

# NEVADA FUNERAL AND CEMETERY SERVICES BOARD

## MINUTES

***Tuesday, February 20, 2018, 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. Meeting called to order at 8:10 a.m.**

**Board Members Present**

Dr. Randy Sharp, Chairman  
Tammy Dermody, Secretary  
Brian Rebman  
Christopher Naylor

**Board Member Absent**

Loretta Guazzini, Treasurer  
Bart Burton  
Adam Garcia

**Board Staff Present**

Jennifer Kandt, Executive Director  
Marie Paakkari, Administrative Assistant

**Board Counsel Present**

Henna Rasul  
Senior Deputy Attorney General

**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. November 20, 2017

**MOTION:** *Brian Rebman moved to approve the November 20, 2017 minutes. Tammy Dermody seconded the motion and the motion was carried unanimously.*

4. Discussion, recommendation, and possible action regarding Consent Decree for case number FB17-21 (For possible action):
  - a. Tracy Muncy, Funeral Arranger License No. FA39

**MOTION:** *Brian Rebman moved to accept the consent decree for case number FB17-21 as written. Christopher Naylor seconded the motion with Tammy Dermody recusing as Ms. Muncy was employed by the same company and the motion was carried unanimously.*

There was additional discussion that this item was reported by the location managing funeral director and that the Board would not have known about the incident without the notification from the location.

5. Discussion, recommendation, and possible action regarding Consent Decree for case number FB17-25 (For possible action):
  - a. Mountain View Crematory License No. CRE3

**MOTION:** *Tammy Dermody moved to accept the consent decree for case number FB17-25 as written. Dr. Randy Sharp seconded the motion and the motion was carried unanimously.*

6. Discussion, recommendation, and possible action regarding Consent Decree for case number FB17-30 (For possible action):
  - a. Eastside Memorial Park CEM4

**MOTION:** *Brian Rebman moved to accept the consent decree for case number FB17-30 as written. Tammy Dermody seconded the motion and the motion was carried unanimously.*

7. Discussion, recommendation, and possible action regarding the following Embalmer Licenses (For possible action):
  - a. Wendell Christopher Bruce
  - b. Andrew W. Joyce

**MOTION:** *Tammy Dermody moved to approve Wendell Christopher Bruce and Andrew W. Joyce's applications for embalmer licensure. Dr. Randy Sharp seconded the motion and the motion was carried unanimously.*

8. Discussion, recommendation, and possible action regarding request for approval of new managing funeral director for the following locations (For possible action):
  - a. Vicki Tatum FD924 – Thomas and Jones Affordable Funeral Home EST38

**MOTION:** *Tammy Dermody moved to approve the managing funeral director request for Vicki Tatum. Christopher Naylor seconded the motion and the motion was carried unanimously.*

- b. Naomi C. Valdez FD896 – Palm Eastern Mortuary EST27

**MOTION:** *Tammy Dermody moved to approve the managing funeral director request for Naomi C. Valdez. Brian Rebman seconded the motion and the motion was carried unanimously.*

- c. Celena DiLullo FD862 – Palm Downtown Mortuary EST17

**MOTION:** *Tammy Dermody moved to approve the managing funeral director request for Celena DiLullo. Dr. Randy Sharp seconded the motion and the motion was carried unanimously.*

- d. Sheila Rae Winn FD926 – Clark County Funeral Services EST106

**MOTION:** *Tammy Dermody moved to approve the managing funeral director request for Sheila Rae Winn. Dr. Randy Sharp seconded the motion and the motion was carried unanimously.*

- e. Ted Williams FD898 – Walton's Funerals and Cremations – Sparks EST25

**MOTION:** *Brian Rebman moved to approve the managing funeral director request for Ted Williams. Dr. Randy Sharp seconded the motion with Tammy Dermody recusing as Mr. Williams is employed by the same company and the motion was carried unanimously.*

- f. Blake Howe FD622 – Waltons's Funerals and Cremations – Ross, Burke & Knobel-Sparks EST20

**MOTION:** *Brian Rebman moved to approve the managing funeral director request for Blake Howe. Dr. Randy Sharp seconded the motion with Tammy Dermody recusing as Mr. Howe is employed by the same company and the motion was carried unanimously.*

- g. James Smolenski FD217 – Walton's Funerals and Cremations EST50

- h. James Smolenski FD217 – Walton's Funerals and Cremations – Chapel of the Valley EST21

- i. James Smolenski FD217 – Walton's Funerals and Cremations – Capitol City EST62

**MOTION:** *Brian Rebman moved to approve the managing funeral director request for James Smolenski. Dr. Randy Sharp seconded the motion with Tammy Dermody recusing as Mr. Smolenski is employed by the same company and the motion was carried unanimously.*

- j. Billy C. Vallie FD918 – Davis Funeral Home-Eastern EST26

**MOTION:** *Tammy Dermody moved to approve the managing funeral director request for Billy C. Vallie. Dr. Randy Sharp seconded the motion and the motion was carried unanimously.*

- k. Andrew W. Joyce FD936 – Truckee Meadows Cremation & Burial Services EST108

**MOTION:** *Brian Rebman moved to approve the managing funeral director request for Andrew W. Joyce. Tammy Dermody seconded the motion and the motion was carried unanimously.*

- l. Lawrence Ocon FD899 – La Paloma Funeral Services EST79

**MOTION:** *Tammy Dermody moved to approve the managing funeral director request for Lawrence Ocon. Dr. Randy Sharp seconded the motion and the motion was carried unanimously.*

9. Discussion, recommendation, and possible action regarding request for approval of funeral establishment permit applications for the following locations (For possible action):

- a. Nevada Funeral Services, LLC

**MOTION:** *Brian Rebman moved to approve the funeral establishment permit application for Nevada Funeral Services, LLC. Tammy Dermody seconded the motion and the motion was carried unanimously.*

10. Discussion, recommendation, and possible action regarding request for approval of continuing education credits for the following courses (For possible action):

- a. Gerald Hitchcock – "NFDA Board Meeting" – requesting two (2) continuing education units.

There was Board discussions regarding proof of attendance at meetings and audit of continuing education hours.

**MOTION:** *Tammy Dermody moved to approve two (2) continuing education hours requested by Gerald Hitchcock pertaining to the NFDA Board Meeting. Dr. Randy Sharp seconded the motion and the motion was carried unanimously.*

- b. Gerald Hitchcock – “Diocesan Conference” – requesting five (5) continuing education units.

Dr. Randy Sharp stated that he understood, from Mr. Hitchcock’s cover letter the intent of this type of course, but also stated that he felt the continuing education could only be approved which related to the funeral industry only.

Tammy Dermody stated that when she attended these classes, it felt more like church than continuing education. Ms. Dermody stated that the classes did not address burial or funeral procedures, just religious beliefs.

Christopher Naylor stated that looking at the classes, it would appear more religious beliefs. The Class “Religion and Science,” looks like it is going to teach about religion in general, not religious burial beliefs. Mr. Naylor stated that he agreed with Tammy that it doesn’t seem to have anything to do with, from what is described, burial and/or the funeral industry.

Dr. Randy Sharp stated that it appears to be more about personal development. Dr. Sharp stated that these classes might be applied to the industry but not related directly to the industry.

Ms. Dermody stated that this is a wonderful conference, however she is not sure how it applies to the Board’s continuing education requirements.

There was further discussion on regulation requirements regarding types of continuing education which is automatically approved and what needs to come before the Board.

***MOTION: Tammy Dermody moved to deny five (5) continuing education hours requested by Gerald Hitchcock pertaining to the Diocesan Conference. Christopher Naylor seconded the motion and the motion was carried unanimously.***

**11. Discussion, recommendation, and possible action regarding accountant, Numbers, Inc. for proposed accounting/bookkeeping automation and contract for services (For possible action)**

Jennifer Kandt stated that there are two parts to this request, one, being Numbers, Inc. currently does the Board’s accounting, payroll, entering invoices for payments, checks, and regulatory fees. There is a one-time project that is being requested to automate some accounting features including computerized timesheets, linking the credit card system to Quickbooks, and validating VOYA payments. She stated that there would be a one-time fee of \$5,000 to assist and a completion time of two-three months. Ms. Kandt stated that the Board has sufficient revenue to support the project.

Jennifer Kandt stated that the fees for the accounting services are increasing substantially and will be going up to \$1,800 per quarter. She said that there has been no increase in four years. Part of that increase is because the State is no longer willing to waive insurance requirements.

Ms. Kandt stated that she felt the bookkeeping firm did a really good job and they contribute to the ease of the audits that have been very favorable. She also stated that she felt it was important to have the firm to process payroll and payments to add another layer for security. Ms. Kandt stated that the Board budget can support the increase.

Christopher Naylor asked if a cost comparison to other bookkeeping services was done and Ms. Kandt said there was not a comparison done as accounting services are exempt from proposal requirements under the state contracting laws.

Ms. Dermody stated that she felt that the Board does need that level of protection between the executive director and accounting functions and feels that the accounting service is priceless. Ms. Dermody stated that it is also beneficial to have an accountant that already deals with Boards. Henna Rasul stated that the accountant does work for other Boards.

Ms. Rasul did not believe that because the accountant is not a CPA would be a problem and that the Board should not be concerned since there is no requirement that the accountant is a CPA.

Jennifer Kandt stated that the Board is required to have a CPA to conduct the Board audit and that the Board complies with that requirement.

Tammy Dermody stated there is that level of protection, and the accountant merely performs the bookkeeping services and usually bookkeepers do not have their CPA license.

**MOTION:** *Tammy Dermody moved to approve the one-time project of \$5,000 and the increase to \$1,800 per quarter on the bookkeeping services. Dr. Randy Sharp seconded the motion and the motion was carried unanimously.*

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

Jennifer Kandt stated that at the last meeting there was a request for changes to be made to some of the questions on the inspection checklists to clarify whether whole body donation was offered through the location, or if tissue donation was being done. Ms. Kandt stated that a few questions were added to the inspection checklists regarding this issue.

Brian Rebman stated is the intent of the question “does the location work with any whole-body donor organizations.” For example, a mortuary like his might work with a whole-body donation place and he is doing the removal, storing the body, creating the permit and then delivering the decedent to whole body donation where they then do what they do and then someone else then cremates it. Mr. Rebman asked if his facility would be answering “Yes” to this question.

Jennifer Kandt stated correct. Because you are sitting with the families to help them do the paperwork to actually do the donation.

Brian Rebman stated that the last question, “if the location cremates body parts brought in from out-of-state, are permits obtained in Nevada prior to cremation.” Mr. Rebman stated that was one of the points brought up in the last meeting and there is concern that this may be happening.

Jennifer Kandt stated that if the body parts are being brought in from out-of-state and they are not getting a permit from Vital Records, Vital Records believes that is a violation of NRS 440. To bring in human remains from out-of-state, you need a permit to do that. According to Vital Records, they would have a problem with that and we want to make sure that is not happening.

Brian Rebman stated that he is pretty sure that is what is happening.

Jennifer Kandt stated that it most definitely could be happening. What Vital Records said is that, if the part is brought in from out-of-state then obviously the death occurred somewhere else the individual is not going to be within the EDRS system and then Vital Records will have to prepare a paper permit, essentially a hand-written permit for each part. It is Vital Records opinion that it should be being done based on what is currently in statute.

Jennifer Kandt stated that in many cases, the death may have occurred in Nevada, the parts might go out to other states for the research, but then they come back into Nevada for the cremation. In that scenario, the permit would have already been issued for donation/cremation.

Jennifer Kandt stated that the Funeral Board does regulate the crematories and if the crematory is cremating parts without permits, they would be in violation of various statutes.

Brien Rebman stated that he felt that a whole new Board should be created with regulation over the body donation companies. Mr. Rebman stated that the Board agreed that it would like to see even the cremation being done by body donation crematories and not by mortuary crematories.

Jennifer Kandt stated that there may be some issues with that as well because it is her understanding that there are some federal guidelines which may not allow for a head or a torso to ever be considered pathological waste because it is known that a death occurred if you have a head or a torso. It might be that they have to be cremated in crematory which is under the Funeral Board jurisdiction. However, it definitely is within the Board's purview to make sure that the crematory is getting all the paperwork that they are required to have prior to cremating any human remains. She said that statutes currently require human remains (including parts) be identified, they need a permit for any cremation and if they are comingling the parts, they can, as long as they have a signed authorization to do so. Ms. Kandt stated that she is aware that some of the companies forms do have families sign the parts used in research may be comingled.

Henna Rasul suggested that the second question regarding veteran's, maybe the Board should put "Nevada Department of Veteran Services" because people still interchange VA with VS and if Nevada is inserted it will get straight to the point.

Tammy Dermody stated that these are also forms that can be changed and if there are other things that need to be added, the forms can always be modified.

Brian Rebman asked if Jennifer Kandt had spoken with any locations that are cremating parts.

Jennifer Kandt stated that there have been very brief discussions regarding this matter. Ms. Kandt stated that the conversations are usually "yes, we are doing what we need to do," but the Board inspector has not actually verified that the correct paperwork exists for these cases.

Brian Rebman stated that he felt the locations should be aware that these items are being looked at closely.

Jennifer Kandt stated that the inspection forms are on the Board website and anyone can access them and see exactly what the Board is looking for during an inspection. Ms. Kandt stated that she could do an email to say that the Board has updated the inspection checklists and that they are located on our website. Ms. Kandt stated that the Board has not changed any laws, the laws are the same and they should be following them, and they have been telling the Board that they have been following them.

Jennifer Kandt also stated that there may be issues with locations cremating amputations from hospitals, in terms of needing a cremation authorization and possibly not having the form needed. Ms. Kandt stated that the Board had probably failed in not looking closely enough at paperwork and relying on statements made.

Brian Rebman stated that he is concerned that at some point, this whole thing is going to get into the media and blow up.

Tammy Dermody stated that it has been in the media and people are looking closely at this issue.

**MOTION:** *Tammy Dermody moved to approve the changes on the inspection checklists as written and to send out an email to the industry informing them that the Board has updated the checklists to enforce the law. Brian Rebman seconded the motion and the motion was carried unanimously.*

**13. Discussion, recommendation, and possible action regarding authority to hire outside legal counsel and review of proposal submitted by Michael Sullivan (For possible action)**

Ms. Kandt stated that at previous meetings, the Board had asked if she could look further into the costs for outside counsel in case the Board had another big case and wanted to utilize outside counsel. This individual came recommended as someone who represents the Medical Board and the rates are \$295 per hour for the partners and \$250 per hour for an associate. If the Board wanted

something in place, the Board would have a master agreement with them which would have to go before the Board of Examiners.

**MOTION:** *Brian Rebman moved to approve having outside counsel available to the Board. Tammy Dermody seconded the motion and the motion was carried unanimously.*

**14. Discussion, recommendation, and possible action regarding joining Public Employees Benefits Program (For possible action)**

Jennifer Kandt stated that this refers to health insurance. Ms. Kandt stated that Marie would like health insurance benefits. She stated that she has been covered by her husband and has not been an issue for her, but that as a Board, they are eligible to join the State's health insurance plan. It would only be available for employees who work an average over twenty hours a week.

Jennifer Kandt detailed the costs and stated that if approved, next year's budget would need to be reworked.

Tammy Dermody asked when employees are reviewed.

Jennifer Kandt stated that she is in June and Marie is in February and Wayne is around January or February. Ms. Kandt stated that she does the employee reviews for the employees under her and then the Board members are responsible for her review.

Tammy Dermody asked if the Board approves the employee raises.

Jennifer Kandt stated that the Board members approve her raise and approve a range for the employees. For example, the inspector could make between \$28 and \$32 per hour and administrative staff could be \$16-\$21 per hour. Ms. Kandt stated that she could approve raises up to the maximum within that range.

Tammy Dermody asked if benefits fall under those ranges.

Jennifer Kandt stated that benefits do not affect the salary ranges.

Christopher Naylor and Tammy Dermody stated that they thought offering health insurance was a great idea.

**MOTION:** *Christopher Naylor moved to accept the health insurance for the employees on the Board. Tammy Dermody seconded the motion and the motion was carried unanimously.*

**15. 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 presented various documents pertaining to possible changes.

Ms. Kandt reviewed item number one on the discussion list which referenced changing the refrigeration language to change temperature from 48 degrees to 42 degrees and language that would allow transitory fluctuations up to 48 degrees for opening and closing of unit. Ms. Kandt stated that Board members requested language referencing mechanical and Board approved and inspected. She said that she did not find language from other states referencing Board approved, but that the temperature was lower in other states. Ms. Kandt stated that the Board already has authority to inspect refrigeration units, but can't inspect them, if they don't know they exist.

Dr. Randy Sharp stated one option would be to remove the requirement for Board approved and leave the remaining language.

Brian Rebman stated that he thought that leaving "Board Approved" was still appropriate. The Board is going out and inspecting the facility and should also be inspecting the refrigeration. He said that the Board isn't saying that it has to be a certain brand or type, it is just saying Board approved.

Dr. Randy Sharp stated that given the Board's history of past events, he agrees with Brian to keep that language in.

Brian Rebman stated that if someone has run out of space and wants to purchase a new unit, they could call the Board office and have the inspector come out to the location to ensure the unit is appropriate or the location could send pictures to get approved.

Dr. Randy Sharp stated that it is not a purchase which goes in the next day, it is usually several weeks out.

The Board reviewed item number 2 referencing dignity and respect. Ms. Kandt stated that there has been a tendency to want to assume that all of the items referenced in the section define dignity and respect, but she stated that it is not written that way.

Jennifer Kandt stated that there is a requirement to ensure the bodies are treated with dignity and respect at all times and that theoretically, if something came before the Board, it would be then up to the Board to make a determination as you cannot legislate everything that could possibly violate the dignity and respect of a decedent. She stated that in a previous case, the Board made a determination that bodies were not treated with dignity and respect, and the Board has that authority under this section. She stated that the question is whether the Board wants additional language that states anything else the Board deems to violate the dignity and respect, which means needing to know whether Item 2, 3, 4 and 5 are part of the Board's definition of dignity and respect.

Mr. Rebman stated that he felt it would be redundant to add anything.

Brian Rebman and Tammy Dermody stated that they thought that it should remain unchanged.

Jennifer Kandt stated that the change was to clarify that "for the purposes of this subsection, directly on the floor shall include human remains which have been placed in any minimal container, body bag or casket." She clarified that would mean that even if they are in a box, they would still be considered directly on the floor. There was general consensus that the section was properly worded.

Jennifer Kandt stated that item number 3, was to allow for a reduced number of continuing education credits for individuals licensed less than twelve months prior to renewal. She overviewed the language and there was general consensus that it was appropriately written.

Jennifer Kandt stated that item number 4 provided clarification that continuing education credits cannot carryover. There was general consensus that it was appropriately written.

Jennifer Kandt stated that on item number 5, the change is to state that the Board may issue a notice of violation or proceed with disciplinary action without issuing the notice of violation. She stated that the current language already states that the Board may proceed with disciplinary action for any violation found, but the wording is changing to state that a notice of violation may be issued instead of must be issued. She stated that it would be ridiculous for the Board to issue a notice of violation and allow 30 days for a location to for instance, refrigerate their bodies. She stated that the notices of violation are given for correcting paperwork and missing items, not for acts witnessed. She also stated that this pertains only to inspections and that there is different language for investigating alleged violations.

Dr. Randy Sharp asked if this language would cover complaints as well, or just inspections.

Jennifer Kandt stated this section is specific to inspections. The complaint process has another section.



Jennifer Kandt stated that item number 6 was to create specifications for family members authorizing disinterment. Jennifer Kandt stated that she was not yet sure whether this could be addressed by the Board. She said that statutes already state that the cemetery authority may prescribe reasonable regulations governing the manner of making disinterments and removals and providing for reinternment.

Brian Rebman stated that right now he is doing a disinterment and the part that seems confusing to him is because the reinternment is going to be out of state, he takes the disinterment form for the County Commissioner to sign and then the State Board of Health signs off on it as well and he then has to refile with Vital Records. Mr. Rebman asked if there would there be another step in terms of submitting something to the Funeral Board.

Jennifer Kandt stated that no, this section was just to reference who has the actual authority to order the disinterment.

Brian Rebman stated that in his case, the cemetery is the one who is deciding whether that can happen or not.

There was discussion that any cemetery that is making a disinterment shall refer to NRS 451 next of kin statutes for making those determinations. The Board would probably need to specify even further than NRS 451 because 451 allows for anyone willing to take the financial responsibility to order a cremation or burial, and she does not think that would apply to a disinterment. There was discussion that a court order could always be obtained and the County Commissioners already have to sign off on disinterments, but she does not believe they are looking at next of kin.

Brian Rebman stated that it seems odd that County Commissioners sign off on that in the first place, because they don't know the circumstances. Mr. Rebman stated that he was confused as to why the County Commissioners were the ones to sign off as he does not think they know the circumstances or care why the disinterment is being done.

Jennifer Kandt stated that she thought that County Commissioners become appropriate when it becomes a large scale disinterment of an entire cemetery.

It was discussed that an agenda item is required in various counties for disinterment, but statutes don't really address what they are looking at in terms of making the approval as nothing else seems to be specified.

Rick Hearn stated that he has run into a situation where the cemetery authority did not want to allow the disinterment by the person with authority under NRS 451 as they were not the individual who ordered the burial in the first place. He said that he thought it would be helpful if the Board were to standardize the process. Mr. Hearn stated that in his circumstance, it caused undue grief for the family, because it took so long.

Jennifer Kandt asked Mr. Hearn how long the court order would have taken if he just would have initially sent the family to go get a court order.

Mr. Hearn stated that because they were out-of-state possibly about only two months. Mr. Hearn stated that it would have just depended upon the county.

There was further discussion that standardizing the order of priority for who can order disinterment would be helpful.

Tammy Dermody asked Jennifer Kandt to look further into the Board's jurisdiction on the regulation and the Board could readdress at a later time.

Dr. Randy Sharp stated that he felt it would be worthwhile, in the public interests.

Brian Rebman stated that as the Board of Funeral and Cemetery services, it is probably appropriate for the Board to have a say on this matter.

Christopher Naylor stated that the next of kin precedence or order does become an issue at the Veteran's cemetery. He stated that they have had instances where the spouse or one of the parents pass interred in the cemetery and then the other parent passes. He said that then the children state that they want to disinter their father because their mother has now passed and they want both buried in New York where they live. Mr. Naylor stated that they require notarized statements from all of the family members that they are in agreement with the removal, but one could argue that the mom buried the father in that cemetery so why are they moving them in the first place. Mr. Naylor stated that it would definitely help to have something in law when there are sticky situations where a third cousin comes and wants to move his great uncle. Mr. Naylor stated that he cannot believe how many people move people around. Mr. Naylor stated that he did not agree with moving people around as he believes that once someone is laid to rest, they should be laid to rest.

Brian Rebman asked if there was a standard for his agency.

Christopher Naylor stated they do not have a standard, but they follow the Veterans Administration policy which is to get the legal next of kin approval or all family members approval. Mr. Naylor stated that they require notarized forms but they never know if someone is telling the truth that they are the only child. He said that sometimes then it is determined that they have seven siblings and none of them agreed to the disinterment. Mr. Naylor stated that they do not have an investigative team that does background checks on people that are requesting disinterments.

Christopher Naylor stated that he believed that it would be helpful to have something to refer to in state law.

Brian Rebman stated that it was mentioned in NRS 451, anyone who was willing to pay for the cremation could order it, which he can see the advantages of having that for cremations, but he would not support that for disinterments.

Ms. Kandt questioned whether it should only be the person who actually initiated and authorized the burial who can authorize the disinterment without a court order.

Christopher Naylor stated that is where they always start, unless that person has passed.

Rick Hearn stated that in his situation, there was a nephew that signed for the interment, and that they ended up getting the nephew, niece, both siblings and everyone in agreement to make sure that there was no problem. Mr. Hearn stated that it probably would have been easier if they would have just got an ex parte to get it done. Mr. Hearn stated that just having guidelines would help, just to have something to refer to if they had that ability.

Tammy Dermody stated that she thought that Jennifer Kandt should pursue research on this matter to see if the Board can do anything regarding this matter and then bring it back to the Board for review and/or consideration and recommendation.

Jennifer Kandt stated that item 7 pertained to preserving rights for decedents who order their own burial or cremation through a preneed arrangement if fully paid for and not allowing the family to substantially alter the arrangements after death.

Jennifer Kandt stated that the Division of Insurance may have jurisdiction over these regulations, but Ms. Kandt asked if the Board would like to make recommendations on this issue. Ms. Kandt stated that there is a statute that states if someone orders their own cremation through a preneed and they sign their cremation authorization, and it is witnessed by two people, the crematory can proceed with that cremation and incurs no liability. Ms. Kandt stated that there was nothing on the other side of that situation to state that if they authorize the burial, they proceed in the same manner.

Tammy Dermody asked Ms. Kandt to look further into this matter and report back on whether the Board can make any changes through regulations.

Christopher Naylor stated that he thought that it was wrong when people go in and make changes after someone has passed so they can get money back.

Jennifer Kandt stated that she would also look into this matter and report back to the Board.

Jennifer Kandt stated that item number 8 was to require continuing education for funeral arrangers. She said that she thought this would require a legislative change.

Jennifer Kandt stated that funeral arrangers are required to take the law exam, but there are no additional requirements for continuing education.

Dr. Randy Sharp asked if there were specific courses for funeral arrangers.

Jennifer Kandt stated that there are courses that would pertain to arranging that may be offered for funeral directors. She also stated that after one year as an arranger, arrangers are eligible to become licensed as funeral directors.

Brian Rebman asked if it would be a legislative change to state arrangers could only be licensed for two years and then require that they become licensed as funeral directors.

Jennifer Kandt stated that would probably be a legislative change.

Brian Rebman stated that is how it is done with apprentice embalmers. He stated that individuals can only be an apprentice embalmer for up to two years then are required to become licensed as an embalmer.

Jennifer Kandt stated that the problem with requiring funeral arrangers to be funeral directors, is the exam to become licensed as a funeral director is fairly difficult. She said it is basically the National Board Arts section, which we call the State Board Exam. Ms. Kandt stated that the Board does not have any authority over the content which is regulated by The Conference. She said the exam is difficult and many people fail.

Tammy Dermody stated that it was hard enough to find good employees and that she felt it was enough to have them tested on the laws. Ms. Dermody stated that as long as the arrangers know the laws and follow them, and they know the policies and procedures of the funeral home that they work for then that is the most important thing.

Dr. Randy Sharp stated that it is his understanding that the arrangers are already taking direction from the funeral directors and being overseen by the funeral directors. Dr. Sharp stated that he did not believe that there would be much advantage to requiring continuing education or online training for the arrangers. Dr. Sharp stated that he assumes that the director would take the initiative in keeping the arrangers informed and doing what they need to do.

Brian Rebman stated that basically, all the liability falls on the funeral director anyway.

Tammy Dermody stated the funeral director should be managing, just like any other business. Ms. Dermody stated that she is fine with funeral arrangers not having further education.

Jennifer Kandt stated that it appears that the Board is all in agreement with the matter of not requiring continuing education for funeral arrangers.

Jennifer Kandt stated that the next item was to reduce the time period from 30 days for individuals who are not handling arrangements.

Christopher Naylor asked how often this is an issue.

Tammy Dermody stated it happens once in a while.

Brian Rebman stated that he felt it should be shortened as that is a long time to store a body. There was discussion that when the Board previously went through the legislative process, 14 days was the timeframe suggested, but that industry members requested a longer timeframe as they said sometimes it can be seven days or more before the family even comes in. She said that because of the pushback, the Board went with 30 days to get the bill passed.

Tammy Dermody stated that someone offered public comment at the last Board meeting not realizing that the fourteen days was previously discussed during legislative discussions and it was unsuccessful.

Jennifer Kandt stated that part of the thirty days was coinciding with Social Services, but they may be taking that from the current statute.

Tammy Dermody stated that she felt this item could be tabled for now and possibly looked at again when there are more items needing to be addressed legislatively.

Jennifer Kandt stated that if there was someone in the funeral industry who felt that thirty days was too long, they could approach a legislator and make a change.

**MOTION:** *Tammy Dermody moved to proceed with bringing the suggested changes to LCB. Dr. Randy Sharp seconded the motion and the motion was carried unanimously.*

#### **16. Financial Reports**

- a. Regulatory Fee Collection
- b. Financial Reports

Jennifer Kandt stated the regulatory fee collection report detailed September, October and November. She reviewed the balance sheet and stated that the numbers are actually going to change substantially based on the renewal fees that will get deferred to future fiscal years. Since the Board only does license renewals every two years, there is an influx of renewal fees that will come in, but then they will get deferred out to future fiscal years.

#### **17. Overview of current complaint status**

Jennifer Kandt overviewed the number of cases for 2017 and to date for 2018. She stated that there were still some pending cases, and several that are currently working on being settled through consent decrees. She stated that one case was the jurisdiction of the City of Reno, and one case was the jurisdiction of the EEOC.

#### **18. Report from Executive Director, Jennifer Kandt**

Jennifer Kandt stated that the Board is in progress on legislation, renewals are finished and anyone who renews at this point will be paying late fees. She said the Board would audit a percentage of the licensees to verify the continuing education requirements.

Ms. Kandt stated that she has been working with the Executive Branch Audit Committee providing documents and information that all Boards are being asked to provide.

Ms. Kandt stated that she recently attended FARB and is chairing the Model Internship Committee through The Conference. Ms. Kandt stated that at the end of this month, she will be presenting at the upcoming Conference meeting. Ms. Kandt stated that she was also asked to present at the ICCFA as part of a panel presentation.

Ms. Kandt also stated that all Board forms are still being revised. She stated that at the last meeting, it was agreed that there would be no requirement for notarizing of forms. She stated that staff has

been very busy with renewals, but that after renewals were complete, work would continue on several other projects.

**19. Board member comments**

There were no Board member comments.

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

June 5, 2018

September 18, 2018

November 13, 2018

**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)

There was no public comment.

**22. Adjournment**

The meeting was adjourned at 10:45 a.m.

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.