeting, accounting, personnel matters and routine clerical matters.

Sec. 19. 1. Except as otherwise provided in subsection 4, the Board will not grant the approval required by NRS 642.345, as amended by section 31 of Senate Bill No. 286, chapter 348, Statutes of Nevada 2015, at page 1958, for a funeral director to manage a funeral

establishment or direct cremation facility unless the funeral director will be reasonably available at the funeral establishment or direct cremation facility during regular business hours. For the purposes of this subsection, a funeral director is presumed to be reasonably available at the funeral establishment or direct cremation facility if the funeral director resides not more than 120 miles from the premises of the funeral establishment or direct cremation facility.

2. Except as otherwise provided in subsection 4, the Board will not grant the approval required by NRS 642.345, as amended by section 31 of Senate Bill No. 286, chapter 348, Statutes of Nevada 2015, at page 1958, for a funeral director to manage more than one funeral establishment or direct cremation facility unless the premises of each funeral establishment or direct cremation facility are located less than 120 miles apart.

3. The Board will not grant approval for a funeral director to manage more than a total of three places of business, including each funeral establishment and direct cremation facility managed by the funeral director.

4. The Board may grant an exception to the provisions of subsection 1 or 2 if the Board determines that such an exception is in the best interests of the public.

Sec. 20. The Board will consider an application for the issuance of a license, permit or certificate pursuant to chapter 451, 452 or 642 of NRS to be withdrawn if the Board has not received the information and fees required to complete the application within 2 years after the date on which the application is first submitted to the Board.

Sec. 21. The Board will not accept an application for renewal of a permit to operate a funeral establishment or direct cremation facility submitted after March 1 of an even-numbered year.

Sec. 22. *If a funeral arranger, funeral director or embalmer has for any reason allowed his or her license as a funeral arranger, funeral director or embalmer, respectively, to lapse:*

1. *For a period of not more than 3 years, the Board may reinstate the license:*

(a) *Of a funeral director as provided in NRS 642.440.*

(b) *Of a funeral arranger or embalmer in the same manner as provided for a funeral director in NRS 642.440.*

2. *For a period of more than 3 years, the funeral arranger, funeral director or embalmer must reapply for a license as a new applicant unless the license of the funeral arranger, funeral director or embalmer has been placed on inactive status.*

Sec. 23. **1.** *A person who holds a certificate of registration as a registered apprentice and does not successfully pass the examination for a license to practice the profession of embalming within a period of 2 consecutive years as required by NRS 642.300 must wait at least 1 year after the expiration of that period before reapplying for a new certificate of registration as a registered apprentice pursuant to NRS 642.190.*

2. *The Board will not give a person any credit toward the 1 year of apprenticeship required for a license to practice the profession of embalming for any time spent on the initial apprenticeship described in subsection 1.*

Sec. 24. **1.** *In addition to any requirements for recusal set forth in chapter 281 of NRS, a member of the Board must recuse himself or herself from proceedings of the Board involving a matter in which the member of the Board:*

(a) *Has a conflict of interest;*

(b) *Is unable to participate in a fair and impartial manner; or*

(c) *Was active in any part of an investigation of the matter.*

2. A member of the Board must disclose the reason for the recusal before the Board's discussion of the matter. Upon recusal, the member of the Board may not participate in the Board's discussion of the matter or vote on the matter.

Sec. 25. 1. If an inspection of a funeral establishment, direct cremation facility, crematory or cemetery conducted pursuant to NRS 642.067, as amended by section 19 of Senate Bill No. 286, chapter 348, Statutes of Nevada 2015, at page 1954, NRS 642.435, as amended by section 39 of Senate Bill No. 286, chapter 348, Statutes of Nevada 2015, at page 1960, or section 5 of Senate Bill No. 286, chapter 348, Statutes of Nevada 2015, at page 1950 (NRS 642.368), reveals that the funeral establishment, direct cremation facility, crematory or cemetery is in violation of any provision of this chapter or chapter 451, 452 or 642 of NRS, the Board will issue a notice of violation to the licensee, permittee or holder of the certificate, as applicable. The notice of violation must:

(a) Be in writing and describe with particularity the nature of the violation; and

(b) Indicate that the licensee, permittee or holder of the certificate is given a 30-day period after receipt of the notice to correct the violation.

2. An inspector of the Board will verify compliance by the licensee, permittee or holder of the certificate, as applicable, with the applicable provisions of this chapter or chapter 451, 452 or 642 of NRS in a subsequent inspection.

3. The Board may initiate disciplinary proceedings against the licensee, permittee or holder of the certificate, as applicable, pursuant to NRS 642.130, as amended by section 24 of Senate Bill No. 286, chapter 348, Statutes of Nevada 2015, at page 1956, NRS 642.5175 or NAC 642.180 based on any acts or violations found during such an inspection or any

violations that the licensee, permittee or holder of the certificate failed to correct within the period set forth in the notice of violation.

Sec. 26. The statement of funeral goods and services selected that is required to be provided by a funeral provider pursuant to 16 C.F.R. § 453.2(b)(5) must:

1. Be signed by the licensed funeral arranger, funeral director or embalmer who made the arrangements for the funeral or other disposition of the human remains of the deceased person; and

2. Include the license number of the funeral arranger, funeral director or embalmer who made the arrangements.

Sec. 27. 1. A funeral establishment or direct cremation facility must make a reasonable effort to disclose, in writing, to a person who purchases at-need goods or services from the funeral establishment or direct cremation facility, the location at which the human remains of the deceased person will be stored, embalmed or cremated.

2. As used in this section, "at-need" means at the time the goods or services are needed.

Sec. 28. If the name of a holder of a license, permit or certificate issued by the Board pursuant to chapter 451, 452 or 642 of NRS is changed, the licensee, permittee or holder of the certificate must:

1. Apply to the Board for a revised license, permit or certificate on a form prescribed by the Board; and

2. Pay the applicable fee prescribed in NRS 642.0696.

Sec. 29. 1. If the holder of a permit or license, as applicable, to operate a funeral establishment, direct cremation facility or crematory wishes to transfer his or her established place of business to another location, the holder of the permit or license must:

(a) Notify the Board at least 30 days before changing the location of the funeral establishment, direct cremation facility or crematory;

(b) Apply to the Board on a form prescribed by the Board for a transfer of the permit or license to the new location; and

(c) Pay the applicable fee prescribed in NRS 642.0696.

2. The Board will cause the premises of the new location to be inspected within 30 days after the receipt of notification pursuant to subsection 1 and before approving the transfer of the permit or license to the new location and issuing a revised permit or license indicating that the funeral establishment, direct cremation facility or crematory is being operated at the new location.

3. The holder of the permit or license must not conduct business at the new location until he or she has been issued a revised permit or license by the Board indicating that the funeral establishment, direct cremation facility or crematory is being operated at the new location.

Sec. 30. 1. The Board will approve a crematory certification program as required pursuant to NRS 451.635, as amended by section 55 of Senate Bill No. 286, chapter 348, Statutes of Nevada 2015, at page 1968, if the program:

(a) Is at least 6 hours in length;

(b) Is offered on a national level by persons who are generally recognized as having expertise in the field of crematory services; and

(c) Includes, at a minimum, instruction in:

(1) Best practices relating to crematory services;

(2) Terminology relevant to crematory services;

(3) The principles of combustion;

(4) The operation of crematory equipment; and

(5) The filing of forms and other duties concerning keeping a record relating to crematory services.

2. The Board may approve a training program provided by a manufacturer of crematory equipment as a crematory certification program only if the training program satisfies the requirements of subsection 1.

3. If the Board approves a crematory certification program pursuant to this section, the approval is valid for 5 years.

4. A person who physically operates the crematory equipment in a crematory is not required to complete a crematory certification program approved by the Board pursuant to this section more than once.

Sec. 31. 1. The hours of continuing education completed to fulfill the requirement set forth in section 9 of Senate Bill No. 286, chapter 348, Statutes of Nevada 2015, at page 1951 (NRS 642.416), do not need to be submitted to the Board for approval and are automatically approved if the continuing education is:

(a) Approved by the Academy of Professional Funeral Service Practice;

(b) Sponsored by a national or state organization or association that administers training relating to the funeral industry; or

(c) Offered by a provider of continuing education who is approved by the Board.

2. Any continuing education that does not satisfy the requirements set forth in subsection 1 must be approved by the Board. Such approval may be obtained by applying to the Board on a form prescribed by the Board which includes, without limitation:

(a) An outline of the course;

(b) The qualifications of each presenter; and

(c) An agenda detailing the dates and times of each segment of the continuing education.

3. A licensee may obtain credit toward the required hours of continuing education by completing a crematory certification program approved by the Board pursuant to section 30 of this regulation.

4. A licensee may complete not more than 4 hours of continuing education per each period of renewal by attending, in person, a meeting of the Board if the Executive Director or a member of the Board provides the licensee at the conclusion of the meeting signed documentation of the licensee's attendance at that meeting.

5. Pursuant to section 9 of Senate Bill No. 286, chapter 348, Statutes of Nevada 2015, at page 1951 (NRS 642.416), proof of completion of continuing education must be maintained by the licensee for 5 years.

6. The Board will audit a percentage of licensees during each period of renewal by requiring those licensees to submit proof of completion of the required hours of continuing education before the Board issues a renewal of the licenses of those licensees.

7. Any licensee whose license is placed on inactive status is exempt from the requirements of continuing education while the license is placed on inactive status. If such a licensee subsequently wishes to reactivate his or her license pursuant to NRS 642.115 or 642.455, as amended by section 41 of Senate Bill No. 286, chapter 348, Statutes of Nevada 2015, at page 1961, the licensee must provide proof to the Board of completion of 12 hours of continuing education within the 2 years immediately preceding the date of application for reactivation of the license.

8. The Board may initiate disciplinary proceedings against a licensee pursuant to NRS 642.130, as amended by section 24 of Senate Bill No. 286, chapter 348, Statutes of Nevada 2015, at page 1956, or NRS 642.5175, based on the failure of the licensee to provide, upon request, proof of completion of continuing education as required by section 9 of Senate Bill No. 286, chapter 348, Statutes of Nevada 2015, at page 1951 (NRS 642.416).

Sec. 32. 1. A licensed embalmer or his or her registered apprentice shall prepare a report within 24 hours after embalming a deceased person's remains. The report must include, without limitation, the time period elapsed between the death of the deceased person and the embalming of the deceased person's remains, a description of the condition of the remains before and after embalming and the procedures used to embalm the remains.

2. The report must be signed by the licensed embalmer or the registered apprentice who embalmed the deceased person's remains.

Sec. 33. 1. Each holder of a license, permit or certificate issued by the Board pursuant to chapter 451, 452 or 642 of NRS shall ensure that human remains are treated with dignity and respect at all times.

2. Human remains must be clothed or completely covered while the human remains are being refrigerated and after the human remains have been embalmed.

3. Human remains must not be stored directly on the floor of any room used to store human remains. For the purposes of this subsection, "floor of any room" includes the floor of a room which is part of a refrigeration unit.

4. Human remains must be stored and transported face up at all times.

5. Human remains must not be placed on other human remains for the purpose of storage or transportation.

6. The premises of any location where human remains are stored must be maintained in a sanitary and professional manner.

Sec. 34. 1. The following functions may be performed only by a licensed funeral arranger, funeral director or embalmer:

(a) Selling or offering to sell at-need funeral services, embalming, cremation or other services relating to the disposition of human remains of a deceased person on an at-need basis.

(b) Planning or arranging the details of at-need funeral services, embalming, cremation or other services relating to the disposition of human remains of a deceased person with families or other persons authorized pursuant to NRS 451.024, as amended by section 54 of Senate Bill No. 286, chapter 348, Statutes of Nevada 2015, at page 1966, to order the disposition of the decedent's remains.

(c) Negotiating the financial arrangements for funeral services, embalming, cremation or other services relating to the disposition of human remains of a deceased person on an at-need basis.

2. As used in this section, "at-need" means at the time the goods or services are needed.

Sec. 35. 1. The managing of a funeral establishment or direct cremation facility as required pursuant to NRS 642.465, as amended by section 43 of Senate Bill No. 286, chapter 348, Statutes of Nevada 2015, at page 1961, may only be performed by a licensed funeral director.

2. A licensed funeral director shall ensure that the funeral establishment or direct cremation facility he or she manages complies with applicable state and federal law concerning the transportation of human remains of a deceased person into or out of this State.

Sec. 36. 1. The following functions may be performed only by a licensed embalmer or an apprentice embalmer under the direct supervision of a licensed embalmer:

(a) The injection of any disinfecting or preservation solutions into human remains of a deceased person;

(b) The aspiration of any fluids from the abdominal or thoracic cavities of human remains of a deceased person;

(c) The mechanical setting of the features of human remains of a deceased person which requires the use of instruments or sutures;

(d) The suturing of human remains of a deceased person; and

(e) Completing any postautopsy or postaccident restoration of human remains of a deceased person.

2. Nothing in this section restricts the authority of a coroner or medical examiner concerning human remains of a deceased person that are under the jurisdiction of the coroner or medical examiner.

Sec. 37. 1. Before providing direct cremation services, a direct cremation facility must provide a disclosure to the person who is arranging for the direct cremation of human remains of a deceased person. The disclosure must be signed by the person who is arranging for the direct cremation and must state, without limitation, that the direct cremation facility is unable to:

(a) Provide any rites or ceremonies in connection with the final disposition of the human remains of the deceased person;

(b) Provide facilities to conduct rites or ceremonies in connection with the final disposition of the human remains of the deceased person;

- (c) Embalm the human remains of the deceased person;*
- (d) Provide a burial service for the human remains of the deceased person; or*
- (e) Provide for a viewing, other than an identification viewing, of the human remains of the deceased person.*

2. In accordance with NRS 642.5172, a direct cremation facility must not be listed in any advertisement or notice published in a newspaper which indicates or implies that the direct cremation facility is providing any services outside the scope of its permit.

3. As used in this section, "identification viewing" means the viewing of human remains for identification purposes, for a period of time not to exceed 1 hour, by a person who is potentially capable of identifying the human remains.

Sec. 38. 1. Every funeral establishment must employ, or retain on a contract basis, a licensed embalmer.

2. The holder of a permit to operate a funeral establishment shall, upon request, furnish proof to the Board that the funeral establishment is in compliance with the provisions of subsection 1.

Sec. 39. NAC 642.080 is hereby amended to read as follows:

642.080 1. The Chair of the Board will issue a temporary authorization pursuant to NRS 642.515, on behalf of the Board, if the applicant meets the requirements of that section and is applying for:

- (a) ~~A license as a funeral director pursuant to NRS 642.340;~~**
- ~~(b)~~ Approval to manage a funeral establishment *or direct cremation facility* pursuant to NRS 642.345 ~~;~~**

~~—(e)~~, as amended by section 31 of Senate Bill No. 286, chapter 348, Statutes of Nevada 2015, at page 1958;

(b) A ~~{license to direct cremations or immediate burials}~~ permit to operate a direct cremation facility pursuant to ~~{NRS 642.355; or~~

~~—(d)~~ section 5 of Senate Bill No. 286, chapter 348, Statutes of Nevada 2015, at page 1950 (NRS 642.368);

(c) A permit to operate a funeral establishment pursuant to NRS 642.365 ~~{}~~; or

(d) A license as an operator of a crematory pursuant to NRS 451.635.

2. The application of an applicant who is issued a temporary authorization pursuant to this section must be placed on the agenda of the meeting of the Board next following the approval of the temporary authorization for action by the Board.

Sec. 40. NAC 642.090 is hereby amended to read as follows:

642.090 1. A person who is licensed as a funeral director may apply to the Board for approval to transfer the person's license from the funeral establishment *or direct cremation facility* which he or she has been approved to manage to a different funeral establishment ~~{}~~ *or direct cremation facility*.

2. An application submitted pursuant to this section must be on a form provided by the Board and must be accompanied by:

(a) Payment or proof of payment of the renewal fee or the transfer fee set forth in ~~{subsection 3 of NAC 642.120;}~~ NRS 642.0696; and

(b) Proof satisfactory to the Board that the funeral establishment *or direct cremation facility* to which the applicant wishes to transfer has a valid permit to operate a funeral establishment ~~{}~~ *or direct cremation facility*.

3. Upon receipt and approval of the items described in subsection 2, the Board will approve a transfer pursuant to this section.

4. Upon approval by the Board of a transfer pursuant to this section, the applicant may not manage the funeral establishment *or direct cremation facility* from which the applicant's license was transferred unless he or she has otherwise been approved by the Board to manage more than one funeral establishment *or direct cremation facility* pursuant to subsection 2 of NRS 642.345 ~~{}~~, *as amended by section 31 of Senate Bill No. 286, chapter 348, Statutes of Nevada 2015, at page 1958.*

Sec. 41. NAC 642.100 is hereby amended to read as follows:

642.100 ~~{Before February}~~

1. *On or before January 1 of each even-numbered year, a person who is licensed to operate a crematory pursuant to chapter 451 of NRS shall pay the fee set forth in ~~{subsection 7 of NAC 642.120}~~ NRS 642.0696 to renew his or her license. If the person does not pay the required fee before February 1 ~~{}~~ of that even-numbered year, the licensee shall pay the late fee set forth in ~~{subsection 7 of NAC 642.120}~~ NRS 642.0696 in addition to the renewal fee.*

2. *The Board will not accept an application for the renewal of a license to operate a crematory submitted after March 1 of an even-numbered year.*

Sec. 42. NAC 642.110 is hereby amended to read as follows:

642.110 ~~{Before February}~~

1. *On or before January 1 of each even-numbered year, a person who holds a certificate of authority to operate a cemetery issued pursuant to chapter 452 of NRS shall pay the fee set forth in ~~{subsection 6 of NAC 642.120}~~ NRS 642.0696 to renew the certificate. If he or she does not pay the required fee before February 1 ~~{}~~ of that even-numbered year, the holder of the*

certificate shall pay the late fee set forth in ~~subsection 6 of NAC 642.120~~ *NRS 642.0696* in addition to the renewal fee.

2. *The Board will not accept an application for the renewal of a certificate of authority to operate a cemetery submitted after March 1 of an even-numbered year.*

Sec. 43. NAC 642.160 is hereby amended to read as follows:

642.160 1. A licensed funeral director, or a person ~~{who holds a license to conduct direct cremations or immediate burials,}~~ ***designated by the licensed funeral director to act on behalf of the licensed funeral director,*** may transport a dead human body if it is embalmed and prepared by a licensed embalmer.

2. A licensed funeral director, ***or a person designated by the licensed funeral director to act on behalf of the licensed funeral director,*** may transport a dead human body that is not embalmed if the body is:

- (a) Sealed in a container that is approved by the Board; and
- (b) Transported in a properly licensed motor vehicle or aircraft owned, operated, chartered or leased by a licensed funeral director or mortuary.

3. ~~{This section does not apply to the immediate transportation of}~~ ***A licensed funeral director, or a person designated by the licensed funeral director to act on behalf of the licensed funeral director, may, without complying with the provisions of subsection 1 or 2, transport a dead human body {to the care of a funeral establishment} from a location inside this State or within 90 miles of this State to any other location inside this State or within 90 miles of this State.***

Sec. 44. NAC 642.170 is hereby amended to read as follows:

642.170 1. For the purpose of taking disciplinary action, pursuant to NRS ~~{642.470,~~ against a person who holds a funeral director's license, a permit to operate a funeral establishment or a license to conduct direct cremations or immediate burials,} 642.5175, the term:

(a) "Unprofessional conduct" includes, in addition to the conduct set forth in NRS ~~{642.480,}~~ 642.5174, stating or implying that the holder of the license, *certificate* or permit is willing to carry out a duty for which a license, *certificate* or permit is required pursuant to chapter 451, 452 or 642 of NRS if that duty is not authorized by the holder's license, *certificate* or permit. For example, advertising in any form, including, without limitation, signs, telephone books, newspapers, messages conveyed by telephone, television, electronic mail and other electronic or photographic means, that states or implies that a proposed funeral establishment, *direct cremation facility, crematory or cemetery* is an operating funeral establishment, *direct cremation facility, crematory or cemetery* before the Board has issued all licenses, *certificates* and permits necessary for the operation of the *funeral establishment* ~~{-}~~, *direct cremation facility, crematory or cemetery*.

(b) "False or misleading advertising" includes, in addition to the conduct set forth in NRS ~~{642.490,}~~ 642.5172, advertising that states or implies that the holder of the license, *certificate* or permit is willing to carry out a duty for which a license, *certificate* or permit is required pursuant to chapter 451, 452 or 642 of NRS if that duty is not authorized by the holder's license, *certificate* or permit. For example, advertising in any form, including, without limitation, signs, telephone books, newspapers, messages conveyed by telephone, television, electronic mail and other electronic or photographic means, that states or implies that a proposed funeral establishment, *direct cremation facility, crematory or cemetery* is an operating funeral

establishment , *direct cremation facility, crematory or cemetery* before the Board has issued all licenses , *certificates* and permits necessary for the operation of the *funeral* establishment ~~{ }~~ , *direct cremation facility, crematory or cemetery*.

2. For the purposes of this section, an applicant for a license , *certificate* or permit who obtains, pursuant to NRS 642.515, a temporary authorization to carry out the duties authorized by the license , *certificate* or permit for which he or she has applied shall be deemed a holder of that license , *certificate* or permit.

Sec. 45. NAC 642.180 is hereby amended to read as follows:

642.180 1. Any person may file an informal complaint with the Board concerning the acts of a licensee or services provided by a licensee. Such an informal complaint filed with the Board must be on a form provided by the Board and include information that is sufficiently detailed to enable the respondent to prepare a response.

2. Upon receipt of an informal complaint, the staff shall examine the complaint to determine whether it:

- (a) Has been properly verified; and
- (b) Alleges sufficient facts to warrant further proceedings.

3. If the staff determines that the informal complaint against a licensee has been properly verified and alleges sufficient facts to warrant further proceedings, the staff shall notify the respondent by sending a ~~copy or~~ summary of the informal complaint to the licensee by certified mail. The notification must set forth the potential violations of a provision of this chapter or chapter 451 or 452 of NAC or chapter 451, 452 or 642 of NRS arising in the informal complaint and request a response for the review by the Board before a hearing is set. The transmission of

the ~~copy of~~ summary of the informal complaint will be deemed to be a notice of intended action pursuant to subsection 3 of NRS 233B.127.

4. Upon the receipt of a ~~copy of~~ summary of an informal complaint that has been filed against him or her, a licensee shall submit to the Board a written response to the informal complaint within 15 days after the date on which the informal complaint was served. A response to an informal complaint must respond to the allegations made in the informal complaint and be accompanied by all documentation that would be useful to the staff and legal counsel in their review of the allegations made in the informal complaint and the responses made by the licensee to those allegations. Failure by a licensee to cooperate with the Board during an investigation of an informal complaint, including, without limitation, failing to respond timely to the Board regarding a ~~copy of~~ summary of the informal complaint sent to the licensee by the staff pursuant to this subsection, is a ground for disciplinary action by the Board against the licensee.

5. If a licensee fails to respond as required pursuant to subsection 4, he or she shall be deemed to have admitted the allegations in the informal complaint. Based on these admissions, the Board may impose appropriate discipline on the licensee at the hearing on the informal complaint.

6. In cases where a response is filed as required pursuant to subsection 4, the staff shall review the informal complaint and the responses made thereto, may enlist the aid of a member of the Board or other qualified persons in the review and may take any other reasonable action necessary to further the review. After their review of the informal complaint and the responses made thereto, the staff may:

(a) Investigate the allegations and employ such persons as they deem necessary to further the investigations;

(b) Consult with experts in the appropriate field, including, without limitation, employing such persons for the purposes of an investigation or a hearing;

(c) Investigate new leads and allegations that may come to their knowledge in the course of the investigation;

(d) Enlist the aid of a member of the Board or other qualified person in the conduct of the investigation; and

(e) Take any other reasonable action necessary to further the investigation.

7. During an investigation of an informal complaint, the staff, or investigator, if any, may demand that a licensee produce his or her records or other evidence for inspection or copying, with or without prior notice to the licensee, and with or without a subpoena. A licensee shall not deny any such request for records or other evidence if such records or other evidence is not protected by a claim of confidentiality authorized by law. If a licensee refuses or fails to cooperate with a request for records in violation of this subsection, the Board may immediately suspend his or her license or certificate until the licensee complies with the request for records or other evidence. If the licensee continues to refuse or fail to cooperate with a request for records or other evidence in violation of this section, the Board may take such further disciplinary action against the licensee as the Board determines necessary.

8. If the staff, or investigator, if any, determines that a specific record or other specific evidence is material to or necessary for an investigation, the staff or investigator may remove the record or evidence and provide a copy of the record or evidence to the respondent. If a record or other evidence can be readily copied at the location where the record or evidence is located, the staff or investigator shall make a copy of the record and evidence at that location. If a record or other evidence cannot be readily copied at the location where the record or evidence is located,

the staff or investigator may remove the record or evidence from that location to copy the record or evidence. If the staff or investigator removes a record or other evidence to be copied, the staff or investigator shall provide the person to whom the record or evidence being removed belongs with a receipt for the record or evidence and, not later than 5 business days after the record or evidence is removed, provide a copy of the record or evidence to that person.

9. When an investigation of an informal complaint is complete, the staff, and investigator, if any, shall determine whether substantial evidence exists to sustain the alleged violation of a statute or regulation set forth in the informal complaint. If the staff and investigator determine that no allegation of a violation of a statute or regulation set forth in the informal complaint can be sustained, the staff shall notify, in writing, the complainant and the respondent of this determination. If the staff and investigator determine that a violation of a statute or regulation as alleged in the informal complaint can be sustained, the staff and investigator shall inform the legal counsel of such a determination. The legal counsel shall:

(a) Offer mediation to the respondent, a settlement agreement, stipulation of facts and liability or an informal hearing; or

(b) Prepare a notice of hearing and a formal complaint.

10. A notice of hearing and a formal complaint must:

(a) Be a plain statement of the facts and applicable provisions of statutes and regulations regarding the alleged acts of the respondent alleged to be in violation of the statutes and regulations governing the profession of the licensee;

(b) Include the date, time and place that the Board will hear the matter, if this information is known at the time when the notice of hearing and a formal complaint is sent to the respondent;
and

(c) Be signed by the legal counsel and, if a member of the Board was active in the investigation, by that member of the Board.

11. The staff shall send, by certified mail, a notice of hearing and a formal complaint prepared pursuant to subsection 10 to the respondent named in the notice of hearing and the formal complaint.

12. A respondent who receives a notice of hearing and a formal complaint shall file his or her answer to the notice of hearing and the formal complaint not later than 15 days after the date on which the respondent received the notice of hearing and the formal complaint. An answer to a notice of hearing and a formal complaint filed by a respondent must include a response to each allegation and statement made in the notice of hearing and the formal complaint by either admitting to or denying the allegation or statement. If the licensee fails to file an answer as required pursuant to this subsection, the licensee shall be deemed to have admitted each allegation and statement contained in the notice of hearing and the formal complaint. Based on these admissions, the Board may enter a finding and impose appropriate discipline on the licensee in the same manner as if the allegations had been proven by substantial evidence at a hearing of the Board held on the formal complaint.

13. Not later than 10 days after the filing of the response by the respondent, the legal counsel and the respondent shall exchange a list of the evidence and witnesses that will be used at the hearing. A party may not present evidence it obtains after the date the exchange was required pursuant to this subsection unless it demonstrates to the Board that the evidence or witness was not available upon diligent investigation before the date the exchange was required and that the evidence or witness was given or communicated to the other party immediately after it was obtained.

14. The Board may join two or more formal complaints into one formal complaint if:

(a) The causes of action of each formal complaint are against the same person and deal with substantially the same or similar violations of statutes and regulations; and

(b) The joining of the formal complaints will serve the best interest of the Board, complainant and respondent.

15. A petition filed pursuant to NRS ~~{642.500,}~~ 642.5178 will be processed pursuant to the provisions of this section.

16. As used in this section:

(a) "Legal counsel" means the legal counsel of the Board.

(b) "Licensee" means a person licensed by the Board or holding a *certificate or* permit issued pursuant to the provisions of chapter 451, 452 or 642 of NRS.

(c) "Staff" means the staff of the Board.

Sec. 46. NAC 642.120 is hereby repealed.

TEXT OF REPEALED SECTION

642.120 Fees: Imposition and amount. (NRS 451.640, 452.026, 452.310, 642.063, 642.069, 642.0696) The Board will charge and collect the following fees:

1. For a permit to operate a funeral establishment:

(a) Initial application..... \$375

(b) Annual renewal..... 200

(c) Late renewal	275
2. For a license to conduct direct cremations or immediate burials:	
(a) Initial application.....	\$375
(b) Annual renewal.....	200
(c) Late renewal	275
(d) Placement of license in inactive status	175
(e) Reactivation of license in inactive status.....	175
3. For a funeral director's license:	
(a) Initial application.....	\$375
(b) Annual renewal.....	200
(c) Late renewal	275
(d) Examination fee.....	375
(e) Application to modify a license pursuant to subsection 2 of NRS 642.345.....	100
(f) Placement of license in inactive status.....	175
(g) Reactivation of license in inactive status.....	175
(h) Transfer of license to another funeral establishment.....	225
4. For a certificate of registration as a registered apprentice in the profession of embalming:	
(a) Annual fee.....	\$75
(b) Late renewal	275
5. For a license to practice the profession of embalming:	
(a) Initial application	\$375
(b) Examination fee.....	375
(c) Issuance of a license to a practitioner who is licensed in another state.....	200

(d) Annual renewal.....	200
(e) Late renewal	275
(f) Placement of license in inactive status.....	175
(g) Reactivation of license in inactive status.....	175
6. For a certificate of authority to operate a cemetery:	
(a) Initial application.....	\$1,000
(b) Annual renewal.....	250
(c) Late renewal	275
(d) Application to change control of existing cemetery.....	375
(e) Investigation fee for application to change control of existing cemetery.....	250
7. For a license to operate a crematory:	
(a) Initial application.....	\$375
(b) Annual renewal.....	250
(c) Late renewal	275
(d) Application to change ownership of existing crematory.....	375
8. Deactivation and reactivation of a license, certificate or permit, other than a license to practice the profession of embalming, a funeral director's license or a license to conduct direct cremations or immediate burials.....	
	\$175
9. Duplicate license, certificate or permit	\$75



STATE OF NEVADA

FUNERAL AND CEMETERY SERVICES BOARD

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AGENDA ITEM 5a: Approval of Minutes

Approval of June 14, 2016 minutes requested.

Attachment: Draft Minutes

NEVADA FUNERAL AND CEMETERY SERVICES BOARD

MINUTES OF MEETING

Tuesday, June 14, 2016, at 9:00a.m.
Legislative Building
401 South Carson Street, Room 3138
Carson City, Nevada

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 three 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.

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

1. **Call to order, roll call, introduce new member, establish quorum 9:06 am**

Board Members Present

Dr. Wayne Fazzino, Chairman
Tammy Dermody, Secretary
Loretta Guazzini, Treasurer
Bart Burton, Member
Dr. Randy Sharp, Member
Brian Rebman, Member
Kathleen Dussault, Member

Board Staff Present

Jennifer Kandt, Executive Director
Marie Paakkari, Admin/Executive Assistant
James Loveless, Inspector/Investigator

Board Counsel Present

Henna Rasul, Deputy Attorney General

Jennifer Kandt introduced new Board Member Kathleen Dussault.

Kathleen Dussault stated that she works for the State of Nevada Department of Veterans Services, and is retired from the Navy. Kathleen Dussault stated that her responsibilities with the Department of Veterans Services include overseeing the Veterans cemeteries both in Northern and Southern Nevada.

All members were present and a quorum was established.

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 of Autumn Funerals asked if the public would be able to comment during the discussion of the proposed regulation changes.

Dr. Wayne Fazzino stated that public comment will be allowed during the beginning of the meeting and at the end, but would not be taken at any other time during the meeting so encouraged people to give public comment at this time.

3. Discussion, recommendation, and possible action regarding proposed changes to Chapters 451 and 642 of Nevada Administrative Code (For possible action)

Jennifer Kandt said that the Board has gone through these changes line-by-line several times and she thinks the Board should only discuss the several issues where there are still some questions or issues. She said that she believed that one of the issues remaining was the section regarding allowing a funeral director to only manage three locations. Additionally, she stated that there may be some concerns about the direct cremation facility section and allowing those locations to provide final rights.

The Board discussed section 19 regarding not being able to manage a location if the funeral director resides more than 120 miles from the premises of the location and to not manage more than one facility unless the premises of each facility are less than 120 miles apart and then not managing more than a total of three locations. It was pointed out that number 4 does give the Board authority to grant an exception to 1 or 2 regarding the distance of the location which she believes was to take into account the rural areas in the State. There was general consensus that the Board members wanted this section to remain as written.

There was discussion on section 37 regarding direct cremation facilities being able to provide rights or ceremonies in connection with the final disposition of the human remains.

Tammy Dermody stated the Legislative Committee suggested these changes to clearly differentiate between a full service funeral home and a direct cremator. She stated that direct disposers are supposed to be exactly that, direct disposers. She said that does not mean that they cannot send that family elsewhere, but they cannot be conducting services or then it is no longer simply a direct cremation.

Bart Burton stated if a family came in to a direct cremation facility and they want to have a memorial in a church than the direct cremation facility could contact the church and the family to help set that up. He stated that now they have to send them to another location to do that.

MOTION: *Kathleen Dussault moved to approve the regulatory changes as written. Tammy Dermody seconded the motion and the motion was carried unanimously.*

4. Discussion, recommendation, and possible action regarding possible legislative changes to NRS 642 and NRS 451 to allow time period for crematory certification training and arranger testing (For possible action)

Jennifer Kandt stated that initially the Board was putting into the regulations that there would be a time frame for the arrangers to become licensed and also a time frame for the crematory operators to attend a certification training. She stated that LCB did not draft those changes because they said that the Board was basically allowing for unlicensed activity. When a license or training is required

for certain duties, then a person needs to have that license or training before they perform those duties. Jennifer Kandt stated that Senator Hardy had asked if the Board would be supportive of a statutory change and this agenda item is to clarify whether the Board would want to pursue legislative change or if someone else pursued the change, would the Board be supportive of that change. Jennifer Kandt stated that the Board is able to license funeral arrangers in two weeks from requesting testing to licensure. Also, she stated that two manufacturer trainings have been approved for the crematory operator certification training and there is even one offered as a webinar.

Dr. Randy Sharp stated that he agreed with LCB. He said it is the same in the veterinary community that people need to have a license to conduct certain activities. He said that if the Board were to adopt these changes then the Board would be allowing unlicensed activities. He said he thinks that the two week timeframe for licensure and the availability for training is very reasonable.

Brian Rebman stated that there is still work that an employee could do in the funeral home while they are awaiting licensure. He said that there is still work to be done around the mortuary without having to operate a crematory or meet with families. He thinks there is still an opportunity to employ someone and allow proper time to train them.

MOTION: Tammy Dermody moved to not move forward with any legislative changes. Lorretta Guazzini seconded the motion and the motion was carried unanimously.

Jennifer Kandt requested for clarification on whether the Board is supportive of legislative changes if someone else pursues those changes.

Tammy Dermody stated that she did not think the Board should support those changes, and there was general consensus that the Board would not support changes.

5. Discussion, recommendation, and possible action regarding Board position on changes to NAC 440, file number R066-16 (For possible action)

Jennifer Kandt stated that these changes were not prepared by the Board, but these changes were prepared by the office of Vital Statistics. She said that these changes do have an effect on licensees as licensed funeral directors are responsible for death certificates. Jennifer Kandt stated that currently the regulations did not allow for funeral directors to obtain copies of death certificates, so Vital Statistics is adding funeral directors or their designees from the funeral home, but limiting the timeframe to 120 days from the date of registration. After that point, then the funeral home would no longer be able to request a certified copy of the death certificate from vital records on behalf of the family.

Brian Rebman stated that he believes it is a nice service that funeral homes provide, and he would hate to see that be eliminated. He asked what the Board could do to change this proposal.

Jennifer Kandt stated that if the Board is not supportive of the change, a motion could be made to contact Vital Statistics to advise them that the Board would be opposed to that particular section.

Brian Rebman stated that he would like to see that there be no limitation on the timeframe, as funeral providers are in the business of serving families.

Tammy Dermody stated she would rather not see a time limit, as the funeral homes are now going to be calculating dates to see whether they can still provide to the family or send them elsewhere.

Randy Sharp stated from a public aspect of having been through this before with his mom, he agrees that it is stressful to have to go two or three different agencies to get a death certificate of a deceased person. He wouldn't support a time limit.

Brian Rebman stated there used to be a satellite branch in Mesquite for almost three or four years which is no longer there, so families would have to get them from Vital Records in Vegas. He thinks that the public is dependent on the funeral provider to assist with navigating this process, and since the funeral home does it all the time, it is easy for the funeral home. He certainly thinks that it is a great service they provide families.

MOTION: Brian Rebman moved to advise Vital Statistics that the Funeral Board would oppose the time limitation. Tammy Dermody seconded the motion and the motion was carried unanimously.

6. Introduction of new Board Inspector/Investigator

Jennifer Kandt introduced James Loveless as the new Board investigator/inspector. She stated that James is retiring from the Humboldt County Police Department as a former detective.

James Loveless addressed the Board and stated that he has worked in law enforcement for 16 years and was a lead coroner for Humboldt County. He stated that he has been a detective since 2009, in law enforcement since 2001, and prior to that he was retired from the military. He said that he has been married for 35 years, has two adult children and four grandchildren.

Dr. Wayne Fazzino asked about his Deputy Coroner training.

James Loveless stated that he has done many hours of training in Washoe County and Clark County, and has done advanced homicide investigations and domestic violence investigations.

Dr. Wayne Fazzino welcomed James Loveless.

Jennifer Kandt stated that she would like to thank John Lawrence for allowing Peter Shaw to accompany James Loveless to complete an initial inspection to assist with training.

7. Discussion, recommendation, and possible action regarding review and approval of minutes of meetings (For possible action)
a. March 15, 2016

Henna Rasul request that Kathleen Dussault recuse herself since she was not present at last meeting.

Kathleen Dussault recused herself from this particular discussion.

Tammy Dermody also recused herself since she was also not at last meeting.

MOTION: Randy Sharp moved to approve the March 15, 2016 minutes. Lorretta Guazzini seconded the motion and the motion was carried unanimously with Tammy Dermody and Kathleen Dussault recusing.

8. Discussion, recommendation, and possible action regarding Consent Decree for case number FB16-03 (For possible action)
a. Bunkers Memory Gardens Cemetery – CEM30

Kathleen Dussault recused herself as she stated she has prior knowledge of the facts of this case.

Tammy Dermody asked who would be inspecting to make sure they comply with the terms and who will be paying for the future inspections.

Jennifer Kandt stated that she would probably be the one doing these inspections since she had done the two initial visits and she knows the original conditions. She stated that there were some severe problems, but that they have already made significant improvements. Jennifer stated that the consent decree does not include any future costs.

Brian Rebman stated that it looks like some of the costs are being covered with the investigative and administrative fees and fines.

Jennifer Kandt stated that the investigative and legal fees are what have been accrued up to this date and the administrative fines are what the Board sends to the State Treasures Office. She stated that the major costs for compliance will be for the cemetery to actually make the changes as stated in the consent decree.

MOTION: Tammy Dermody moved to approve consent decree for FB16-03. Bart Burton seconded the motion and the motion carried unanimously with Kathleen Dussault recusing.

9. Discussion, recommendation, and possible action regarding granting the following Funeral Arranger Licenses (For possible action)
 - a. Natisha Nicole DeGourville

Kathleen Dussault asked if the prior domestic violence conviction would be considered as part of the moral character evaluation.

Jennifer Kandt stated that Board staff can approve any of the applications where the criminal history is more than ten years old. Individuals who have criminal history that is less than ten years old have to come before the Board and the Board makes the determination regarding moral character. She stated that there is currently a policy in place regarding moral character evaluation and clarified that once the regulations regarding moral character are in place, the policy will be eliminated. Until that time, the Board is guided by the policy that the Board approved. She said that the domestic violence incident is definitely something the Board would consider.

Bart Burton stated that he would like to recuse himself as the applicant works for the same company.

Brian Rebman asked if it would be appropriate for Bart Burton to speak on behalf of the applicant's character even though he recused himself.

Bart Burton stated that he just found out that they work for the same company and does not have knowledge of the applicant.

Kathleen Dussault stated that upon reviewing the criminal history, it appears to have been resolved with a minimal fine of \$200.

The Board requested that the applicant discuss the charges and incident from 2012.

Natisha DeGourville stated she was going through a very bitter and nasty divorce with her husband at that time. She said that there are really no excuses, but they had a situation that escalated to violence. She said that now today she regrets her actions.

Kathleen Dussault thanked the applicant for the additional details and clarified that the applicant took the required class and paid the fines.

MOTION: Brian Rebman moved to approve a Funeral Arranger License to Natisha Nicole DeGourville. Tammy Dermody seconded the motion with Bart Burton recusing as the applicant is employed with the same company and the motion was carried unanimously.

b. Harrison Cody Billian

Harrison Cody Billian introduced himself to the Board.

Bart Burton questioned the pending testing results.

Jennifer Kandt stated that this individual has actually not yet passed the test. He was scheduled to take the test prior to the Board meeting. When he showed up to take the test at the testing facility, he discovered that he had an expired driver's license and they would not allow him to take the test. The applicant asked that the Board consider the moral character issue and approve the application pending completion of the test. Any approval would be contingent upon passing the required testing.

Harrison Cody Billian stated the 2008 charges were for possession and manufacture of a short barrel shot gun. He stated he was negligent when purchasing the firearm from a private party and not verifying whether the length of the barrel was legal. When he was caught with the weapon he was charged. He served three years of probation, and completed early due to good behavior. He stated that since the incident, he has gone to college and is two classes away from his Associate's Degree in business. He said that he has been working in the industry for La Paloma for over a year now. Regarding his expired license, he said that his birthday was May 22, 2016 and he had a newborn two days prior to the test date so he was not thinking about his license as he was focused on taking care of his girlfriend and his son in the hospital.

Dr. Wayne Fazzino asked how law enforcement discovered the weapon.

Harrison Cody Billian stated that there was a confrontation at his home which led to a discharge of the weapon. When law enforcement arrived, he informed them of the firearm. He stated that the short barrel shotgun was not the weapon that was discharged as it was dismantled. He turned the weapon over to law enforcement.

Brian Rebman asked why he was charged for the possession of the firearm, but not for the discharge of the other weapon.

Harrison Cody Billian stated that he was not charged with discharge of the firearm because it was accidental. He said that there was a confrontation at his house, and a couple of the women at the party tried to pull the firearm out of his hands when it discharged. Mr. Billian said that when law enforcement arrived they went into his home to retrieve the firearm that was discharged and discovered the shotgun.

Tammy Dermody asked why he had the need for a short barrel shotgun.

Harrison Cody Billian stated it was a first time purchase and that he was negligent and stupid.

Kathleen Dussault asked if the applicant was licensed to carry the firearms and clarification that a license was not needed.

Loretta Guazzini asked if the firearm was pointed at any of the people when it was discharged at the party.

Harrison Cody Billian stated that the firearm was pointed toward the ground when people at the party started to try to pull it out of his hands. He stated that alcohol was a factor in the incident.

There was discussion that the incident was in 2008, and in 2006 there was a DUI.

Harrison Cody Billian stated that he has changed his life in the 8 years since then, and it was an awakening for him. He said that he knows it was a horrible incident and he did something that he

has had to pay for every day since. He stated that he has been sober since the incident and has pursued a business degree. He has held down a job and is employed. He stated that he enjoys the funeral industry and wants to have an arranger's license to serve families in the State of Nevada.

Bart Burton asked what he is currently doing for La Paloma.

Harrison Cody Billian stated that he is a certified crematory operator and removal technician and does any other things that are required of him. He stated that he would like to make arrangements. He said that he has been employed with La Paloma since May of last year and that he has dedicated a lot of his time to this company and the families.

There was clarification that if he was approved, it would be contingent upon passing the test, but he would not have to come back before the Board to review the moral character.

MOTION: Lorretta Guazzini moved to approve a Funeral Arranger License to Harrison Cody Billian contingent upon his passing the NVLRR testing. Brian Rebman seconded the motion and the motion was carried unanimously.

10. Discussion, recommendation, and possible action regarding granting the following Embalmer Licenses (For possible action)
 - a. Darren Kent Hill

MOTION: Bart Burton moved to approve an Embalmer License to Darren Kent Hill. Lorretta Guazzini seconded the motion with Tammy Dermody recusing as Mr. Hill is an employee for her company and Wayne Fazzino recusing as he is familiar with Mr. Hill and the motion was carried unanimously.

11. Discussion, recommendation, and possible action regarding granting the following Apprentice Embalmer Certificate of Registration (For possible action)
 - a. David Alan Penkala

Bart Burton stated that he will need to recuse himself as the applicant works for the same company.

Jennifer Kandt stated that the application was initially submitted without any disclosure of prior criminal convictions. The Board did run a background check and it revealed some prior felonies. The applicant was contacted regarding the failure to disclose those convictions and subsequently provided the criminal history reporting forms.

Tammy Dermody asked the applicant why he did not disclose the criminal history.

David Alan Penkala stated that these incidents happened more than twenty years ago and he has spent twenty years forgetting it ever happened. He said that they were an extremely regrettable part of his life, and that he is embarrassed to be sitting in front of the Board today. He has spent a lot of time and effort to correct those mistakes and bad decisions. He said he has recently completed two degrees at American College with honors. He has dedicated his life to being in the funeral industry since he was in the eighth grade and it is regrettable that he made these mistakes along the way. He said he works with disadvantaged youth through the Big Brothers and Sisters program. He said he was requesting a second chance.

Tammy Dermody asked the applicant to explain the circumstances surrounding the forgery charges.

David Alan Penkala stated that he was fueling a drug addiction and making less money than was needed to sustain his drug problem. He said that he has since completed a rehabilitation program and thanks the Veterans Affairs inpatient rehabilitation program for their assistance. He said he is an honorably discharged disabled American Veteran.

Kathleen Dussault thanked him for his service and asked him to clarify the crime coded as public law 487.1 and the applicant stated that it was grand theft.

Tammy Dermody stated that she understands making mistakes and getting a second chance, but she really wishes he would have disclosed the convictions on the application as to her it does not show good moral character.

David Alan Penkala stated that he agreed.

Jennifer Kandt stated that in the past the Board had an applicant who failed to disclose convictions and the Board agreed to approve him contingent upon him reapplying with a new application properly disclosing the convictions.

There were questions regarding what Mr. Penkala had forged and clarification that he found a box of checks and used them to fuel his drug addiction.

There was discussion that because the charges were over 20 years old, if the applicant had originally disclosed them, he would have been able to be approved by staff. Because he lied on his application, he had to come before the Board.

Henna Rasul stated that the Board should be consistent.

Tammy Dermody asked if the motion could be for him to resubmit and then the Board could make a decision at the next meeting.

Henna Rasul stated that would be consistent with what was done with a prior applicant who had failed to disclose a criminal history.

Kathleen Dussault questioned whether the application was now complete as he had subsequently provided the criminal history reporting forms.

Jennifer Kandt pointed out page 4 of the application where the applicant answered no to the question regarding whether the applicant had ever been convicted of or plead guilty or nolo contendere to, a violation of ANY federal or state statute, city or county ordinance, or any law of a foreign country.

Brian Rebman asked where the applicant was currently employed.

David Alan Penkala stated that he is currently employed by Dignity Memorial, at FitzHenry's. He said he has been working for SCI for five years.

There was discussion on whether he would be able to remain employed at Fitzhenry's if he was not licensed today, and Mr. Penkala stated he would continue to pursue licensure.

Henna Rasul asked how far in the past these crimes were committed compared to the previous applicant that the Board required to resubmit.

Jennifer Kandt stated that the time periods were the same at approximately 20 years ago. She stated that the difference is the seriousness of the crimes. She said the prior applicant failed to disclose misdemeanor DUI and a deer hunting violation, and this applicant failed to disclose felony convictions.

Loretta Guazzini asked about his current job duties for Fitzhenry's.

David Alan Penkala stated that he currently does transports, removals, and meets with families with a funeral director present. He said he needs the apprenticeship to be able to do embalming in the future.

Tammy Dermody asked if he was aware that he is not licensed to be meeting with families.

David Alan Penkala stated that he is not meeting with the families alone and that he only sits in on some of the conferences and arrangement processes with a licensed funeral director.

There was further discussion that if Mr. Penkala had disclosed those convictions from twenty years ago, based upon the current policies that the Board has, the Board would have approved him administratively. But because there was the failure to disclose, that creates the moral character issue.

Dr. Wayne Fazzino asked if Mr. Penkala had ever filled out a certificate of rehabilitation to have these matters covered up and Mr. Penkala stated that he had not.

MOTION: Tammy Dermody moved to reevaluate Mr. Penkala after he reapplies with a truthful and complete application. Lorretta Guazzini seconded the motion with Bart Burton recusing as they work for the same company and the motion was carried unanimously.

12. Discussion, recommendation, and possible action regarding request for approval of new Managing Funeral Director for the following (For possible action)

- a. Walter W. Hartley FD626 – Pahrump Family Mortuary EST56

MOTION: Tammy Dermody moved to approve Walter Hartley as Managing Funeral Director for Pahrump Family Mortuary. Bart Burton seconded the motion and the motion was carried unanimously.

Tammy Dermody asked how the Board will know if a funeral director is under the three funeral home limit.

Jennifer Kandt stated at this point in time, that requirement is not currently in regulation as those changes are still in progress. Right now, the statute only states that the Board “may” approve a funeral director to manage more than one location.

There was discussion on what would happen when the regulation passed and whether the individuals currently managing more than three locations would be grandfathered in to allow them to continue the practice.

Tammy Dermody questioned the ability to be able to grandfather them in since the funeral arrangers were not allowed to be grandfather in when the legislation passed.

There was clarification that with funeral arrangers, the Board didn't have any established licenses at that time so it wasn't something the Board could grandfather them into. The Board does currently have a statute that talks about approval of a managing funeral director and those have already been approved. She said the Board will need to decide how to address the issue. She also stated at this time, most funeral directors only manage one location as locations have already made changes knowing that this has been discussed for quite some time.

Tammy Dermody stated that if the regulation passes the Board should make funeral homes aware that individuals managing more than three locations will not be able to do so in the future. She said that because the funeral arrangers were not grandfathered in, then the funeral directors aren't going to be grandfathered in either.

- b. Allen James Kopp FD772 – Davis Funeral Home-S. Eastern EST26

MOTION: *Kathleen Dussault moved to approve Allen James Kopp as Managing Funeral Director for Davis Funeral Home-S. Eastern. Lorretta Guazzini seconded the motion and the motion was carried unanimously.*

- c. Timothy Lawson FD909 – Las Vegas Cremations EST103

MOTION: *Tammy Dermody moved to approve Timothy Lawson as Managing Funeral Director for Las Vegas Cremations. Lorretta Guazzini seconded the motion and the motion was carried unanimously.*

- d. Douglas Lee Ray FD910 – Davis Funeral Home-S. Rainbow EST28

MOTION: *Tammy Dermody moved to approve Douglas Lee Ray as Managing Funeral Director for Davis Funeral Home-S. Rainbow. Lorretta Guazzini seconded the motion and the motion was carried unanimously.*

13. Discussion, recommendation, and possible action regarding granting a Direct Cremation Facility Permit to Simple Cremation, Inc., 1016 N. Rock Blvd., Unit 104, Sparks, Nevada (For possible action)

MOTION: *Tammy Dermody moved to approve the Direct Cremation Facility Permit to Simple Cremation, Inc. Bart Burton seconded the motion and the motion was carried unanimously.*

14. Discussion, recommendation, and possible action regarding granting a Crematory License to Autumn Cremation Services, 5660 Morgan Mill Road, Carson City, Nevada (For possible action)

MOTION: *Lorretta Guazzini moved to approve the Crematory License to Autumn Cremation Services. Randy Sharp seconded the motion and the motion was carried unanimously.*

15. Discussion, recommendation, and possible action regarding granting a Funeral Establishment Permit to Clark County Funeral Services, 2041 W. Bonanza Road, Las Vegas, Nevada (For possible action)

Jennifer Kandt stated that she did conduct the inspection and does not believe that they are in a position where they can be approved at this time. She stated that in the future, if they are ready, the Board could issue them a temporary permit until the next meeting. But at this time, she does not recommend approval.

Lorretta Guazzini asked why they were not ready.

Jennifer Kandt stated that there may be difficulties when owners are not part of the funeral industry, and they may have a lack of understanding in terms of what is required. She said that she had asked the owners if they would be making any preneed funeral arrangements and they were unaware of what preneed funeral arrangements were. She said that the general pricelist only listed packages and did not allow the consumer to purchase anything outside of a package which is a clear violation of FTC guidelines. She also stated that many of the required FTC disclosures were not listed on the general price list. She again stated that she would not recommend approval.

Dr. Wayne Fazzino asked if they were aware of the findings.

Jennifer Kandt stated that they are aware and were told that the Board would return for a subsequent inspections at a later date to see if they have been able to address the deficiencies.

Brian Rebman asked if Candy Grey was a licensed embalmer in Nevada.

Jennifer Kandt stated that Candy Grey is a licensed embalmer and funeral director.

Brian Rebman questioned why Candy Grey would not be aware of the FTC disclosure requirements.

Jennifer Kandt stated that Candy Grey was not present at the inspection so she did not know. There was discussion that it was her understanding that the owners would be employing Candy Grey to manage the location and he planned to be there full-time.

Brian Rebman asked about his prior experience and it was disclosed that he previously worked for Valley Funeral Home.

Brian Rebman asked if the current owners of this location had an affiliation with Valley Funeral Home and Jennifer Kandt stated that she was not aware of any affiliation.

Bart Burton stated that based on review of the inspection report, he does not believe they are ready to be approved. He said that they should be re-inspected once they have addressed their issues.

MOTION: Bart Burton moved to continue the application until they have made the necessary changes and there has been further inspection of the facility. Kathleen Dussault seconded the motion and the motion was carried unanimously.

16. Discussion, recommendation, and possible action regarding request from Gerald Hitchcock to approve containers for "green" burials and cremations (For possible action)

Loretta Guazzini said she had spoken with Mr. Hitchcock yesterday and he clarified that he was asking whether he could utilize a bamboo tray which may not fall under the cremation container guidelines.

Jennifer Kandt stated that she discussed this matter with legal counsel, and legal counsel advised that there was no statute that gives the authority to the Board for approval of specific containers for burial or cremation. Statute only gives authority for the Board to approve transport containers. Each location needs to make sure that they comply with NRS 451.670 in terms of the containers they are utilizing for cremation. In terms of burial containers, there are no guidelines within statute, so a shroud could be used if the cemetery allows that practice.

Brian Rebman stated he thought one of the major issues with the cremation containers was that there needed to be some kind of a lid.

There was discussion on whether a lid was required and clarification that the statute states that the container must be closed. So the container used must be able to close.

Jennifer Kandt stated that the cremation container requirements are in statute and locations just need to comply with that statute. Additionally, locations need to ensure that they are providing the consumer what they are selling to the consumer. She stated that there have been some issues with locations requiring the consumer to purchase a cremation casket, and then rolling the decedent into the retort on a box lid.

Dr. Wayne Fazzino stated that it appears no action is needed by the Board.

17. Discussion, recommendation, and possible action regarding request for approval of audit services contract with Kohn and Company (For possible action)

Jennifer Kandt stated that the Board is required to have either an annual or biennial audit. She stated that a single year audit will cost \$7,500 and a biennial audit will cost \$8,500. Jennifer Kandt said that previously she did not want a two year audit because of so many of the financial issues that were found when she was hired, but now that those issues have been addressed and the last audit report had no findings, she was comfortable with a biennial audit.

Kathleen Dussault asked if this was the Board's incumbent audit company, and Jennifer reported that Kohn and Company had completed the previous two audits.

Kathleen Dussault asked if there was a state requirement for an annual audit, and Jennifer stated that statute allows the Board to make an election for an annual or biennial audit.

There was discussion on the potential cost savings for a two year audit. Dr. Randy Sharp asked if the same annual statements will be provided whether an audit is conducted annually or biennially and Jennifer state that all end of the year financial statements will still be presented.

Kathleen Dussault stated the proposal would be to skip the annual and contract for a two year audit which would achieve a significant savings.

Brian Rebman stated that it would save \$6,500.

Dr. Wayne Fazzino stated that as long as the Board is operating within statute and the Board is able to review all appropriate end of the year financial reports, he is comfortable with the two year audit.

MOTION: Kathleen Dussault moved to approve biennial audit at the cost of \$8,500 with Kohn and Company. Tammy Dermody seconded the motion and the motion was carried unanimously.

18. Discussion, recommendation, and possible action regarding revisions to Employment Policies and Procedures including changes to employee benefit programs (For possible action)

Jennifer Kandt stated that the Board is exempt from the State personnel system, so the Board had their own employment policies and procedures manual. She stated that the previous manual did not address sick and vacation accrual because at the time the manual was created, she was the only employee and those issues were addressed when she was hired. She stated that she would like to revise the manual to include the same accrual rates for State employees. She said that the language included in the manual was taken directly from the State personnel manual, and stated that she felt it was appropriate to mirror some of the same State benefits for Board employees which would allow for part time employees to accrue sick and vacation at a prorated amount. She also noted that employees would not be paid out for any sick time unless they had been employed by the Board for over 10 years.

She detailed a slight change to the payroll cycle stating that hourly employees are paid every two weeks, but salaried employees are paid twice per month.

She also stated that she was originally thinking the Board assistant, Marie Paakkari would need the medical benefits, but rates through the Affordable Care Act were lower than the State rates, so for now, there was not a request for health coverage.

There was discussion on the request to either join PERS or contribute the same percentage to Deferred Compensation. Jennifer said that she would prefer to have the percentage go to Deferred Compensation.

Bart Burton questioned the ten hours per month of sick and vacation time, and Jennifer stated that is the current rate accrued with the State.

Jennifer Kandt stated that the State was very generous with sick time and did not see how anyone would utilize that amount of time unless there was a catastrophic event such as an accident or long term illness. She stated that the State also allows the accrual to be proportional whether they are full-time or part-time.

There was further discussion regarding joining PERS and the inability to hire retired State employees if the Board were to participate PERS. Jennifer also stated that if the Board were to join PERS, they always have to participate.

MOTION: Tammy Dermody moves to accept the revisions to the employment policies and procedures and to allow the retirement benefits to a deferred compensation plan. Bart Burton seconded the motion and the motion was carried unanimously.

19. Discussion, recommendation and possible action regarding annual review of Executive Director performance and salary (For possible action)

Kathleen Dussault request to recuse herself having not had experience working with Jennifer Kandt for the past year.

Dr. Wayne Fazzino stated that recently evaluations were sent to Board members to evaluate the Executive Director and each and every evaluation indicated that she scored the highest on every category. He stated that all reviewers provided very positive comments and there were no negative comments or any areas of improvement noted.

Tammy Dermody thanked Jennifer for helping the Board to be on task doing the things the Board needs to do. She said that for the industry, for the Board, for the general public, Jennifer is thanked.

Jennifer Kandt stated that she has enjoyed the opportunity and it has been an enormous challenge. She stated that the work can be very difficult at times because when families file a complaint that ends up being dismissed, the family is unhappy, and when a complaint proceeds to discipline, then the licensee is unhappy. She thanked the Board members for all of the work they have put in to get the Board moving in the right direction. She also thanked Tammy for her oversight in signing checks and reviewing receipts. She stated that oversight of the Executive Director by Board members is very important.

Brian Rebman said that he thinks Jennifer is doing great. He said that he thought Jennifer had a lot of wisdom and feedback for various changes occurring. He stated that as a new Board member with no prior experience, Jennifer was great at helping him to understand the process. He said that Jennifer has been a pleasure to work with and was very nice to meet in person. Brian said he appreciates the direction the Board is moving.

Bart Burton stated being the only Board Member that was part of the old Board and now part of the new Board, he felt the Board has completely turned around and thinks it is a very positive direction. He said that he agreed with Tammy that it's nice that the public is being listened to and the industry is being held accountable. He said he has thoroughly enjoyed working with Jennifer and appreciates everything she has done.

Kathleen Dussault stated that first impressions are extremely positive and from what she has heard from her predecessor, the Board really has a strong leader in its Executive Director.

Dr. Wayne Fazzino stated that he thinks this was a very difficult position to come into and Jennifer has done a great job handling the challenges. He said that previously matters were handled quietly by telephone and now matters are transparent. He stated that both Jennifer and Marie have been exceptional to work with and it's nice to know that he can call someone up and ask for something and it gets done immediately. He stated that the professionalism the Board has now is absolutely amazing.

Lorretta Guazzini stated that the Board was very lucky to get Jennifer. She said that right from the initial interview she felt she was the right person and that she has caught up with all of the industry knowledge so quickly. Lorretta stated that she appreciates everything Jennifer has done.

Dr. Randy Sharp stated he appreciated Jennifer and her communication skills through email, verbal and keeping the Board apprised. He said he feels very comfortable in asking her questions and he is looking forward to working with her in the years to come.

Dr. Wayne Fazzino stated that there was a request for a five percent (5%) increase.

Tammy Dermody stated that she thinks that Jennifer Kandt has earned the five percent (5%). She said that Jennifer came onto a Board that was just unbelievable and she has had to deal with issues that a normal executive director would not have to deal with, including the different committees and changing of the statutes and regulations. She thinks she has more than earned it.

Brian Rebman asked if this would set any precedence for future increases.

Henna Rasul stated that it would not. She said that Jennifer will always be up for evaluation and the Board can decide whether or not to give an increase.

There was discussion that the Board previously approved a salary range for the Executive Director between \$59,000 and \$88,948, and that with the current proposed increase, she would still be well below the top end of the range which is based on comparable State salary schedules commensurate with the position.

MOTION: Lorretta Guazzini moved to grant the five percent (5%) raise to Jennifer Kandt. Dr. Randy Sharp seconded the motion and the motion was carried unanimously.

20. Discussion, recommendation, and possible action regarding approval of FY2017 Budget (For possible action)

Jennifer Kandt stated that the audit expense was put at \$7,500, but will decrease based on the Board's decision to conduct a biennial audit.

MOTION: Tammy Dermody moves to approve the budget as submitted for July 1, 2016 through June 30, 2017. Lorretta Guazzini seconded the motion and the motion was carried unanimously.

21. Financial Reports
a. Regulatory Fee Collection
b. FY2016 Budget vs. Actuals

Jennifer Kandt stated presented the regulatory report and stated that Final Wishes and Reno Cremation closed, but she believes there are still outstanding reports that have not yet been submitted. Additionally, there was a missing payment for Valley Funeral Home but since they have

closed, she doesn't believe that the Board will ever receive that missing payment from September 2015.

Jennifer presented the budget vs. actuals report and stated that there is a significant amount of revenue showing that will be deferred to future years. She said that now that the Board is on a two year renewal cycle, the revenue applies to three different fiscal years. She also indicated that she has discussed with the bookkeeper about deferring revenue quarterly as opposed to at the end of the year.

22. Overview of current complaint status

Jennifer Kandt stated that there have been twelve complaints submitted so far this year and she stated that was the total number for last year.

Lorretta Guazzini asked if the general subject matter regarding packaging of cremated remains was referring to someone complaining about how the remains were packaged.

Jennifer Kandt stated that the complaint was about the packaging not being suitable to be mailed.

Brian Rebman asked about the four complaints that appeared to be submitted on the same day.

Jennifer Kandt stated that they came from the same agency directed at four different locations.

23. Report from Executive Director, Jennifer Kandt

Jennifer Kandt presented a written report.

24. Report from Senior Deputy Attorney General

Henna Rasul stated no report at this time.

25. Board member comments

Dr. Wayne Fazzino stated are there any Board member comments. None.

26. Discussion regarding future agenda items and future meeting dates

Tuesday, September 20, 2016

Tuesday, December 13, 2016

27. 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)

Jay Gunter stated that he would be opposed to the provision only allowing 120 days for a funeral director to obtain a death certificate. He said that this goes to serving the public and sometimes they do not even get a death certificate signed for five or six months due to toxicology. He said he thinks a year after filing would be more reasonable. He said he has families that come in wanting a death certificate from ten years ago and it is part of the services they provide.

John Lawrence stated he agreed with Mr. Gunter. He said that all of the funeral homes were sent a questionnaire on impact on these new changes and he did not agree with them.

Warren Hardy representing La Paloma Funeral Services stated that he agreed with the comments of the Board members with regard to the job the Executive Director has done. He stated that they have been involved with the ongoing situation with the Board and thinks that it has certainly taken a very positive turn in terms of the condition of the Board. Regarding items 4, he stated that he was the one that requested this input from the Board on potential legislation. He stated that because the Board staff is turning around these approvals in a very timely manner, they may not necessarily go forward with legislation at this point. He also stated that he is discouraged by the decision today to not allow public comment during each individual item. He stated that he thought one of the strengths of the Board so far has been the openness in the dialog that has occurred with the public. He said that it has been mentioned a couple of times that the last meeting was a difficult meeting and he thought the last meeting was a very productive meeting. He said that there was a lot of interaction and some disagreement, but that he felt the final product in terms of the regulations is a good product. He said that democracy is not easy. Mr. Hardy stated that he knows that by allowing public comment during the beginning and end of the meeting, the Board is not in violation of the Open Meeting Law, but that the law does allow the Board to take comments during the meeting and thinks that is a much better way to involve the public. He stated that he felt the regulations were ultimately a good product but that there were still two issues that they may object to moving forward.

28. Adjournment (For possible action)

Meeting adjourned at 11:40 am.



STATE OF NEVADA

FUNERAL AND CEMETERY SERVICES BOARD

3740 Lakeside Drive, Suite 201, Reno, Nevada 89509

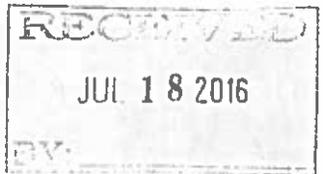
Phone (775) 825-5535 * Fax (775) 507-4102

Email: nvfuneralboard@fb.nv.gov * Website: <http://funeral.nv.gov/>

AGENDA ITEM 12: Approval of Continuing Education Request

Applicant request for continuing education approval for attendance at NFDA Policy Board Meeting.





**Freitas Rupracht Funeral Home
Gerald & Cindy Hitchcock – Owners**

**25 Hwy 208 / P.O. Box 1271
Yerington, Nevada 89447**

Telephone: (775) 463-2911

FAX Number: (775) 463-9431

E-Mail: FreitasRuprachtFuneralHome@gmail.com

Web site: www.FRFH.net

July 16, 2016

Funeral and Cemetery Services Board
3740 Lakeside Drive, Suite 201
Reno, Nevada 89509

Gentlemen:

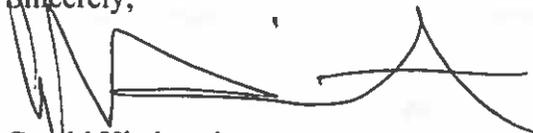
I have enclosed the agenda from the NFDA Policy Board meeting held in Las Vegas, July 8 – July 9 2016.

I am requesting continuing education credit for attendance to this meeting for the information that was presented at the meeting. I am requesting four (4) hours for the highlighted items on the agenda.

Also, I had invited Jim Lee of Hites Mortuary to attend this meeting with me, since he is the newly elected President of the Nevada Funeral Directors association. Mr. Lee attended the entire meetings with me. So I am requesting that he also received the continuing education credits for his attendance to this meeting.

We will both await the Boards decision for this request on continuing education. If you need more information concerning this request please contact me here at the funeral home.

Sincerely,



Gerald Hitchcock
Funeral Director / Embalmer



NFDA Policy Board Meeting Agenda

Four Seasons, Las Vegas, Nevada

July 8-9, 2016

NFDA Mission: The National Funeral Directors Association is the worldwide source of expertise and professional resources for all facets of funeral service. Through education, information and advocacy, NFDA is dedicated to supporting members in their mission to provide families with meaningful end-of-life services at the highest levels of excellence and integrity.

Friday, July 8

Meetings with At-large Representatives 5:30 pm – 6:30 pm

Meet the Candidates Reception 6:30 pm – 7:00 pm

- 5:30** Meetings with At-large Representatives
- 6:30** Adjourn – Meet the Candidates Reception Begins
- 7:00** Meet the Candidates Reception Ends

Saturday, July 9

Continental Breakfast 7:30 am – 8:00 am

Meeting 8:00 am – 4:00 pm

- 7:30** Continental Breakfast
- 8:00** Call to Order – President-elect Ashley Cozine
 - Invocation
 - Pledge of Allegiance
 - Roll Call – Secretary Chuck Bowman
 - Meeting Protocol
 - Additions to the Agenda
 - Welcome – Nevada Policy Board Representative Gerald Hitchcock
- 8:15** 1. New Policy Board Member Installation (new members not installed at the April meeting) – President Bob Arrington
- 8:20** 2. Minutes from April 27, 2016 Meeting (enclosure, pages 4-7) – President-elect Ashley Cozine
- 8:21** 3. Election of At-large Representatives (enclosure, pages 8-11) – President-elect Ashley Cozine
- 9:30** Networking Break Immediately Following Elections
- 9:45** 4. Briefing on Upcoming Officer Elections – President-elect Ashley Cozine & CEO Christine Pepper
- 10:00** 5. Have the Talk of a Lifetime (briefing & break-out group discussions) – President Bob Arrington

- 10:40** 6. Legal & Legislative Briefings – General Counsel Scott Gilligan
- 11:00** 7. Q&A on New White Collar Exemption Rule (enclosure under separate cover) – General Counsel Scott Gilligan
- 11:30** 8. Federated Insurance Presentation – Jack West, National Account Representative
- Noon** Lunch
- 1:00** 9. Funeral Home Emergency Action Plans: Emphasis on Response to Violence or Threatening Behavior (enclosures under separate cover) – President-elect Ashley Cozine
- 1:45** 10. NFDA Reports – CEO Christine Pepper
- 2:30** Networking Break
- 2:45** 11. State Reports (enclosure, page 12) – President-elect Ashley Cozine
- 3:15** 12. Meeting Highlights (enclosure, page 13) – President-elect Ashley Cozine
- 3:20** 13. Agenda Items for Future Meetings – President-elect Ashley Cozine
- 3:30** 14. New Business
 - A.
 - B.
 - C.
- 4:00** Adjourn – President-elect Ashley Cozine





STATE OF NEVADA

FUNERAL AND CEMETERY SERVICES BOARD

3740 Lakeside Drive, Suite 201, Reno, Nevada 89509

Phone (775) 825-5535 * Fax (775) 507-4102

Email: nvfuneralboard@fb.nv.gov * Website: <http://funeral.nv.gov/>

AGENDA ITEM 13: Veterans Issues

Attachments:

Letter regarding concern on decline of unaccompanied Veterans burial services

Letter previously sent out on behalf of the Governor's Office in June of 2014 regarding requirement to report unclaimed remains.

NOTE: The Board has not previously been following up on this issue during inspections. NRS 642.0197 will be added to inspection app, and establishments will be asked about any unclaimed remains. Counsel researched legislative intent of this statute and it is clear that it was intended to include any veterans whose remains may be in storage.

Request input/ideas from Board members regarding issue.



Nevada Funeral and Cemetery Services Board

From: pricklypare@aol.com
Sent: Thursday, August 04, 2016 12:07 PM
To: Nevada Funeral and Cemetery Services Board
Subject: Unattended Services at SNVMC
Attachments: SNVMC BURIAL LOG THURSDAY SERVICES.doc

Dear Executive Director Kandt,

I had the pleasure of meeting you at the June 20th Southern Nevada Veterans Memorial Cemetery Advisory Committee meeting on June 20th. I was a member of the public and the committee for the Remembrance Walk Memorial. After the meeting my friends and I had a chance to talk to you for a few minutes about difficulties with delivery of our Unaccompanied Veterans for their burial services - always scheduled on Thursday mornings at 8:40 a.m.

I have attached the burial log I have kept for these services from August 2012 through this week. Please note that there has been an extremely unusual lack of burials for our Unaccompanied Veterans beginning in June 2016. No one has been able to explain why there have been no services for these Veterans, making us wonder what has happened to them.

I had a chance to briefly discuss this situation with Kathleen Dussault last week and she indicated she is now a member of your committee and would check into the situation to determine if the funeral homes are the problem.

I would appreciate your assistance, also, in trying to get to the bottom of the missing Veterans and/or what has happened to them. No services were scheduled again this week. For years 3-4 Veterans a week has been the average - some weeks more - some weeks less. What is happening now is unprecedented in the 15+ years these burials have been occurring. I have been told that some of the funeral homes have tried to deliver the unaccompanied Veterans' cremains for burial, along with a casket funeral accompanied by family - which means these Veterans would be direct buried with NO honors. Thankfully, it is also my understanding that this was refused by the cemetery.

No one seems to have any answers as to why this is happening. I turn to you hoping this falls into your realm to determine if the funeral homes are at fault for this situation.

Sincerely,

Em (Eileen) Stempin
702-300-6952

<u>2013</u>		<u>YTD</u>			<u>YTD</u>
January			August		
3	2		1	1	
10	2		8	3	
17	3		15	3	
24	4		22	3	
31	2		29	4	
February			September		
7	1		5	3	
14	1		12	6	
21	1		19	2	
28	3		26	4	
March			October		
7	3		3	4	
14	3		10	7	
21	3		17	2	
28	3		24	3	
April			31	2	
4	3		November		
11	3		7	2	
18	3		14	2	
25	3		21	4	
May			28	tnksgvg	
2	3		December		
9	3		5	3	
16	3		12	3	
23	6		19	3	
30	2		26	3	
June					
6	2			67	
13	4				
20	3				
27	3				
July					
4	holiday				
11	3				
18	1				
25	5				
	81			67	201

ONE HUNDRED ONE NORTH CARSON STREET
CARSON CITY, NEVADA 89701
OFFICE: (775) 684-5670
FAX No.: (775) 684-5683



555 EAST WASHINGTON AVENUE, SUITE 5100
LAS VEGAS, NEVADA 89101
OFFICE: (702) 486-2500
FAX No.: (702) 486-2505

Office of the Governor

June 2, 2014

Members of the Board of Funeral & Cemetery Services
PMB 186
4894 Lone Mountain Rd.
Las Vegas, NV 89130

RE: Veterans remains

Dear Licensed Nevada Funeral Director,

You may be aware of the recently reported story about the remains of 28 veterans that were kept for an unknown amount of time in the L.A. County Morgue. I am sure you share my belief that this tragic event is unacceptable. I ask your assistance in ensuring that it does not happen in our State.

During the 76th Legislative Session, I signed Assembly Bill 124, which amended NRS Chapter 642.0197 to read as follows:

1. A funeral director who obtains custody of the unclaimed human remains of a deceased person whom the funeral director knows, has reason to know or reasonably believes is a veteran shall report the name of the deceased person to the Department of Veterans Services not later than 1 year after obtaining custody of the unclaimed human remains of the deceased person.
2. Upon receipt of a report made pursuant to subsection 1, the Department of Veterans Services shall determine whether the deceased person is a veteran who is eligible for interment at a national cemetery pursuant to 38 U.S.C. § 2402 or a veterans' cemetery pursuant to NRS 417.210. The Department of Veterans Services shall provide notice of the determination to the funeral director.
3. If the Department of Veterans Services provides notice to a funeral director of a determination that a deceased person is a veteran who is eligible for interment at a national cemetery or a veterans' cemetery, the funeral director shall arrange for the proper disposition of the veteran's remains with:
 - (a) A national cemetery or veterans' cemetery; or
 - (b) The Department of Veterans Services.

I am writing today to simply remind you of this legal change, and to let you know that my office and the Nevada Department of Veterans Services are standing by to assist you in any way that we can. We pride ourselves on providing the highest level of dignity,



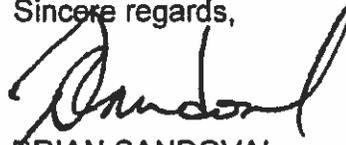
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honor, and respect for our fallen veterans and their family members, just as you do in your practice. If we work together, we can ensure that we deliver on this important promise for those who deserve it most.

Thank you for what you do, and for your assistance in this matter. If you have any questions or concerns, please contact Caleb Cage in my office. He can be reached at 775-684-7130, or by email at ccage@gov.nv.gov.

Sincere regards,

A handwritten signature in black ink, appearing to read "B. Sandoval", written in a cursive style.

BRIAN SANDOVAL
GOVERNOR



State of Nevada Funeral and Cemetery Services
SALES BY CUSTOMER SUMMARY

July 2015 - June 2016

	JUL 2015	AUG 2015	SEP 2015	OCT 2015	NOV 2015	DEC 2015	JAN 2016	FEB 2016	MAR 2016	APR 2016	MAY 2016	JUN 2016	TOTAL
Autumn Funeral & Cremations	180.00	190.00	120.00	350.00	230.00	200.00	230.00	190.00	290.00	240.00	140.00	280.00	\$2,640.00
Bunker's Eden Vale Mortuary	650.00	500.00	540.00	630.00	620.00	940.00	740.00	920.00	860.00	530.00	560.00	800.00	\$8,310.00
Burns Funeral Home, Inc.	300.00	250.00	180.00	180.00	270.00	310.00	310.00	220.00	100.00	210.00			\$2,550.00
Final Wishes Funeral Home	160.00												\$160.00
Freitas Ruprecht Funeral Home	70.00	70.00	110.00	80.00	130.00	80.00	90.00	130.00	90.00	120.00	120.00	40.00	\$1,130.00
Funeraria Casa De Paz	80.00	100.00	100.00	70.00	90.00	170.00	170.00	100.00	170.00	130.00	120.00	70.00	\$1,370.00
Gunter's Hawthorne Funeral Home	10.00	70.00	40.00	40.00	80.00	60.00	50.00	60.00	60.00	110.00	10.00	40.00	\$630.00
Heritage Mortuary	140.00	70.00	40.00	50.00	80.00	170.00	110.00	160.00	170.00	80.00	90.00		\$1,170.00
Hites Enterprises, Inc.	890.00	760.00	900.00	950.00	780.00	610.00	920.00	1,160.00	900.00	1,110.00	1,010.00	1,110.00	\$11,320.00
Kraft-Susman Funeral Services	220.00	390.00	150.00	280.00	280.00	310.00	360.00	400.00	410.00	380.00	250.00	360.00	\$3,790.00
La Paloma Funeral Services													\$0.00
La Paloma - Longley	140.00	90.00	120.00	70.00	130.00	50.00	170.00	130.00	100.00	160.00	210.00	170.00	\$1,540.00
La Paloma - Stephanie	850.00	750.00	670.00	550.00	840.00	740.00	570.00	710.00	1,030.00	860.00	700.00	690.00	\$9,870.00
Total La Paloma Funeral Services	990.00	840.00	790.00	620.00	970.00	790.00	740.00	840.00	1,130.00	840.00	1,000.00	860.00	\$10,410.00
Legacy Funeral Holdings, Inc.													\$0.00
Davis Funeral Home & Memorial Park													\$0.00
Las Vegas Cremations	150.00	150.00	140.00	150.00	150.00	170.00	290.00	290.00	340.00	250.00	150.00	270.00	\$2,500.00
South Eastern Avenue	780.00	760.00	840.00	630.00	620.00	600.00	760.00	790.00	700.00	670.00	630.00	560.00	\$8,350.00
South Rainbow Rd (was Charleston)				100.00	170.00	130.00	260.00	180.00	130.00	70.00	140.00	160.00	\$1,360.00
Total Davis Funeral Home & Memorial Park	940.00	910.00	980.00	880.00	940.00	900.00	1,330.00	1,260.00	1,170.00	990.00	920.00	990.00	\$12,210.00
Total Legacy Funeral Holdings, Inc.	940.00	910.00	980.00	880.00	940.00	900.00	1,330.00	1,260.00	1,170.00	990.00	920.00	990.00	\$12,210.00
McDermott Funeral Home, LLC	750.00	740.00	610.00	730.00	1,000.00	900.00	710.00	760.00	920.00	830.00	590.00	690.00	\$9,430.00
Mountain View Mortuary	330.00	240.00	220.00	230.00	240.00	200.00	340.00	280.00	280.00	290.00	190.00	240.00	\$3,090.00
Mountain Vista Chapel	90.00	100.00	50.00	90.00	70.00	30.00	60.00	70.00	90.00	80.00	40.00	70.00	\$810.00
Pahnump Family Mortuary Group	340.00	220.00	210.00	230.00	220.00	250.00	200.00	240.00	180.00	170.00	180.00	160.00	\$2,600.00
Reno Cremation & Burial Services	60.00	140.00	170.00										\$370.00
SCI													\$0.00
Alderwoods (Nevada) Inc.													\$0.00
Thomas and Jones - Fernmaster Lane	220.00	150.00	180.00	160.00	190.00	190.00	190.00	130.00	200.00	140.00	220.00	150.00	\$2,130.00
Total Alderwoods (Nevada) Inc.	220.00	150.00	180.00	160.00	190.00	190.00	190.00	130.00	200.00	140.00	220.00	150.00	\$2,130.00
Keystone America													\$0.00
FitzHenry's - Fairview	260.00	60.00	160.00	70.00	110.00	100.00	60.00	160.00	230.00	150.00	210.00	210.00	\$1,760.00
FitzHenry's - Highway 395	90.00	190.00	90.00	180.00	80.00	280.00	50.00	80.00	120.00	30.00	120.00	60.00	\$1,380.00
Total Keystone America	350.00	250.00	250.00	250.00	190.00	380.00	110.00	240.00	350.00	180.00	330.00	270.00	\$3,160.00
Neptune Management Corp.													\$0.00
National Cremation Society	450.00	600.00	650.00	600.00	600.00	680.00	620.00	670.00	590.00	610.00	540.00	690.00	\$7,300.00
Neptune Society - Del Webb	340.00	260.00	290.00	330.00	330.00	360.00	320.00	260.00	400.00	310.00	350.00	290.00	\$3,840.00
Total Neptune Management Corp.	790.00	860.00	940.00	930.00	930.00	1,040.00	990.00	940.00	1,010.00	960.00	930.00	990.00	\$11,310.00
Palm Mortuaries													\$0.00
Alfordable Cremation - Decatur	630.00	700.00	750.00	740.00	690.00	840.00	840.00	770.00	1,020.00	1,050.00	830.00	730.00	\$9,590.00
King David - Eldorado	110.00	130.00	150.00	170.00	140.00	190.00	170.00	140.00	100.00	120.00	180.00	180.00	\$1,780.00
Palm - Boulder Hwy	200.00	310.00	250.00	250.00	220.00	230.00	390.00	360.00	330.00	360.00	310.00	230.00	\$3,440.00
Palm - Cheyenne	480.00	380.00	330.00	400.00	350.00	480.00	390.00	400.00	400.00	380.00	300.00	330.00	\$4,620.00
Palm - Downtown (N Main)	740.00	540.00	680.00	660.00	760.00	880.00	820.00	810.00	740.00	570.00	680.00	700.00	\$8,580.00
Palm - South Jones	350.00	460.00	340.00	380.00	340.00	340.00	480.00	420.00	420.00	350.00	250.00	270.00	\$4,420.00
Palm Eastern - Eastern	830.00	950.00	760.00	1,120.00	1,130.00	1,160.00	1,120.00	1,130.00	1,220.00	1,120.00	990.00	980.00	\$12,530.00
Palm Northwest - North Jones	410.00	370.00	480.00	310.00	340.00	420.00	470.00	540.00	400.00	530.00	380.00	410.00	\$5,060.00
Palm Southwest													\$640.00
Total Palm Mortuaries	3,750.00	3,840.00	3,740.00	4,010.00	4,010.00	4,560.00	4,660.00	4,570.00	4,740.00	4,660.00	4,120.00	3,980.00	\$50,660.00
Total SCI	5,110.00	5,100.00	5,120.00	5,350.00	5,320.00	6,160.00	5,970.00	5,880.00	6,300.00	5,940.00	5,600.00	5,390.00	\$67,260.00
Serenity Funeral Home						90.00	130.00	90.00	120.00	100.00	60.00		\$510.00
Serenity VII, LLC													\$0.00



	JUL 2015	AUG 2015	SEP 2015	OCT 2015	NOV 2015	DEC 2015	JAN 2016	FEB 2016	MAR 2016	APR 2016	MAY 2016	JUN 2016	TOTAL
Desert Memorial	1,350.00	1,020.00	1,180.00	1,340.00	1,170.00	1,230.00	1,300.00	1,600.00	1,500.00	1,490.00	1,490.00	1,180.00	\$15,940.00
Sunnee Cremation & Burial Society, LLC	470.00	430.00	320.00	320.00	300.00	430.00	440.00	450.00	450.00	260.00	400.00	390.00	\$4,650.00
Total Serenity VII, LLC	1,820.00	1,450.00	1,500.00	1,660.00	1,470.00	1,660.00	1,830.00	2,050.00	1,950.00	1,750.00	1,890.00	1,560.00	\$20,590.00
Simple Cremation, Inc. - Henderson SE			20.00	250.00	270.00	380.00	320.00	260.00	370.00	300.00	220.00	260.00	\$0.00
Nevada Funeral Service	140.00	80.00	220.00	100.00	90.00	80.00	140.00	210.00	90.00	100.00	110.00	90.00	\$2,650.00
Simple Cremation, Inc. - NW (Rancho)	400.00	380.00	500.00	560.00	390.00	510.00	690.00	500.00	670.00	580.00	450.00	630.00	\$1,450.00
Simple Cremation, Inc. - Reno	360.00	320.00	220.00	290.00	180.00	280.00	240.00	250.00	440.00	370.00	270.00	350.00	\$6,320.00
Simple Cremation, Inc. - SW (Durango)	500.00	540.00	430.00	390.00	290.00	440.00	520.00	450.00	530.00	300.00	410.00	440.00	\$3,580.00
Total Simple Cremation, Inc. -	1,400.00	1,320.00	1,390.00	1,580.00	1,230.00	1,690.00	1,910.00	1,730.00	2,100.00	1,650.00	1,460.00	1,770.00	\$5,240.00
Smith E LLC			70.00	180.00	230.00	330.00	240.00	240.00	220.00	160.00	150.00	150.00	\$0.00
Boulder City Family Mortuary	200.00	190.00	210.00	190.00	140.00	230.00	170.00	300.00	140.00	230.00	130.00	180.00	\$2,360.00
Smith Family Funeral Home	170.00	130.00	210.00	190.00	140.00	230.00	170.00	300.00	140.00	230.00	130.00	180.00	\$2,200.00
Total Smith E LLC	370.00	320.00	280.00	370.00	270.00	560.00	410.00	540.00	360.00	410.00	280.00	310.00	\$4,560.00
Sonoma Funeral Home	60.00	100.00	100.00	100.00	90.00	40.00	50.00	60.00	90.00	70.00	80.00	80.00	\$920.00
Southern Nevada Funeral Services, LLC			100.00	100.00	120.00	120.00	100.00	110.00	150.00	230.00	120.00	130.00	\$0.00
Lee Funeral Home	130.00	80.00	100.00	100.00	120.00	120.00	100.00	110.00	150.00	230.00	120.00	130.00	\$1,560.00
Total Southern Nevada Funeral Services, LLC	130.00	80.00	100.00	190.00	120.00	120.00	100.00	110.00	150.00	230.00	120.00	130.00	\$1,560.00
Southern Nevada Mortuary, LLC	50.00	20.00	0.00	30.00	10.00	40.00	50.00	30.00	70.00	50.00	60.00	20.00	\$430.00
Star Mortuary (Funeral Smith)	0.00	0.00	0.00	0.00	0.00	0.00	30.00	30.00	0.00	10.00	20.00	40.00	\$130.00
The Funeral Directors Management Group			170.00	140.00	130.00	130.00	130.00	280.00	230.00	170.00	190.00	150.00	\$0.00
Moapa Valley & Virgin Valley Mortuaries	220.00	180.00	170.00	140.00	130.00	130.00	130.00	280.00	230.00	170.00	190.00	150.00	\$2,120.00
Total The Funeral Directors Management Group	220.00	180.00	170.00	140.00	130.00	130.00	130.00	280.00	230.00	170.00	190.00	150.00	\$2,120.00
The Gardens, LLC	90.00	200.00	110.00	170.00	110.00	140.00	220.00	100.00	110.00	70.00	160.00	90.00	\$1,570.00
Truckee Meadows Cremation & Burial Svcs	720.00	760.00	660.00	820.00	580.00	730.00	770.00	860.00	730.00	860.00	660.00	640.00	\$8,790.00
Valley Funeral Home	240.00	190.00		240.00	150.00								\$820.00
Walton's Inc			200.00	130.00	150.00	300.00	280.00	220.00	230.00	200.00	380.00	240.00	\$0.00
John Sparks Memorial Cremation	260.00	210.00	320.00	270.00	270.00	230.00	260.00	390.00	260.00	270.00	290.00	270.00	\$3,320.00
McCaffery Family Limited Partnership	20.00	20.00	30.00	30.00	0.00	0.00	0.00	10.00	180.00	10.00	0.00	0.00	\$300.00
Ross, Burke & Knobel Mortuary - Reno			350.00	300.00	270.00	230.00	260.00	400.00	460.00	280.00	290.00	270.00	\$3,620.00
Ross, Burke & Knobel Mortuary - Sparks			350.00	300.00	270.00	230.00	260.00	400.00	460.00	280.00	290.00	270.00	\$3,620.00
Total McCaffery Family Limited Partnership	280.00	230.00	350.00	300.00	270.00	230.00	260.00	400.00	460.00	280.00	290.00	270.00	\$3,620.00
Nevada Memorial Estate Plans			150.00	130.00	210.00	130.00	30.00	40.00	120.00	250.00	180.00	150.00	\$0.00
Cremation Society of Nevada - Affinity	90.00	70.00	150.00	130.00	210.00	130.00	30.00	40.00	120.00	250.00	180.00	150.00	\$1,550.00
Cremation Society of Nevada - Capitol City	130.00	160.00	150.00	110.00	390.00	180.00	200.00	190.00	170.00	270.00	170.00	230.00	\$2,350.00
Cremation Society of Nevada - Northern Nevada	60.00	120.00	80.00	90.00	100.00	110.00	120.00	200.00	90.00	90.00	460.00	140.00	\$1,660.00
Total Nevada Memorial Estate Plans	280.00	350.00	380.00	330.00	700.00	420.00	350.00	430.00	380.00	610.00	810.00	520.00	\$5,560.00
O'Brien Rogers & Crosby Funeral Home	60.00	190.00	70.00	100.00	100.00	120.00	70.00	120.00	110.00	100.00	70.00	140.00	\$1,260.00
Walton's Chapel of the Valley	240.00	280.00	210.00	150.00	190.00	320.00	360.00	230.00	240.00	270.00	290.00	260.00	\$3,040.00
Walton's Funerals and Cremations	30.00	100.00	100.00	70.00	70.00	40.00	40.00	50.00	70.00	100.00	50.00	110.00	\$910.00
Walton's Sierra Chapel	370.00	490.00	470.00	380.00	380.00	310.00	420.00	350.00	640.00	330.00	480.00	400.00	\$5,000.00
Walton's Sparks Funeral Home	150.00	120.00	150.00	160.00	190.00	170.00	120.00	120.00	120.00	230.00	160.00	160.00	\$1,870.00
Total Walton's Inc	1,650.00	1,920.00	1,930.00	1,640.00	2,060.00	1,990.00	1,900.00	1,920.00	2,250.00	2,120.00	2,510.00	2,100.00	\$24,030.00
TOTAL	\$18,100.00	\$17,230.00	\$16,770.00	\$17,710.00	\$17,650.00	\$19,490.00	\$19,860.00	\$20,500.00	\$21,300.00	\$19,510.00	\$18,550.00	\$17,990.00	\$224,660.00

Monday, Sep 12, 2016 09:20:37 AM PDT GMT-7 Accrual Basis





STATE OF NEVADA

FUNERAL AND CEMETERY SERVICES BOARD

3740 Lakeside Drive, Suite 201, Reno, Nevada 89509

Phone (775) 825-5535 * Fax (775) 507-4102

Email: nvfuneralboard@fb.nv.gov * Website: <http://funeral.nv.gov/>

AGENDA ITEM 16: Current Complaint Status

Attachment: Overview of Current Complaint Status



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COMPLAINT STATUS

Complaint No.	Status	General Subject	Complaint Rcvd.	Complaint Acknowledgment Letter Sent	233B Letter Sent
FB16-01	Dismissed	Packaging of cremated remains.	2/19/2016	2/29/2016	4/25/2016
FB16-02	Dismissed	Delivery of cremated remains.	2/22/2016	2/29/2016	
FB16-03	Consent Decree	Disorderly cemetery grounds.	3/2/2016	n/a	3/14/2016
FB16-04	Dismissed	Unauthorized cemetery in residential neighborhood	3/14/2016	n/a	n/a
FB16-05	Investigation		3/16/2016	4/4/2016	4/25/2016
FB16-06	Investigation		3/16/2016	4/4/2016	4/25/2016
FB16-07	Investigation		3/16/2016	4/4/2016	4/25/2016
FB16-08	Investigation		3/16/2016	4/4/2016	4/25/2016
FB16-09	Investigation		4/6/2016	n/a	4/7/2016
FB16-10	Dismissed	Delivery of cremated remains.	4/11/2016	4/13/2016	5/4/2016
FB16-11	Investigation		4/27/2016	4/27/2016	7/25/2016
FB16-12	Investigation		5/10/2016	5/11/2016	7/11/2016
FB16-13	Investigation		6/14/2016	6/21/2016	7/25/2016
FB16-14	Investigation		7/13/2016	7/13/2016	7/25/2016
FB16-15	Pending		7/15/2016	n/a	
FB16-16	Pending		8/8/2016	8/8/2016	
FB16-17	Pending		9/2/2016	9/7/2016	
FB16-18	Pending		9/8/2016	9/9/2016	
FB16-19	Pending		9/8/2016	9/9/2016	





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AGENDA ITEM 17: Executive Director Report

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10/10/77
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10/10/77





State of Nevada
FUNERAL AND CEMETERY SERVICES BOARD

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Executive Director Report – September 2016

Regulations

Adoption hearing to be held with September meeting. Next step will be to go before legislative commission. Legislative commission either approves them or rejects them. If rejected, Board has 60 days to come back with revisions.

Testing

Since January 1, 2016, we have authorized 41 examinations (this includes both the State Board Exam and the Nevada Law Rules and Regulation Exam.

Investigations/Inspections

James Loveless officially started employment on July 1st. ED accompanied Mr. Loveless on several inspections for training and use of the inspection app/software, and preparation of violation letters. Mr. Loveless has spent considerable time studying FTC guidelines, and all relevant statutes and regulations under the purview of the Board. On schedule again with inspections.

Still quite a few pending cases, but several of them should be settled or dismissed soon. Several of these cases may involve consultation with a reviewing Board member. Mr. Loveless has prepared extensive timelines for several of these cases which involve multiple decedents and have significant paperwork associated with them.

Licensing Software

ED continues working with InLumon for licensing software. First presentation of system given to staff. Now in process of reviewing all fields and making changes. Initial testing of several forms to begin in October. New system will provide a way for initial licensees to submit application and to log in and see what documents are still pending for licensure.

Fingerprinting

Fingerprinting still not in place through FBI and DPS for initial licensing. Were originally told 4-6 months. At this point we may wait to implement the requirement to coincide with launch of on-line application submission. Continue to do background checks through an on-line company.

Meetings

ED has attended both the Northern Nevada Veteran's Cemetery Committee meeting and Southern Nevada Veteran's Cemetery Committee meetings.

ED attended a CLEAR (Council on Licensure, Enforcement, and Regulation) certification training

ED attended meeting of the Death Care Regulators Association and participated in a panel presentation given to Cremation Association of North America held in conjunction with the Death Care Regulators meeting.

R066-16P

ED submitted letter of opposition on behalf of the Board to the regulation pertaining to time limit for funeral directors to obtain death certificates. Vital Records did extend the timeframe slightly based on the input from the Board, but did not want to give an unlimited timeframe. There has been a large increase in fraudulent activities with death certificates and there have been several documented instances where people were denied access to a death certificate by Vital Records, and the individuals were able to obtain the record through the funeral home simply by calling the funeral home.

SB286

SB286 has been codified. Resulted in LCB re-numbering a substantial number of statutes. ED now working on updating inspection app to coincide with renumbering of statutes.

Misc.

ED has been fielding many calls regarding disinterring bodies at Hillside Cemetery.

Continue to report issues to other agencies for coordination, including OSHA, solid waste disposal, air quality, and several recent matters have been turned over to DOI.

Licensing Approvals

See attached for individuals approved by Executive Director.

9-11-1971

1971



Executive Director Approved Applicants 6/15/2016 – 9/20/2016

- 1. For reference only, Funeral Arranger applicants approved by Executive Director:**
 - a. Jose Ramirez (FA69 – 6/29/2016)
 - b. Robert Nadolny (FA70 -7/11/2016)
 - c. Billy C. Vallie (FA71 - 7/18/2016)
 - d. Perry Byron Butters (FA72 – 8/23/2016)
 - e. Claudia Patricia Perez de Hoyos (FA73 – 8/29/2016)
 - f. Paola Sandoval (FA74 8/30/2016)

- 2. For reference only, Funeral Director applicants approved by Executive Director:**
 - a. Christie Dawn Wilde (FD917 – 7/27/2016)

- 3. For reference only, Reinstatement of Licensure approved by Executive Director:**
 - a. William Matson (FD916 – 6/16/2016)
 - b. William Matson (EMB159 – 6/16/2016)

