

NEVADA FUNERAL AND CEMETERY SERVICES BOARD

MINUTES

Monday, November 20, 2017, at 8:00 a.m.

Marriott Renaissance
One South Lake Street
Second Floor River Rock Room
Reno, NV 89501

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, establish quorum. 8:00 am

Board Members Present

Dr. Randy Sharp, Chairman
Tammy Dermody, Secretary
Bart Burton
Brian Rebman
Christopher Naylor
Adam Garcia

Board Staff Present

Jennifer Kandt, Executive Director
Marie Paakkari, Administrative Assistant

Board Counsel Present

Henna Rasul
Senior Deputy Attorney General

Board Member Absent

Lorretta Guazzini, Treasurer

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)

There was no public comment.

3. **Discussion, recommendation, and possible action regarding review and approval of minutes of meetings (For possible action)**
 - a. September 19, 2017

MOTION: *Brian Rebman moved to approve the September 19, 2017 minutes. Bart Burton seconded the motion and the motion was carried unanimously.*

4. **Discussion, recommendation, and possible action regarding review and approval of FY2016 and FY2017 financial audit prepared by Kohn & Company (For possible action)**

Connie Christensen from Kohn and Company was present to present the financial audit for a two-year period ending June 30, 2016 and June 30, 2017. She noted that several major changes from the last audit were the change for the licensing period from annual to bi-annual and the new category for funeral arrangers. She stated that the financial position remains strong and net position increased both in 2016 as well as 2017. Ms. Christensen noted that this was a clean and unmodified opinion. She stated that there were no difficulties encountered during the audit and there were no material adjustments as a result of the audit. She said that everything was extremely clean, and all the records were well prepared and available, and staff was extremely helpful.

Jennifer Kandt stated that the Board would need to approve the audit and after approved, a copy of the audit would need to be provided to the Legislative Counsel Bureau by December 1, 2017.

Brian Rebman asked about the expenses for the licensing software and Jennifer Kandt stated that they previously used a different company and that they had been working with a new company, but expenses would not be incurred until the software was complete. She stated that the new software will allow for initial on-line licensing.

Dr. Randy Sharp asked if the recent administrative case with fines was reflected in the audit.

Jennifer Kandt stated that the Board did receive payment for the entire amount in the case, but stated that there is currently a petition for judicial review concerning the attorney fees and costs. Ms. Kandt asked Ms. Christensen to comment on the reflection in the audit report.

Connie Christensen stated that the amount was in the accounts receivable which is why the asset balance is higher at the end of June 30, 2017. She said that because the fees that are collected by the Board are paid to the State, they are netted which is why there is no big number in the income and expenses. Ms. Christensen referred the Board to the \$186,000 in accounts receivable.

MOTION: *Brian Rebman moved to accept the audit report. Tammy Dermody seconded the motion and the motion was carried unanimously.*

5. **Discussion, recommendation, and possible action regarding request for approval of funeral establishment permit application for the following location(s) (For possible action):**
 - a. Giddens Memorial Chapel

Jennifer Kandt stated that this application came before the Board at its last meeting and the Board continued the decision regarding this application because they were not quite ready. Ms. Kandt stated that the Board conducted a second inspection of the location and all of the identified issues had been addressed and approval is recommended at this time. Ms. Kandt stated that Dr. Randy Sharp issued a temporary approval for the permit on November 2, 2017.

MOTION: *Brian Rebman moved to approve the application for Giddens Memorial Chapel. Tammy Dermody seconded the motion and the motion was carried unanimously.*

6. **Discussion, recommendation, and possible action regarding request for approval of managing funeral director (For possible action)**
 - a. Kevin A. Ferm – Bunker’s Eden Vale Mortuary EST10
 - b. Kevin A. Ferm – Bunker’s Memory Gardens Mortuary EST30

MOTION: *Bart Burton moved to approve the managing funeral director license to Kevin A. Ferm for establishment locations EST10 and EST30. Tammy Dermody seconded the motion and the motion was carried unanimously.*

- c. David Walters – Sunrise Cremation DC88L

MOTION: *Bart Burton moved to approve David Walters managing funeral director license for Sunrise Cremation DC88L. Dr. Randy Sharp seconded the motion and the motion was carried unanimously.*

7. **Discussion, recommendation, and possible action regarding request for approval of continuing education course (For possible action)**
 - a. The Art of “Companioning” the Mourner: Caring Versus Curing – Offered by The Center for Loss & Life Transitions; 2 Continuing Education Hours;
 - b. Exploring Death, Grief, and Mourning – Offered by The Center for Loss & Life Transitions; 3 Continuing Education Hours.

Jennifer Kandt stated that it is possible that both of these classes may have already been approved by the Academy of Professional Service Practice, but she was not able to confirm with the Academy, which is why the approval is coming before the Board.

MOTION: *Brian Rebman moved to approve continuing education hours for Agenda items 7a and 7b. Tammy Dermody seconded the motion and the motion was carried unanimously.*

8. **Discussion, recommendation, and possible action regarding revisions to job descriptions (For possible action)**

Jennifer Kandt presented the modifications to each of the job descriptions. In the job description for the Executive Director, she said that the change would be to replace “informal investigations” with “investigations.” She also stated that language is being added to train and oversee the performance of all Board employees, maintain the inspection mobile app and inspection checklist documents, train inspector and conduct inspections as needed. She stated that in the Inspector job description there is language to require a valid Nevada Driver’s License must be held at all times. For the licensing specialist/administrative assistant position she stated that the only change is to remove a reference to specific licensing software.

There was discussion concerning conducting investigations and whether any Executive Director hired would be qualified. There was discussion that there are certifications which the current Executive Director holds and any potential Executive Director could obtain those certifications as well. She stated that when she was hired there were not any comprehensive inspection forms, but now that those are well established, it is a much easier process.

Brian Rebman asked legal counsel to provide input on the job descriptions.

Henna Rasul stated that she is fine with the changes, and said they seem to cover all basis but not so much that the Board would be pigeon holed.

Dr. Randy Sharp reminded the Board that there is the flexibility to change the job descriptions if needed in the future.

Jennifer Kandt stated that was a good point, because she feels like the Board was in a place where they can revise things and make them better and not starting from scratch like the Board was three and a half years ago.

MOTION: *Brian Rebman moved to accept the revisions to the job descriptions. Tammy Dermody seconded the motion and the motion was carried unanimously.*

9. Discussion, recommendation, and possible action regarding notarizing applications (For possible action)

Jennifer Kandt stated that currently initial application forms require notarization. She says that the statute does not have any language to require notarization and that if the requirement is removed, it makes the process of online initial applications easier.

Adam Garcia asked about the original purpose for having the applications notarized and commented that if someone lies under notary, it is considered perjury.

Henna Rasul stated correct.

Adam Garcia asked if the Board changed this requirement if they can still hold the applicant accountable if they lie on the application.

Henna Rasul stated that if they lie on their application, they could lose their license. If they obtain their license under false information or false pretenses, then it is a potential disciplinary action.

Tammy Dermody stated that the Board has received applicants who have lied on their application even though they were notarized.

Henna Rasul stated that not all licensing boards require applications to be notarized. She said that the ones that do, typically do so because they are required to by statute.

Dr. Randy Sharp stated that when he gets licensed every year as a veterinarian, he is not required to have it notarized.

Jennifer Kandt stated that on the Board renewal applications, notarization has not been required, just the initial applications.

Bart Burton stated that he believes that this requirement is somewhat outdated and recommended that it be eliminated.

MOTION: *Brian Rebman moved to eliminate the requirement for notarization on the initial applications. Tammy Dermody seconded the motion and the motion was carried unanimously.*

10. Discussion, recommendation, and possible action regarding inspection checklists (For possible action)

Jennifer Kandt stated that a copy of the funeral establishment, direct cremation facility and crematory inspection checklists were being provided for the Board to review. She said that they

had been updated with various legislative changes. She advised the Board that the inspections are done through an app, but that the content of the app was what was seen on the forms.

Dr. Randy Sharp asked if there were any questions in the checklist for the bio-hazardous training.

Jennifer Kandt stated that several questions were recently added dealing with OSHA blood borne pathogen training and exposure control plan.

Bart Burton asked about the requirement under NRS 451.660 to have a statement as to whether death occurred by a communicable or otherwise dangerous disease and if Jennifer was aware of when that statute was enacted as he thought it was redundant and probably not appropriate for the family to answer since the permit has the cause of death. Mr. Burton stated that the question should be removed since a person would have already picked up the body and been potentially exposed prior to getting the cremation authorization.

Brian Rebman stated that the crematory operator should be acting under universal precautions anyway, so it really doesn't serve a purpose.

There was discussion on the maintenance of records in terms of keeping a record of the final disposition of the cremated remains and Brian Rebman commented that the crematory would keep a record of giving them to a particular family member but not whether the cremated remains are being buried in Louisiana or scattered at sea in Hawaii.

Bart Burton stated that he believes that is what the section is referring to as once the cremated remains are in possession of the family member, the funeral home would have no further control.

Bart Burton asked about the questions regarding donation and stated that he felt those questions needed to be revised to differentiate between organ donation and whole body donation. He stated that a permit is not in place prior to organ donation, but a permit is needed prior to whole body donation. He stated that often skin and eyes are taken at the coroner's office and the funeral home doesn't even have the body at that point.

Tammy Dermody stated that she agreed that the questions should be revised to clarify the information gathered.

Brian Rebman stated that there are crematories that are working for whole-body donation companies, and after they are done doing their research, the parts are brought back for cremation. He said that he felt that the Board should have an understanding of that process.

There was discussion that the body parts after donation are sometimes comingled, but that it is only permissible if the agent has agreed to it, and that is something that should be looked at closely.

Mr. Burton asked about the legality if all of these authorizations for comingling are from another state.

Jennifer Kandt stated that there are typically numbers identifying the parts and the funeral homes state that the donor company is in possession of the paperwork, but the law states that the crematory cannot accept unidentified remains and that they cannot cremate without a permit, so she thinks they need to make sure that a permit is indeed in place for the cremations.

Brian Rebman stated that he believes there should be a clarification because his location is not a crematory that is cremating parts and comingling. Mr. Rebman stated that he will be a facilitator for the whole-body donation. If a family wants a whole-body donation, his establishment will do the removal and deliver the body to the whole-body donation company. Mr. Rebman stated that

he does have a relationship with whole-body donation in that regard, but he does not cremate parts for any organizations.

Bart Burton stated he felt that was an important distinction.

Ms. Kandt stated that a couple more questions can be added to the inspection checklist to clarify and obtain the information to ensure compliance.

Dr. Randy Sharp asked if the Board would be able to review the revised forms.

Jennifer Kandt stated that after the forms are revised, she could present to the Board for final approval.

MOTION: Brian Rebman moved to accept the inspection checklist with the changes regarding the donor questions, then bring the revised inspection forms back to the Board for final review. Tammy Dermody seconded the motion and the motion was carried unanimously.

11. Discussion, recommendation, and possible action regarding possible changes to Nevada Administrative Code Chapters 642, 451, and 452 and/or Nevada Revised Statutes Chapters 642, 451, and 452. (For possible action)

Jennifer Kandt stated that she was hoping the Board could review the concepts and decide whether they wanted to proceed with any changes. If any changes are desired, then language would be brought back for further review.

Jennifer Kandt stated that the proposed topics were suggested by Board members, Board staff, or by licensees. She stated that the first item up for consideration was to change refrigeration language to specify “mechanical refrigeration within an enclosed, temperature controlled refrigeration unit,” “maintaining temperatures between 38 and 42 degrees with fluctuations up to 48 degrees allowed when opening up the cooler.”

Tammy Dermody said she thought the Board may want to consider the temperature gauge as well.

Adam Garcia stated that he would suggest an approved mechanical refrigeration unit, so that the Board would have to approve the refrigeration unit as well as the temperature gauge.

Dr. Randy Sharp stated that he thought it would be reasonable for the Board to inspect and approve any existing or any new cooler to store bodies.

Adam Garcia asked if the Board could inspect and approve coolers that are already in place.

Jennifer Kandt stated they already have authority to inspect the existing coolers, but to draft a regulation for the approval of coolers would be needed.

Bart Burton stated that he agreed with Adam Garcia and thinks this is important because of the recent issue. When the inspection is done, Mr. Burton said he thought the inspector should be looking to see if they have a digital or some type of temperature reading on the outside installed by a licensed HVAC. Mr. Burton also stated that he agrees that something should be in there, not only for the new, but the existing. Mr. Burton said he wants to make sure the language doesn't allow for someone to just keep them in an air conditioned room as that is not what the Board would deem a cooler. He said he doesn't want people keeping bodies in a basement with an open window. Mr. Burton said he would like to make sure that the entire Board is talking about

an independent constructed unit which and not a garage, not a visitation room, and not an office that they can keep cold.

Adam Garcia stated he believes it would be best if the Board approves the unit. Then, if the funeral establishment puts decedents in the basement, garage, or something that wasn't what the Board approved, there would be a problem.

Jennifer Kandt stated that she believed the Board could come up with language that would state "they must be stored in a Board approved cooler that is inspected annually."

Bart Burton and Tammy Dermody stated that they did not want any grey area and lawyers making up their own definition of what refrigeration is.

Bart Burton stated that he doesn't believe that it serves the public well to have two lawyers going at it at the expense of a loved one's deceased laying in a garage or on the floor.

Dr. Randy Sharp stated that he would also like to request that the Board state Fahrenheit as a unit of measurement, even though it is understood. Dr. Sharp stated that he would like the Board to consider a maximum number with a fluctuation allowed, instead of a range.

Bart Burton stated that the coolers are usually kept between 38-40 degrees.

Jennifer Kandt stated then perhaps the maximum could be set at 42.

Brian Rebman questioned whether fluctuations to 48 was sufficient for Southern Nevada.

Dr. Randy Sharp stated should the Board insert a word, for example, transitory fluctuation.

Bart Burton stated that 48 degrees is pretty generous and there are a lot of states that are much lower than that.

Jennifer Kandt stated that language would be drafted to incorporate the discussions and the Board could further review.

Item No. 2 Regarding Sec. 33 of R067-1 was discussed. Jennifer Kandt stated that there was a suggestion to further define dignity and respect.

Bart Burton stated that on item 3, it states "for the purposes of this subsection, "floor of any room" includes the floor of a room which is part of a refrigeration unit." Mr. Burton stated that on the floor to him, it doesn't matter if you are in a container or not in a container. Mr. Burton stated that no one should be placed on the floor, and there is always something you can either put the decedent on or to keep the container that the family selected off the floor. Mr. Burton stated that in reference to a previous case, they were trying to state that because the individual was in a container that the individual was not on the floor, but the decedent was on the floor on a quarter inch piece of cardboard. Mr. Burton stated that he did not think that was right for anyone.

Dr. Randy Sharp stated that he appreciated trying to define dignity and respect but wonders if they could cover every item that would not be dignified or respectful. Dr. Sharp requested that the Board have language in Sec. 33 Item 1 with dignity and respect including, but not limited to.

Jennifer Kandt agreed that there are so many scenarios that the Board cannot address them all, so having a general dignity and respect provision makes sense. She stated that it is part of the Board's job to make determinations on whether treatment of a deceased was dignified and respectful.

Adam Garcia stated that he agrees and also stated that he wanted to address shelving or how bodies were stored. Mr. Garcia stated that a card table or a banquet table or shelves from Home Depot did not seem appropriate. Mr. Garcia stated that not being in the business, he wondered if it is appropriate to tell a funeral home that it needs to be something that is made for that purpose. Mr. Garcia stated that to him, that would-be part of dignity and respect.

Dr. Randy Sharp stated that he assumes that they make shelving specifically for the industry.

Bart Burton confirmed.

Brian Rebman stated that he personally knows someone who bought shelving at Home Depot and he thought it was adequate and sufficient for what he was doing. Mr. Rebman stated that it appeared dignified and respectful.

Bart Burton stated that the shelving was placed inside a refrigeration unit.

Brian Rebman stated of course.

Bart Burton stated that he has also seen that too and it was adequate and respectful.

Brian Rebman stated that he is not sure that the Board should care where the shelving was purchased, just that it needs to be dignified and respectful shelving. Mr. Rebman stated that for the Board, if it is inspected the shelving is not dignified and respectful, it will be recognized. Mr. Garcia stated like with the banquet tables, Mr. Rebman stated that it just didn't seem quite right.

There was discussion on whether the current law was adequate or whether the inspector would need more in the law to determine whether the storage and shelving was dignified and respectful.

Jennifer Kandt stated that sometimes it can be difficult when the language to determine the violation isn't specific, but again you also cannot address every issue and some things need to be more general.

Bart Burton stated that he didn't think the issue was where the metal shelving would come from, but more the materials used. He said if it is wood shelving, OSHA would require it to be painted, and that is easy to determine. He stated that in terms of using banquet tables, Mr. Burton does not think that is very respectful.

Dr. Randy Sharp asked if the Board could draft similar language for approving the refrigeration unit and adequate shelving.

There was discussion that OSHA would have requirements regarding shelving in terms of permeability to blood borne pathogens and that it may not make sense for the Board to have to approve new shelving.

Jennifer Kandt stated that in the current statutes it clearly states that the crematory has to protect for the health and safety of its employees and if they have wood shelves that are being soaked with bodily fluids, that would be something that the Board could see as a violation under not protecting the health and safety of the employees.

Brian Rebman stated that he was thinking about the table issue, and he knows that it just bothered the entire Board, but wondered how the table was different from a care with wheels that would be used for that purpose.

Bart Burton stated that in the instance the Board had, there were unembalmed people outside of the refrigeration unit, stacked on a table and falling off.

Tammy Dermody stated that she felt the banquet tables became an issue because they had been used at a family dinner and then were brought out to store bodies.

Bart Burton stated that he felt that the Board should be approving and inspecting new and existing coolers. He also stated in regards to shelving and tables, bigger places are usually going to have better equipment than the smaller places, but if the Board makes a rule, it would obviously need to apply to everyone.

Jennifer Kandt stated that the Board already has the authority to go in and inspect any location where human remains are stored and that includes their refrigeration units. She said it is sounding as if the Board wants to approve the refrigeration units, so she will draft language.

Ms. Kandt stated that she did have another question regarding clarification on the section which states human remains must not be placed on other human remains for the purpose of storage or transportation, if the Board considers stacked cremation containers to be remains being placed on other remains.

Bart Burton stated that he would consider that to be placed on other human remains. He said that if remains in containers were stacked and someone is on top of another, what happens if the cardboard box on the bottom breaks or loses its integrity and slides down. He said it is just not the way to do things.

Jennifer Kandt reminded the Board that current law states that the premises have to be maintained in a sanitary and professional manner. If there was something that was going to stand out as not being professional, the Board could see a potential violation.

Dr. Randy Sharp said that the Board needs to regulate but not be so granular that we are pigeon holing everyone.

Henna Rasul stated that the Board might consider adding language which states "anything else the Board deems to violate the dignity and respect of the body." She said that some boards have those types of clauses in their regulations because you cannot account for everything and there are things that the Board may not have even thought of at this point. Then that way, you can address these items at a hearing should they arise to a certain level, that is very egregious.

Tammy Dermody stated that she would like to see a catch all at the end in the regulations.

Item No. 3 Jennifer Kandt stated that this item would be to allow for a reduced number of continuing education credits for individuals licensed less than six months prior to renewal. Ms. Kandt stated that there are individuals who may get licensed three weeks prior to needing to renew and they still need those 12 hours of continuing education to renew their license. Ms. Kandt is not sure if LCB will allow the Board to make this change because the Board has the framework within statute that says prior to license renewal individuals are required to have the twelve hours.

There was general consensus that it would make sense to allow for a reduced number of hours if possible.

The Board members are all in agreement regarding prorating the three continuing education units within six months and six continuing education units within one year.

Item No. 4 Jennifer Kandt stated that clarification is needed as to whether continuing education credits can carry over from previous years. For example, if fifteen hours are completed prior to license renewal, can the three extra hours be carried over to the next licensing period.

Dr. Randy Sharp stated that he did not feel that was appropriate. Dr. Sharp stated that as a veterinarian, they cannot carry over any credits. He said that is because someone could get 30 hours one year and then not get any continuing education for several years after and he did not think that was appropriate for keeping individuals current in their knowledge.

Jennifer Kandt said she believes that the Board needs to specify in regulation that continuing education credits cannot carry over from one licensing period to the next as currently it is not specified.

Christopher Naylor stated that he has never seen that done anywhere else in the industries in which he has worked.

There was general consensus that continuing education should not be allowed to carry over.

Item No. 5 Regarding Sec. 25 of R067-15. Jennifer Kandt stated this item is to make a slight clarification that “the Board may issue the notice of violation.” She said that the statute does say that the Board may proceed with disciplinary action on any violation found, but thinks the word may is more appropriate.

There was general consensus the Board should clarify the notice of violation language.

Item No. 6 Jennifer Kandt stated that this item came as a suggestion from a licensee. The licensee was requesting revisions to the cremation regulations to require that a positive identification must be completed prior to cremation. Ms. Kandt stated that there is language in NRS 451.665 which states that an operator of a crematory shall not accept unidentified remains.

Brian Rebman stated that in most cases, the coroner will be the one responsible for making some type of identification and if they are not identifiable then you are still getting a permit for that decedent as a “John Doe” and that fulfills the requirement. Mr. Rebman thought that the request may be referring to requiring an identification viewing prior to cremation.

There was discussion regarding Palm’s requirements for the family to sign off on the identification, but they are not required to view them. He stated that the family can provide a photograph and the funeral home will accept that as a method to identify the remains. Mr. Burton stated that the only decedents that get an exception are fetals and decomposed cases. He said in cases of decomposition, the funeral home will call to the coroner’s office to verify the coroner’s number and the coroner’s office will then tell the funeral home who the decedent is, and the funeral home will then document who they spoke with at the coroner’s office. Mr. Burton stated that the coroner’s office is the one who gets the affidavit for identification signed by the next of kin. The coroner’s office is the one who does the dental records for identification. He clarified that in non-coroner cases, the family can either view the decedent, or provide a description and photo.

Brian Rebman asked Mr. Burton if a hospital bracelet from the hospital or care center was sufficient identification.

Bart Burton stated that under SCI’s policies, it would not be sufficient identification.

Jennifer Kandt asked if the Board felt it was sufficient to say that the crematory shall not accept unidentified remains and then it is left up to the crematory to decide what is an appropriate identification practice.

Bart Burton stated that he did not feel the Board needed to address anything further as he felt that if a crematory was not satisfied that the individual was properly identified, that they would not proceed, and that they would require something further.

There was discussion that funeral establishments charge for an identification viewing and Mr. Burton wondered if the request for this was to require an identification viewing so the location could charge for the viewing. Mr. Burton stated he believed this should be the choice of the family verses the state telling the funeral homes they have to require an identification viewing. Mr. Burton said he wondered how important this item would be to the individual making the request if the Board said that an identification viewing is required, but the location cannot charge for the service. Mr. Burton stated that he did not believe that the Board should get involved with this matter.

Item No. 7 Jennifer Kandt stated that this request came from a licensee and they would like to require a managing funeral director of any location which is physically storing human remains to also be licensed as an embalmer.

Tammy Dermody stated that the previous legislative sub-committee went over this issue extensively and the sub-committee came to the conclusion that it was not necessary because the funeral establishments hire licensed embalmers.

Brian Rebman stated that he felt like someone running a mortuary should have gone to school and have the proper background to understand the nuances of the industry. He said he has always looked at the State of California with distain because people can own a funeral home without having the education. Mr. Rebman stated that he has always felt that if you are going to be a licensed funeral director working in a mortuary, you should have gone to school. Mr. Rebman stated that he believes going to mortuary school gives you extensive knowledge on treating decedents with dignity and respect. He stated that he believes someone who has gone to mortuary school has a different perspective on how to care for people rather than the business man who decides that the mortuary business seems like a good money maker. Brian Rebman stated that he has always felt that you should have gone to mortuary school to be managing a funeral home, but also stated that he believed it might be too big of a hurdle to overcome at this point. Mr. Rebman stated that he did not believe that the Board could ever get that passed in the State of Nevada.

Item No. 8 Jennifer Kandt stated item 8 would be to create specifications for which family members can order disinterment. Ms. Kandt stated that a couple of issues have come up recently where the cemetery doesn't want to disinter someone because the person had paid to be there prior to passing. She said that sometimes, the scenario could be that dad wanted to be buried next to his second wife, but then the kids later want to dig dad up and move him next to his first wife who is their mother. She said the question becomes who should be making those decisions.

Brian Rebman asked who has the authority to make that decision now.

Jennifer Kandt stated that the law is not specific, and there was discussion that most cemeteries use the statutes governing authority to order cremation or burial. There was also discussion that the current statues seem to address when a cemetery authority can order the disinterment, but don't address the circumstances for the family ordering the disinterment.

Christopher Naylor stated that sometimes it becomes tricky when there are multiple siblings and you need to make sure they are in agreement. He also stated that often they are not honest on whether they have siblings or how many.

Bart Burton stated that they require all of the children to agree, they will not accept a majority. He also stated that they require the individuals to sign that they have the lawful right to proceed.

Christopher Naylor stated that for disinterments they require all of the documents to be notarized. At the Veterans Cemetery, they use documents from the National Cemeteries and everything is required to be notarized which means if they lie, they are committing perjury.

Bart Burton stated that in Clark County they must go before the county commissioners as well.

Christopher Naylor stated that their cemeteries have guidelines, and in some cases, there are letters documenting where they want to be buried. He said in those instances, they will not allow the disinterment.

Bart Burton stated the family can always get a court order.

There was discussion that a regulation could be drafted to state that if a family member requests a disinterment, the cemetery will follow the order of priority that is in NRS 451 for the burial or cremation and that the cemetery may require a court order.

Bart Burton stated that he wanted to make sure there was still the authority for the cemetery to require all of the siblings to agree.

Bart Burton stated that he would like to see language about following all cemetery requirements. Then it is up to the cemetery to come up with their requirements.

Jennifer Kandt stated that the Board could also add some language that says the cemetery incurs no liability from the disinterment.

Item No. 9 Jennifer Kandt stated that this item involves preserving rights for decedents who order their own burial or cremation through a preneed arrangement if fully paid for and do not allow the family to substantially alter the arrangement.

There was discussion that often individuals plan and pay for a burial, and when the children come in to make arrangements, they want to have a simple cremation and get refunded the difference.

Bart Burton stated that he feels this is important but is not certain about the “substantially alter” language as he feels that if someone chooses what they want done and they pay for it, he doesn’t feel that it should be able to be changed without a court order as it would go against the wishes of the decedent. Mr. Burton also stated that families do not necessarily get back all of the money if the plans are changed and said that the funeral home is not doing justice for the person who took the time to make the decisions. Mr. Burton stated that this is important for protection of the public to ensure they are getting what they want. Mr. Burton stated that he does not agree with a lot of things in California, but he does agree with their laws on not being able to change a pre-need without a court order.

Tammy Dermody stated that it defeats the purpose of a preneed to allow for the family members to change it after death.

Brian Rebman stated that sometimes families will purchase a more expensive casket selection in the pre-need with the intention of purchasing a lower priced option and utilizing the difference for the opening and closing of the gravesite.

There was discussion that scenario was not a substantial change, and Bart Burton stated that going from a burial to a direct cremation was definitely a substantial change.

Jennifer Kandt stated that maybe the language should not be a substantial change, but that the family cannot change the form of disposition after death.

Bart Burton suggested that Jennifer ask Lauren at The Conference for information on laws other states have regarding this issue.

Jennifer Kandt stated that she was unsure if this would be able to be a regulatory change, but she would try to figure that out.

Bart Burton asked if the Board would know in advance of the legislative session and Jennifer stated that she thought they would know well in advance.

Item No. 10 Jennifer Kandt stated that a request was submitted from a licensee to eliminate the direct cremation facility permit and eliminate the requirement for an embalming room. Ms. Kandt stated that several variations have been presented, including requiring the embalming room for the first location and then allowing for branch locations which do not need to have a prep room if they are within a certain distance of the central care facility. Ms. Kandt stated that this issue would definitely require a legislative change.

Jennifer Kandt stated that right now, the Board requires every funeral establishment to have the prep room, but the equipment and supplies for embalming are not necessary if they are available at another location. Ms. Kandt stated that the exhaust and sanitary flooring is still a requirement.

Brian Rebman stated that from his perspective, he does not believe it is good for the industry to have storefront locations.

There was discussion that the Board worked on this issue extensively two years ago and it is still kind of new, so the Board may want to give it some more time to see how things change and progress.

Item No. 11 Jennifer Kandt stated discussion regarding charges for refrigeration after a certain number of days, specifically, in social services cases. Ms. Kandt stated that for direct cremations, the FTC does not allow for refrigeration charges starting from the first day or second day even though the Board requires refrigeration within twenty-four hours because a direct cremation price is supposed to be an all-inclusive price. That direct cremation is supposed to theoretically include the transportation and storage up to a reasonable period of time.

Tammy Dermody stated that she addressed this with Washoe County Social Services so she did not think anything further was needed on this.

Item No. 12 Jennifer Kandt asked if the Board wanted to consider having a legislative position on regulation of body brokers and their relationships with funeral homes and crematories. Ms. Kandt stated that it is her understanding that there are several legislators who may be looking at these issues based on the national articles that came out recently. Ms. Kandt stated that if there was any legislation, it would be good for the Board to have a position if they are consulted.

There was discussion and general consensus that the Board would not want to be involved in the regulation of that industry, but that they support regulation, especially in terms of disclosing to families how the process works and what ends up happening with the remains.

Bart Burton stated that in terms of crematories accepting unidentified remains, he is concerned that some of the parts that end up in crematories after the donation are not properly identified. He also expressed concern about parts that may be coming in from out of state and whether proper paperwork is in order.

Brian Rebman questioned whether cremation facilities which offer cremation services to the general public should also be cremating parts for research companies and stated that he felt that was a different industry. He stated that he did not feel that a crematory which may comingle ten heads at a time seemed like a different process that was not part of the funeral industry.

There was discussion on whether some of the parts that come back after donation are viewed as pathological waste or whether they are viewed as human remains. There was clarification that the air quality permits state that crematories cannot cremate pathological waste.

Tammy Dermody stated she thinks that there are some gray areas and that also cremation of these parts should be kept out of the funeral industry because it is something separate.

Bart Burton stated that he believed the consumer has a right to know that a crematory which may cremate boxes of body parts should have to disclose that their cremation equipment is used for that purpose.

Dr. Randy Sharp stated that as a consumer, he would want to know something like that.

There was discussion on whether consumers may or may not care whether a crematory is used to cremate parts and then used to cremate individuals as long as the cremator was cleaned out properly.

Bart Burton stated that he thinks the normal public thinks that they are going to a mortuary facility which is doing cremations of whole bodies and swept out. Mr. Burton stated that he thinks the public would view cremating ten heads together as something different.

There was discussion on whether comingling was allowed and clarification that it is only allowed with written permission, so the crematory should have written authorization.

Bart Burton stated that he does not believe that they are all signing an authorization currently that addresses communicable diseases because some of the authorizations are coming from out of state and probably do not have that language.

There was discussion and general consensus that the Board would support regulation of body donation companies and believes that cremation of parts after donation should be separate from the funeral industry.

Brian Rebman stated that he thinks that funeral arrangers should have continuing education and asked if the Board could add that to the topics.

There was discussion that it may be too burdensome for arrangers and discussion on what they would really be learning from the continuing education. There was discussion that if continuing education is required, the information should be pertinent.

There was discussion on whether the Board could provide training and Jennifer Kandt stated that usually when Boards conduct trainings, they are training on the state laws. She said that Board staff or someone they hire could give an overview of laws, changes to laws, and typical problems.

Bart Burton thought that on-line training options should be available and stated that if Mr. Burton gives the State of Nevada SCI's Dignity University courses, there would be information available on FTC and OSHA changes as SCI keeps up with all of those changes. Mr. Burton stated that he thought that SCI would make these classes available to the Board. Mr. Burton stated he would look further into that.

Jennifer Kandt stated that first the Board should look at everything they can address through regulation and then address anything that was not able to be accomplished through regulation legislatively.

MOTION: *Brian Rebman moved to accept the suggestions and changes to move forward toward the legislation and regulation topics as discussed. Tammy Dermody seconded the motion and the motion was carried unanimously.*

MOTION: *Brian Rebman moved that the Funeral Board would support regulation of body donation companies and that it should not be part of the funeral industry, but is a separate industry that would not be regulated by the Board. Dr. Randy Sharp seconded the motion and the motion was carried unanimously.*

12. Financial Reports

- a. Regulatory Fee Collection
- b. Financial Reports

Jennifer Kandt stated the regulatory fees are through September and the Board just had the financial audit and everyone should feel comfortable that the Board had a really good audit along with the presented audited statements from the last two years.

Tammy Dermody asked if there were any delinquent regulatory fees.

Jennifer Kandt stated that sometimes there are locations which fall behind, but they send letters quarterly and there are usually not any issues after the letters are sent.

Brian Rebman asked how often the Board was reviewing the information from Vital Records against the submissions.

Jennifer Kandt stated that she felt they should be looking at that more closely and that they have added some questions to the inspection forms. She said that there are a few locations which seem to have numbers that don't make sense, and the Board needs to get answers as to why the numbers are so different.

13. Overview of current complaint status

Jennifer Kandt presented an overview of the current complaint status.

14. Report from Executive Director, Jennifer Kandt

Jennifer Kandt overviewed her written report.

15. Board member comments

There were no Board member comments.

16. Discussion regarding future agenda items and future meeting dates:

February 13, 2018
June 5, 2018
September 18, 2018
November 13, 2018

There was discussion that it was difficult for Dr. Sharp to travel to Vegas for meetings, so he preferred meeting in Reno. Board members located in Vegas all stated that it was not problematic

for them to travel. Jennifer stated that they will try to meet all in person in Reno with video-conferencing to Vegas as much as possible.

17. 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)

Ife Capone stated that perhaps the Board should look at how many inches off of the floor a bottom shelf should be.

Dr. Randy Sharp stated that was a good question, that he had thought about that himself, and asked if Jennifer could research other states on that issue as well.

Michael Ficke stated that in the Nevada Law, it states that they can move to the next in line after 30 days, but felt the timeline should be shorter as he felt that 30 days was excessive.

There was discussion that the Board had originally looked at 14 days, but ultimately had gone with 30 as that was the timeframe that social services was looking at for abandoned cases.

There was a request to add that item to the list of legislative discussion items.

Bart Burton commented that California is seven days and perhaps the Board should look at other states.

Dr. Randy Sharp asked that while research on other states is being done, he would recommend seeing if other states had wording or requirements for shelving.

18. Adjournment 11:25 am