



STATE OF NEVADA
FUNERAL AND CEMETERY SERVICES BOARD

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MINUTES OF PUBLIC MEETING

Wednesday, May 5, 2021, at 10:00 a.m.

Video Conference and Teleconference

Via Video Conference

Zoom Meetings
at <https://zoom.us/>
Meeting ID: 253 977 5871 // Password: 668556

Via Teleconference:

1-669-900-6833
Meeting ID: 253 977 5871 // Password: 668556

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

The meeting was called to order at 10:00 am and a quorum was established.

Board Members Present

Dr. Randy Sharp, Chairman
Brian Rebman, Secretary
Lorretta Guazzini, Treasurer
Bart Burton
Christopher Naylor
Adam Garcia
Gerald Hitchcock

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. February 3, 2021

MOTION: GERALD HITCHCOCK MOVED TO APPROVE THE FEBRUARY 3, 2021 MINUTES. CHRISTOPHER NAYLOR SECONDED THE MOTION AND THE MOTION WAS CARRIED UNANIMOUSLY.

4. Discussion, recommendation, and possible action regarding managing funeral director requests (For possible action)

- a. Matthew Bruce FD973 – Simple Cremation, Inc., 7111 S. Virginia Street, Suite A17, Reno, NV 89511
b. Matthew Bruce FD973 – Simple Cremation, Inc., 1016 N. Rock Blvd., Suite 102, Sparks, NV 89431

MOTION: LORRETTA GUAZZINI MOVED TO APPROVE THE MANAGING FUNERAL DIRECTOR REQUESTS FOR MATTHEW BRUCE FD973 – SIMPLE CREMATION, INC., 7111 S. VIRGINIA STREET, SUITE A17, RENO, NV 89511 AND SIMPLE CREMATION, INC., 1016 N. ROCK BLVD., SUITE 102, SPARKS, NV 89431. BART BURTON SECONDED THE MOTION AND THE MOTION WAS CARRIED UNANIMOUSLY.

5. **Discussion, recommendation, and possible action regarding crematory license applications (For possible action)**
 - a. Vegas Valley Cremation, LLC, 4535 Statz Street, Unit A, N. Las Vegas, NV 89081

MOTION: GERALD HITCHCOCK MOVED TO APPROVE THE CREMATORY LICENSE APPLICATION FOR VEGAS VALLEY CREMATION, LLC, 4535 STATZ STREET, UNIT A, N. LAS VEGAS, NV 89081. LORRETTA GUAZZINI SECONDED THE MOTION AND THE MOTION WAS CARRIED UNANIMOUSLY.

6. **Discussion, recommendation, and possible action regarding continuing education approval requests (For possible action)**
 - a. Nicole Harvey, Esq. – Dispute Resolution & Collections; requesting one (1) CEU

Jennifer Kandt stated that this request came before the Board at the last Board meeting and there was additional information that was requested. Ms. Harvey provided the Board with more details of the course content.

MOTION: GERALD HITCHCOCK MOVED TO APPROVE ONE (1) CEU FOR THE CONTINUING EDUCATION REQUEST FOR NICOLE HARVEY, ESQ. – DISPUTE RESOLUTION & COLLECTIONS. DR. RANDY SHARP SECONDED THE MOTION AND THE MOTION WAS CARRIED UNANIMOUSLY.

7. **Discussion, recommendation, and possible action regarding relocation of Mountain View Crematory equipment on existing site (For possible action)**

Jennifer Kandt stated that Mountain View would like to move the crematory equipment to a different location on the same site. She stated that The City of Reno provided information regarding the request and that they believe moving the equipment brings the crematory closer to compliance with the intent of the statute. The request was approved by the planning division and now it is a question of whether the grandfathered status remains even though they are moving the location. Jennifer referenced the 2013 legislative change which states that crematories cannot be within 1500 feet of any parcel zoned residential, but allowed for existing crematories to be grandfathered in. She said the city considers this the same site even though it is a different address. It is basically moving the equipment from where the cemetery is located up on the hill to down below where the funeral home actually sits. Ms. Kandt stated that she did have extensive conversations with the Attorney General's office about this situation and it did appear that they think that the Board would be within its purview to go ahead and approve it as keeping it within their grandfathered status.

Dr. Randy stated that the planning manager on the second page stated that the Board should consider this the relocation to be closer to the State and local laws.

Gerald Hitchcock stated that the Planning Commission unanimously approved the relocation in the letter. Mr. Hitchcock asked Mr. Noell, managing funeral director for Mountain View Mortuary if they have gone ahead with the projected project.

Paul Noell, managing funeral director for Mountain View Mortuary stated that they are in the planning stages at this point. They did get the special use permit from the City to allow them to utilize the multiuse zoning. They have also issued architectural plans to the City for the mortuary for the design where the machines are going to go in, but they are waiting to see what the Board will approve.

Lorretta Guazzini asked Mr. Noell if the crematory is going to be down where the funeral home is currently.

Paul Noell stated correct, just right at the bottom of the hill before heading up to the cemetery.

Adam Garcia asked if it has already gone through the review processes if they can move forward after the Board approves the location change.

Jennifer Kandt stated the law states that the Board is not allowed to issue the permit if they are within 1500 feet of a residential zoning area, and this would be within the 1500 feet. The question is can the Board consider them still grandfathered in by moving the site. If the Board decides yes, they can, then they are going to go ahead and move the location. If not, they are going to stay where they are.

Brian Rebman asked if the location, where it is sitting now, is within 1500 feet of a residential zoning or is it shifting to a different 1500 feet.

Jennifer Kandt stated that the letter includes a map that was included in the Board packet which shows how the City has zoned out the site. She stated that they are currently within 1500 feet of a residential parcel. The City Planning Commission informed Ms. Kandt that there is only one other parcel in the entire city where a crematory could be erected based on the 1500-foot zoning rule. It is possible that any future crematories would have to go outside the City.

Brian Rebman asked if there were any opposition by any of the residents.

Paul Noell stated that there was only one call into the meeting, but the resident seemed to be misled about the way it was presented and the comment seemed more about all of the funeral homes in town being owned by one entity.

Dr. Randy Sharp asked if the move would allow the crematory to expand in the future if needed.

Paul Noell stated that it would. The facility at the bottom of the hill is approximately 30,000 square feet and it would allow them to expand or bring additional equipment in if the community required that.

Jennifer Kandt stated from the legislative history that was provided to the Board, the minutes from those meetings specifically address that the grandfather clause would allow existing location to expand.

MOTION: BART BURTON MOVED TO APPROVE RELOCATION OF MOUNTAIN VIEW CREMATORY EQUIPMENT ON EXISTING SITE AND KEEP THEIR GRANDFATHERED STATUS. GERALD HITCHCOCK SECONDED THE MOTION AND THE MOTION WAS CARRIED UNANIMOUSLY.

8. Discussion, recommendation, and possible action regarding legislative updates and delegation of legislative authority (For possible action)

Jennifer Kandt stated that there is a Bill that deals specifically with the Funeral Board this session as a result of discussions she had when sitting before the Sunset Sub-Committee asking about what issues the Board has legislatively. One of the items related to the 60 semester or 90 quarter hours that is required versus graduating from mortuary science school. Someone could theoretically graduate from mortuary science program and request licensure with the State of Nevada, and not qualify. She said she has had to have several people take additional credits of non-mortuary science coursework to qualify even though they graduated. She also referenced changing the requirement for practicing the immediately preceding two years as it has been a problem for people coming out of retirement to help with the pandemic. A change to require two of 5 years may be helpful in that regards for reciprocating a license. Ms. Kandt also detailed a transportation section and some issues with how that would work so she informed the Board that part of the bill was removed and that she hoped they could work toward changes in the future. She said the bill also allows mortuary science students in the preparation rooms which should benefit a mortuary science program if one does open in Southern Nevada.

Ms. Kandt briefly detailed several other general bills which may have an impact if passed.

Ms. Kandt stated all Boards received a letter reminding them that Board members can only testify on behalf of the Board if they have been appointed by the Board as a representative so the Board should consider appointing someone just in case it is needed.

Dr. Randy Sharp asked how much the embalming profession actually changes in the course of five years.

Bart Burton stated that embalming does not change all that much, and the same practices have been around for quite some time.

Dewey Ellis, managing funeral director for Serenity Funeral Home in Las Vegas, stated that he had to do a 1-year apprenticeship here because he had only been licensed in Illinois for 3 years before coming here.

Jennifer Kandt stated that Mr. Ellis' case would still be the same because the requirement to be licensed in another state for at least five years would still apply. It would not have affected Mr. Ellis.

Jennifer Kandt stated that a motion would be required to appoint a legislative representative to represent the Board in any legislative matters during the remainder of the legislative session.

Gerald Hitchcock asked if a legislative representative was necessary since the legislative session was almost over and there would not be anything.

Jennifer Kandt stated if something were to come up like an emergency.

MOTION: GERALD HITCHCOCK MOVED TO APPOINT BART BURTON TO REPRESENT THE BOARD AT THE LEGISLATURE, AS NECESSARY. DR. RANDY SHARP SECONDED THE MOTION AND THE MOTION WAS CARRIED UNANIMOUSLY.

9. Financial Reports

- a. Regulatory Fee Collection
- b. Financial Reports

Jennifer Kandt presented the regulatory fee report noting substantial increases in revenue for specific months. She stated that Marie continues to do letters to funeral homes that may be late in their reporting.

Ms. Kandt reported that on the budget to actuals report, the printing and copying numbers are so high as Xerox stopped charging the Board when the pandemic started and then charged the Board all at once so some charges that should have gone to last fiscal year, ended up all in this fiscal year.

10. Overview of current complaint status

Jennifer Kandt reviewed the current complaint status and indicated that there had been a recent increase in complaints.

11. Report from Executive Director, Jennifer Kandt

Jennifer Kandt stated that all Board employees have been vaccinated and that they will be back to a normal work environment and that Wayne will be doing in-person inspections again.

Ms. Kandt stated that she has had multiple meetings with the State disaster individuals' meetings regarding refrigeration concerns and cremation capacity. She said she was told that refrigeration units that the Coroner's office has released in Clark County are going to be removed in June.

Ms. Kandt attended the annual board of directors meeting for The Conference in February which was held virtually. She was elected Vice President at that meeting and Lauren Thomas from the Conference is present at our meeting today.

Ms. Kandt stated that she has had multiple meetings with Vital Records and the Medical Board regarding death certificate issues and doctors not signing timely. The Medical Board has stepped up in getting involved where the doctors are not signing, so if anyone is having any issues with the doctors not signing the death certificate, please reach out to the Medical Board, there is an online way to report that, and they reach out to the doctor immediately. She said that they are still dealing with funeral homes not imputing decedents into EDRS within 24 hours of receiving the body. Sometimes funeral homes say its because they know that they are going to be transferred out and if its is going to get transferred out in a couple days then it is just creating more work. Ms. Kandt stated that is understandable, but they did just enact a regulation and it states that funeral homes are required to enter basic data into EDRS within 24 hours of receiving the body. Ms. Kandt stated that she has had two meetings with the Vital Check representatives. It looks like there is only part of the State that uses that system, Clark County and Southern Nevada Health District has their own online system.

Ms. Kandt attended a meeting for Southern Nevada Veterans Memorial Cemetery Advisory Committee and Zoom meetings with the City of Reno regarding zoning issues.

Ms. Kandt stated that attached are licenses that have been approved by the Executive Director since the last Board meeting.

Ms. Kandt stated that we have had a big uptick in people contacting the office to inquire about opening a crematory or funeral home due to the pandemic.

Lorretta Guazinni stated that sometimes they do not have the information needed, especially when just getting a face sheet from the Sheriff's office. She said that she has put things into the computer and the social security number was wrong, the registrar signed it before she was able to look at it again and then she had to do an affidavit of correction. She said that she will have to call often on the affidavits of correction because they can take one to two months to process. She said that they have to enter the data within 24 hours, but then vital records takes months to correct it if it's wrong, and they have to pay for it.

Gerald Hitchcock commented on problems with families giving him the wrong social security number. He said that once the doctor has signed the death certificate, the social security number cannot be changed except by the doctor, so it has to be rejected back. Mr. Hitchcock stated that he though it needs to be looked at to have the social security number removed from the medical record portion of the death certificate which would eliminate some of that problem that Lorretta just spoke about.

Jennifer Kandt stated that she was told by Vital Records that the doctor is basically the one who would have to sign again if there was a change to the social. Ms. Kandt stated that she was also told by Vital Records that they are taking about four to six weeks to process those affidavits of corrections. She thinks there are improvements which could be made, and she will continue to have meetings with everyone involved to improve processes.

Paul Noell representing Mountain View Mortuary, stated that on the 24 hour turnaround with entering into EDRS, the time frame is really slim, and it seems that they are dictating that the funeral homes need to have someone available 24 hours a day 7 days a week to get them in immediately. That is one of his concerns on that timeframe for entering into EDRS.

Jennifer Kandt stated that it is newly enacted regulation to enter the case into EDRS within 24 hours. She said that there have been instances where families weren't sure which funeral home picked up and because the death didn't get entered for several days, families weren't able to find their loved ones.

Dewey Ellis, managing funeral director representing Serenity Funeral Home stated that in Clark County they enter the information within 24 hours, and it can all be changed prior to it being registered. As far as the doctors' signatures, Ernesto is doing a great job, he has been in contact with him numerous times for what he calls tapping doctors on the shoulder. He does a great job.

12. Board member comments

Dr. Randy Sharp thanked everyone for stepping in and attending the Zoom meetings because he knows it's a little more difficult to attend in person, drive or fly, but it seems to him that the attendance has had an uptick with people from the industry and the public attending as well.

Henna Rasul, Senior Deputy Attorney General stated that boards are asking her what would be required, effective June 1, 2021, to comply with Open Meeting Law for locations. Ms. Rasul stated that you would only need a physical location if the public wanted to attend but everyone else can attend via Zoom if they would like.

Dr. Randy Sharp stated that he believes that the Zoom meetings seem to work better as more people are able to attend.

Henna Rasul stated that there is another amendment to open meeting law that would allow Boards to have zoom meetings without a physical location.

Lorretta Guazzini stated that she personally loves the Zoom meetings because then she does not have to travel, and it works out great.

Brian Rebman asked about the advantages of being in person for hearings or matters with more robust discussions.

Jennifer Kandt stated that the consent decrees would probably be just as easy to do on Zoom. Having a hearing would be a little more difficult.

Henna Rasul stated that hearings are more tricky via zoom but can be done.

Jennifer Kandt stated that if the Board were to have a hearing, we would meet in person otherwise consent decrees and regular business we would do via Zoom.

Dr Randy Sharp asked if the Board members were good with Zoom meetings.

Gerald Hitchcock stated that he likes it.

Chris Naylor stated that it works.

Adam Garcia stated that he is okay either way.

13. Discussion regarding future agenda items and future meeting dates

Wednesday, August 4, 2021 at 10:00 am
Wednesday, November 17, 2021 at 10:00 am

14. Public comment

<p>Note: No vote may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken. (NRS 241.020)</p>
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Dewey Ellis, managing funeral director for Serenity Funeral Home asked if he could readdress Agenda Item number 5 or contact the Board office after the meeting.

Jennifer Kandt stated that he could contact her after the meeting.

There were no other public comments.

15. Adjournment

The meeting was adjourned at 11:02 a.m.