



STATE OF NEVADA
FUNERAL AND CEMETERY SERVICES BOARD

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MINUTES OF PUBLIC MEETING

Wednesday, February 3, 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 10:10 am and a quorum was established.

Board Members Present

Dr. Randy Sharp, Chairman
Loretta 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

Board Members Absent

Brian Rebman, Secretary

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 18, 2020

MOTION: ADAM GARCIA MOVED TO APPROVE THE NOVEMBER 18, 2020 MINUTES. LORRETTA GUAZZINI SECONDED THE MOTION AND THE MOTION WAS CARRIED UNANIMOUSLY.

4. **Discussion, recommendation, and possible action regarding managing funeral director requests (For possible action)**
 - a. Michael David Roberts II FD968 – Las Vegas Cremations EST103

MOTION: BART BURTON MOVED TO APPROVE THE MANAGING FUNERAL DIRECTOR REQUEST FOR MICHAEL DAVID ROBERTS II FD968 – LAS VEGAS CREMATIONS EST103. ADAM GARCIA SECONDED THE MOTION AND THE MOTION WAS CARRIED UNANIMOUSLY.

5. **Discussion, recommendation, and possible action regarding direct cremation facility permit applications (For possible action)**
 - a. Inspired Life Cremations, 311 N. Buffalo Drive, Suite B, Las Vegas, NV 89145 with Toney Jevon Banks FD960 as managing funeral director

Jennifer Kandt stated that an inspection was conducted virtually by the Board inspector and there were a few minor paperwork items that were addressed, resolved and everything was in order. Ms. Kandt stated that this was a second location of the direct cremation facility.

MOTION: GERALD HITCHCOCK MOVED TO APPROVE THE DIRECT CREMATION FACILITY PERMIT APPLICATION FOR INSPIRED LIFE CREMATIONS, 311 N. BUFFALO DRIVE, SUITE B, LAS VEGAS, NV 89145 WITH TONEY JEVON BANKS FD960 AS MANAGING FUNERAL DIRECTOR. DR. RANDY SHARP 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

There were discussions regarding the materials submitted to the Board for approval. The Board members did not feel there was enough information related to content and structure of the course as submitted since there was no course outline with the application.

Rick Noel, representing Walton's Funeral Home stated that the course dealt with how to resolve conflict when a family might have a dispute over a cremation and what are the paths that could be taken up to and including a court order and how you go about securing a court order. Mr. Noel stated that it was very valuable, and his staff was glad to have Ms. Harvey speak on this matter.

Bart Burton stated that he felt that if Ms. Harvey would provide an outline as Mr. Noel described, it would be extremely helpful for people in the industry.

Pursuant to Board Member discussions and an explanation by Rick Noel, it was agreed that the information provided in the course would be beneficial for funeral industry representatives. The Board concluded that this request would be tabled until the next Board meeting and the applicant would be required to provide a complete informative outline of the course.

MOTION: GERALD HITCHCOCK MOVED TO TABLE THE REQUEST UNTIL THE NEXT BOARD MEETING FOR THE CONTINUING EDUCATION REQUEST FOR NICOLE HARVEY, ESQ. – DISPUTE RESOLUTION & COLLECTIONS AND REQUEST A COMPLETE OUTLINE OF THE COURSE BE SUBMITTED TO THE BOARD. ADAM GARCIA SECONDED THE MOTION AND THE MOTION WAS CARRIED UNANIMOUSLY.

7. **Discussion, recommendation, and possible action regarding supervision of burials (For possible action)**

Jennifer Kandt stated that NRS defines a funeral director to include someone who supervises burials and that is what constitutes a funeral director. The Board does not specify what that supervision must entail or whether that means that a funeral director must be present for the burial

or whether that funeral director is just supervising the staff. Occasionally there have been calls regarding this matter from individuals stating that the funeral director left prior to the body being lowered into the ground. Ms. Kandt stated that the Board could explore defining what a supervision of a burial would entail. Ms. Kandt said that in some other states it is required that the funeral director be present for the entire burial. Ms. Kandt said that the Board could define that supervision through regulation or propose that the cemetery determine whether or not it would require a funeral director present during the burial adopt the requirement as part of their policies if they wanted.

Gerald Hitchcock asked if cremated remains would be included in the definition for burials.

Jennifer Kandt stated that cremated remains can actually be buried in a pet cemetery if they wanted and that there are certain sections that state a permit is not required to do anything further with the cremated remains once the cremation has occurred. So, she said we would probably be looking at burials with a body present.

Adam Garcia stated that as a citizen representative, it seems to be logical that the Board would have a definition in case a complaint should come before the Board, that it is well defined, and accountability would then be more appropriate for what we do as a Board. Mr. Garcia stated that he would be in favor of at least exploring how this could be defined and asked if a legislative change was required or if the Board could handle it through regulation.

Jennifer Kandt stated that it would be done through regulation, the statute already exists that defines the funeral director as being responsible for the supervision of a burial. The Board is allowed through regulation to expand upon what is already in statute.

Christopher Naylor stated that at the Veterans Cemetery, in his eleven years there, it has maybe happened a handful of times and it is usually a new staff member that works at the funeral home that made a mistake by not staying with the casket after it has been dropped off. The Veterans Cemetery does require that the funeral director or the person doing the transport stays with the casket until the cemetery takes possession of it for the lowering of the casket. Mr. Naylor stated that 99.9% of the time the funeral director stays to witness the lowering of the casket itself. Mr. Naylor stated that it is really not a problem that he has noticed. At the same time, he agrees with Mr. Garcia that it would be wise to have some language to fall back onto should something come up in the future.

Jennifer Kandt asked Mr. Naylor if it is always a funeral director that is staying, or if it was staff of the funeral home.

Christopher Naylor stated that he has mainly only observed funeral directors. Sometimes a funeral director and someone else from the funeral home will come in separate vehicles and the funeral director leaves if he must be somewhere else and the staff member stays to make sure everything goes okay with the family.

Dr. Randy Sharp stated along those lines, would it be reasonable to include wording, once the Board has defined it, supervision by the funeral director or designee or something along those lines. So that it would not tie the funeral director to have to be there and he could designate someone else like a staff member.

Lorretta Guazzini asked Mr. Naylor if at the Veterans Cemetery the families are present for the lowering or only staff.

Christopher Naylor stated that both Nevada Veterans Cemeteries are a little different than the National Cemeteries and they do allow everyone in attendance at the lowering of the casket.

Lorretta Guazzini stated that for most of the funeral industry, it is a given that you stay with that casket until the staff is there to lower it. Ms. Guazzini stated that some of the cemetery staff stays there the whole time.

Dr. Randy Sharp stated that the original question was if the Board had any interest in exploring defining the supervision of a burial and it is his opinion that the Board does have interest.

Lorretta Guazzini asked if there were a lot of complaints regarding this issue.

Jennifer Kandt stated that there were not many complaints regarding this issue, but it was just something that has come up periodically, a couple times from families who have been upset that staff left prior to the body being lowered. It has actually recently come from within the industry, individuals at the cemetery complaining that staff from the funeral home, which were different owners, would leave before the body was lowered into the ground.

Dr. Randy Sharp stated that it would be best to be proactive regarding this matter and get some language put in place as opposed to reactive if something came up.

Mr. Naylor stated that the Veterans Cemeteries do require a funeral director or a member of the funeral home to be present.

Bart Burton stated that the company he works for does not currently have any requirements and it is not consistent. Mr. Burton stated that he would agree with the discussion to implement specific language to define requirements of supervision of a burial. As Mr. Naylor stated, 99% of the time, it does not matter if its internal or external people at the cemetery, they usually stay.

Dr. Randy Sharp stated that as a consumer, he would feel better if he were working with someone and the funeral director was there through the whole process.

Bart Burton stated that the challenge that might arise would be the designation of the language, funeral director, or funeral home representative. Mr. Burton stated that he did not believe that there were enough funeral directors that could run a facility and attend burials in our State. Ultimately, if there was a problem, it would be funeral director that would be responsible. The language needs to be clear that a representative needs to be there.

Dewey Ellis representing, Serenity Funeral Home stated that Mr. Naylor spoke about the National Cemeteries requiring a funeral director to be present, Mr. Ellis asked if that was in reference to Boulder City as well.

Christopher Naylor stated that they do require that a representative or funeral home staff member stay the entire time.

Jennifer Kandt stated that it sounds like if the Board were going to pursue language through regulation that the interest would be a funeral director would be present or someone the funeral director designates to be present. She stated that there are also a few other regulation items that have been discussed in the past that the Board can explore at the same time. She suggested that the Board wait until after the legislative session to see if there were any other changes as a result of the session.

Warren Hardy, contracted lobbyist representing La Paloma Funeral Home asked if there was any method of saying that is the best practice in the meantime. It sounds like pretty much everyone has an employee stay through the burial. He does not know if his client would have any objection to putting it into regulation, but it seems like common sense to just put it in best practice. Mr. Hardy stated that they would have concerns about having it designated as a funeral director, but as the best practice, they always have a representative through the end. He does not know if it

risers to the level of regulation. It has been his experience that you do not want to put anything into regulation that you do not have to.

Henna Rasul, Senior Deputy Attorney General representing the Funeral Board, stated that anything that requires a licensee to do something or prohibits them from doing something, that needs to be in regulation.

Adam Garcia stated that he would support regulatory language.

Warren Hardy, contracted lobbyist representing La Paloma Funeral Home stated that it did not seem like it is a major problem, but it is a huge bureaucratic nightmare for the Board staff to deal with it. But it sounds like there might be other items that need to be addressed and stated that he was only trying to save the Board staff a little time.

Gerald Hitchcock asked that before anything else is submitted, it will come back to the Board for language review.

Jennifer Kandt stated that she will begin by reaching out to The Conference asking them to see what other states require a funeral director or staff from a funeral home to be present and if they have any specific language regarding supervision of a burial. Then the Board could get a feel for what other states are doing.

Gerald Hitchcock stated the Board should take into consideration families and especially the Native families. Mr. Hitchcock stated that there are several cemeteries that have no one to take care of them, but that there are Native services, and they prefer to have everything done by themselves which needs consideration as well. Designating family members to be able to supervise certain burials.

Jennifer Kandt stated that Native Americans are exempt from NRS 642 entirely. She said that the entire Chapter of NRS 642 does not apply to a person who interrs the human remains of a Native Indian. It also excludes employees of any cemetery whose duty or business extends no further. Ms. Kandt stated that she would take that as cemetery that does not also have a funeral home or a crematory.

Dr. Randy Sharp stated that there should be a motion to pursue this discussion a little further and work out language and present it at a future meeting.

MOTION: ADAM GARCIA MOVED TO HAVE BOARD STAFF REVIEW LANGUAGE AND PRESENT TO THE BOARD FOR FURTHER REVIEW. LORRETTA GUAZZINI SECONDED THE MOTION AND THE MOTION WAS CARRIED UNANIMOUSLY.

8. Discussion, recommendation, and possible action regarding COVID-19 response, vaccinations, and funeral home delays (For possible action)

Jennifer Kandt stated that this item will be more of a report unless there is some action the Board would like to take on the COVID response. Ms. Kandt stated that staff currently rotates working in the office and from home to avoid having everyone in the office at the same time. Ms. Kandt stated that they have paused inspections and have done inspections for new locations virtually for now.

Jennifer Kandt stated that in the first version of the Governor's playbook, mortuary workers were a lower priority than retail workers and that she had received many calls and complaints on that matter. She said she reached out to individuals in charge of those decisions and that she was aware of lobbyists representing funeral homes also reaching out to the Governor's office hoping for a policy change. She said that mortuary workers were moved up slightly on the list, and that

some communities were vaccinating staff of funeral homes as frontline workers, especially in communities where there was only one funeral home.

Ms. Kandt stated that her understanding is that deaths in Nevada are up 25% and that has caused volume issues for the funeral homes. There are multiple refrigerated trucks that the Coroner in Las Vegas has released to various funeral homes. In Washoe County, she stated that the ME has on-site additional storage. She said that because of the volume, we have seen an increase in phone calls with individuals complaining about the length of time that disposition is taking. At this point, we have informed individuals that they could file a complaint but also that the funeral homes are experiencing a really high volume due to what is happening right now.

Ms. Kandt asked the Board if there was anything that they thought that needed to be addressed or that the office needs to be doing differently in response to COVID-19 or the Governor's vaccine protocols.

Adam Garcia stated that he is responsible for the vaccination processes at UNLV and they have set up a pod at UNLV as well as CSN Henderson. They are considered the education pod for all of Southern Nevada, and they have tens of thousands of vaccines for people that they have to vaccinate. He stated that they can now pick from lane-to-lane and it is no longer by tier. They can pick from other lanes for individuals that are in different groupings. He would argue the importance of the funeral home industry should be pretty high. He asked how many funeral home workers would need vaccination in Southern Nevada.

Jennifer Kandt stated she believes that many of the large funeral homes in Clark County did send their staff to the emergency manager in Henderson. She said she was on a phone call with the Coroner, and he asked for funeral homes to send a list of staff that they wanted to vaccinate. She is not sure of how many funeral homes participated.

Dewey Ellis representing Serenity Funeral Home stated that he received his first round and had no difficulty with getting in for an appointment, but he has had more difficulty getting in to get the second round.

Warren Hardy contracted lobbyist for La Paloma Funeral Home stated that he had been working on a weekly basis with Marilyn Kirkpatrick chair of Clark County Commissioners. He stated that Ms. Kirkpatrick has set up a process where you send in a questionnaire and that would determine how many people in your company to have the vaccination and it also puts you in line to get the vaccination. Mr. Hardy stated that they worked to get funeral home/funeral industry workers moved up because it was ridiculous that they were that low. Mr. Hardy stated that he appreciated Ms. Kandt's good work for this State. Mr. Hardy stated that Marilyn Kirkpatrick has been very responsive. Ms. Kirkpatrick has asked him to disseminate that to the funeral industry to the extent that he can. Mr. Hardy stated that he would be happy to do that. Mr. Hardy reiterated that it was just Southern Nevada, but that he would email it to Ms. Kandt for dissemination. He believes that regarding Mr. Garcia's point, they have been moved up even higher in Southern Nevada and are ready to go once they have vaccinations.

Jennifer Kandt stated that she appreciated it and if there were something that Mr. Hardy would like her to distribute, she would be happy to assist.

Adam Garcia stated that he is working very closely with Marilyn Kirkpatrick as well. They would like to help, and he believes that the funeral industry should be higher of priority and because we no longer have tiers, we can choose from the other lanes. Mr. Garcia stated that he would be glad to advocate on the Board's behalf and getting individuals to start funneling through their pods and he can reach out to the Henderson Emergency Management as well and review what they have done so far.

Mr. Hardy stated that at the end of the day, sometimes the fire departments giving out the vaccine have extra doses and he knows that some people have been successful with that process.

Jennifer Kandt stated that some of the smaller rural areas have had an okay time too because there is only one funeral home there and the Emergency Managers have let them get vaccinated. Ms. Kandt asked Rick Noel if Walton's has had any luck with any of their funeral industry workers yet.

Rick Noel representing Walton's Funeral Home stated that they have not, they were hoping to get bumped up on that priority list as well. They have not had any luck with the vaccinations so far.

Gerald Hitchcock said the problem in Lyon County when their hospital first got their vaccines, they changed from the tier system to the pod system. They were talking about vaccinating the educators and then they said the funeral industry workers were still at the bottom when he contacted them just for his funeral home. He asked if there was documentation, he could take to the hospital about the funeral industry workers being moved up.

There was discussion that the information was published in the latest version of the playbook from the Governor's office.

Adam Garcia stated that he will work on this with no promises, but he believes that we are in a good spot. The biggest question will be how many. They are seeing about a 50% ratio so if they have 1,000 potential individuals who are eligible, they are only seeing about 50% of individuals who want the vaccine, which to him is somewhat troublesome.

Jennifer Kandt stated that she would try to get numbers from all the funeral homes in terms of how many staff they have and how many they thought would accept the vaccine.

Gerald Hitchcock stated that if they did have some sort of letter that the mortuary service workers are allowed to be moved up where if he goes to his Emergency Manager or Humboldt County, Winnamucca or Elko. He said that when he spoke to their hospital personnel, they told him that they were still at the bottom. But if they did have some sort of letter that they could take to someone that would be helpful for the other funeral homes as well in the North with the limited supply.

Jennifer Kandt stated that she is not sure where that type of letter would come from, but the information is available in the playbook.

Christopher Naylor stated that in Southern Nevada Health District you can just go their website and it shows mortuary services are in tier one in the list of priorities and you can print that off, but that is in the South though.

Warren Hardy stated that he sent the questionnaire to Jennifer in Word and PDF formats through her email.

Dr. Randy Sharp asked if there was an estimate as to the number of trailers that are being used and if there are any considerations on shelving and how they are being stored.

Jennifer Kandt stated that when she spoke to interim Coroner in Clark County, Michael Murphey, it was nine. They disbursed the units to the funeral homes that asked for them. The funeral homes were responsible for electrical consideration and had to put shelves in them. It was her understanding that most of them could hold about another 40 bodies. She stated that last month there were huge storage concerns, but that things have calmed down a bit.

Bart Burton stated that Palm Mortuaries has six refrigerated units they added, which none of them came from the Coroner's office so that is not counting anything that they provided. Still the

refrigeration in house is pretty full. As Jennifer stated, there was a little relief recently, it would be nice to get a little more relief. Mr. Burton stated that he is sure that the Board office is getting complaints of things taking longer. At Palm Mortuary, they are scheduled out for cremations for two weeks and they are cremating seven days a week. They cremated 600 last month and they do not do any outside cremations, typically they are in 420 per month so that is a big increase.

Jennifer Kandt stated that Air Quality did say that they were not going to enforce during the pandemic and funeral homes have been operating at maximum capacity. The machines require 4-6 hours to cool down every day, other than that it is her understanding that crematories are operating pretty much nonstop with a 4-6 hour window for cool down.

9. Financial Reports

- a. Regulatory Fee Collection
- b. Financial Reports

Financial and regulatory fee reports were presented and there were no questions.

10. Overview of current complaint status

Ms. Kandt stated that everything prior to 2020 has been resolved at this point. There was one open case from 2019 and that has since been closed out. For 2021 we have received three more complaints just in the last few days since printing this report.

11. Report from Executive Director, Jennifer Kandt

Ms. Kandt stated that virtual inspections are being conducted for the new locations and no in-person inspections are occurring at this point. We are open regular business hours with staff alternating when they are covering the office. She said that she has an upcoming meeting with Vital Records and will be discussing death certificates, delays in doctors signing and the Vital Records system for ordering death certificates. Ms. Kandt stated that she has attended the State disaster meetings, and they have asked for refrigeration numbers periodically. She said that the annual meeting for The Conference will be virtual in February and the Board is welcome to attend free of charge. She stated that Senator Spearman requested a zoom meeting with all Boards to review her legislative plans for all Boards. She stated that all the end of the year bookkeeper tasks have been completed such as the 1099's and W2's. There is an attached list of individuals that have been licensed since the last Board meeting and she stated that we are trying to get them processed as soon as we can because the funeral homes are struggling with keeping up.

Dr. Randy Sharp asked what Senator Spearman's meeting would entail for the Board. Jennifer Kandt stated that it is not clear just yet, but there is a meeting next week. It is not just this Board; it is all occupational licensing Boards.

12. Board member comments

There were no Board comments.

13. Discussion regarding future agenda items and future meeting dates

Wednesday, May 5, 2021 at 10:00 am
Wednesday, August 4, 2021 at 10:00 am
Wednesday, November 17, 2021 at 10:00 am

14. 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 were no public comments.

15. Adjournment

The meeting was adjourned at 11:22 a.m.