

NEVADA FUNERAL AND CEMETERY SERVICES BOARD

MINUTES OF MEETING

Tuesday, April 14, 2015, at 9:00a.m.

Video-Conference Locations:

Division of Employment, Training and Rehabilitation
1325 Corporate Blvd., Large Conference Room
Reno, Nevada

and

Division of Employment, Training and Rehabilitation
2800 E. St. Louis, Conf. Room C
Las Vegas, Nevada

Please Note: The Board may 1) address agenda items out of sequence to accommodate persons appearing before the Board or to aid the efficiency or effectiveness of the meeting; 2) combine items for consideration by the public body; and 3) pull or remove items from the agenda at any time. The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person. (NRS 241.030)

Public comment is welcomed by the Board, but at the discretion of the chair, may be limited to five 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

Members Present

Wayne Fazzino, Chair
Todd Noecker
Wendy Simons
Bart Burton
Tammy Dermody
Loretta Guazzini

Board Staff Present

Jennifer Kandt, Executive Director
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)

3. Discussion, recommendation, and possible action regarding review and approval of minutes of meetings (For possible action)

a) January 20, 2015

Wendy Simons moved to approve. The motion was seconded by Tammy Dermody and carried unanimously.

b) March 27, 2015

Wendy Simons moved to approve. The motion was seconded by Tammy Dermody and carried unanimously.

4. Discussion, recommendation, and possible action regarding Consent Decrees for case number FB14-08 (For possible action)

a) Valley Funeral Home, Establishment Permit No. 71

Tammy Dermody moved to approve. The motion was seconded by Wendy Simons and carried unanimously with Bart Burton recusing due to prior knowledge of the case.

b) Frank Zimmerman, Funeral Director License No. 15

Wendy Simons moved to approve. The motion was seconded by Tammy Dermody and carried unanimously with Bart Burton recusing due to prior knowledge of the case.

5. Discussion, recommendation, and possible action regarding moral character policies and evaluation (For possible action)

Wendy Simons moved to approve the moral character evaluation policy. The motion was seconded by Tammy Dermody and carried unanimously.

6. Discussion recommendation, and possible action regarding various testing issues related to licensees (For possible action)

a) Request authority for Executive Director to make changes to the Nevada Law, Rule, and Regulation test

Jennifer Kandt stated that changes to the test are needed to address questions that are no longer accurate due to legislative changes. She requested authority to make changes to the Law, Rule, and Regulation test required of all licensees. Wendy Simons stated that she would be willing to review any changes to the test and offer input. Wendy Simons moved to give authority to the Executive Director to proceed with changes to the test. The motion was seconded by Tammy Dermody and carried unanimously.

b) Request from individual for Board to offer the State Board Exam -Sciences section
Jennifer Kandt stated that this would be applicable for individuals who have not completed a 12 month mortuary science program and are therefore ineligible to take the National Board Exam. She indicated that this request was from an individual who completed a 9 month program in California and had never taken the National Board Exam.

Bart Burton stated that he would be against this idea and said that the individual would need to complete the three month section and then take the National Board Exam. Todd Noecker stated that he was in agreement with Bart. Bart Burton moved to deny request for State Board Exam Sciences section to any applicant. The motion was seconded by Todd Noecker and carried unanimously.

7. Discussion, recommendation, and possible action regarding granting Certificate of Registration as an Apprentice Embalmer to Dale Deckard (For possible action)

Tammy Dermody moved to approve. The motion was seconded by Wendy Simons and carried unanimously.

8. Discussion, recommendation, and possible action regarding granting Certificate of Registration as an Apprentice Embalmer to Blanca Edith Garcia Gomez (For possible action)

Jennifer Kandt stated that the applicant had previously been granted a Certificate of Registration as an Apprentice Embalmer, but that the applicant had not completed the apprenticeship. She stated that applicant did not appear to have the 60 semester or 90 quarter hours of non mortuary science courses required by statute. Additionally, she stated that there were several criminal charges that may present a moral character issue.

There was discussion that the applicant did not meet the qualifications even though she had previously been granted an apprenticeship under the previous Board. There was further discussion that it was not necessary to consider the moral character issue as she did not meet the other qualifications.

Tammy Dermody moved to deny the application. The motion was seconded by Loretta Guazzini and carried unanimously with Todd Noecker recusing as the applicant was a former employee of his company.

9. Discussion, recommendation, and possible action regarding granting Reciprocal Embalmer License to Joel Alan Kuehn (For possible action)

Wendy Simons moved to approve. The motion was seconded by Loretta Guazzini and carried unanimously with Bart Burton recusing as the applicant is an employee of the same company.

10. Discussion, recommendation, and possible action regarding granting a Funeral Director License to Joel Alan Kuehn (For possible action)

Wendy Simons moved to approve. The motion was seconded by Loretta Guazzini and carried unanimously with Bart Burton recusing as the applicant is an employee of the same company.

11. Discussion, recommendation, and possible action regarding granting a Funeral Director License to Lyle Pahl Meyer (For possible action)

Loretta Guazzini moved to approve. The motion was seconded by Wendy Simons and carried unanimously.

12. Discussion, recommendation, and possible action regarding granting a Funeral Director License to Troy M. Smith (For possible action)

Wendy Simons moved to approve. The motion was seconded by Bart Burton and carried unanimously.

13. Discussion, recommendation, and possible action regarding granting a Funeral Establishment Permit to Las Vegas Cremations at 5555 W. Charleston Blvd., Las Vegas, Nevada (For possible action)

Jennifer Kandt stated that an inspection had already been completed. She stated that the establishment had corrected several issues identified.

Wendy Simons moved to approve. The motion was seconded by Bart Burton with Todd Noecker recusing as he is associated with the location.

14. Discussion, recommendation, and possible action regarding length of time for issuance of death certificate (For possible action)

There was discussion that this is how another agency functions, and it is not in the purview of the Funeral Board to intervene in the action of the health departments.

15. Discussion, recommendation, and possible action regarding SB286 which revises provisions related to the funeral industry. (For possible action)
Link to the Bill can be found at the following location:

<http://leg.state.nv.us/Session/78th2015/Bills/SB/SB286.pdf>

Executive Director reported that bill was progressing and no action was needed.

16. Discussion, recommendation, and possible action regarding approval of an investment policy for reserve funds (For possible action)

Wendy Simons moved to approve. The motion was seconded by Tammy Dermody and carried unanimously.

17. Discussion, recommendation, and possible action regarding FY2016 budget (For possible action)

Tammy Dermody moved to approve the FY2016 budget contingent upon salary changes in item 22. The motion was seconded by Bart and carried unanimously.

18. Financial Reports

a) Regulatory Fee Collection

Jennifer Kandt presented the regulatory fee collection report and indicated that quarterly letters continue to be sent to agencies that fail to submit payment.

b) FY2015 Revised Budget vs. Actuals

Jenifer Kandt presented the budget vs. actuals report.

19. Updates from Board inspector regarding various inspection issues

Peter Shaw reported that he continued inspections across the State and was generally encountering well maintained locations. He stated that he was finding that some locations were using retorts to burn medical waste or other items, and that several locations were using only part of the cremation containers. He also stated that some locations had shelving that was not impervious to bodily fluids, and that there were various locations with inactive preparation rooms.

20. Overview of current complaint status

Jennifer Kandt presented a spreadsheet detailing an overview of current complaints.

21. Update on Conference testing issues and potential impact on Board

Jennifer Kandt stated that the Conference had invalidated test scores for individuals who had taken the National Board Exams. She stated that if a Nevada licensee had any score invalidated, the Board would need to consider revocation of the license. She said that she had reviewed the entire list of invalidated scores, and that there were no licensees from Nevada currently on the list.

22. Discussion, recommendation, and possible action regarding one year review of Executive Director, Jennifer Kandt and evaluation of compensation and benefits for Executive Director. This item includes request for Board to join State's Deferred Compensation Plan (For possible action)

Jennifer Kandt presented the compiled review form, and stated that she was requesting compensation at \$75,000 per year. She stated that she provided the Board with salaries of other Executive Directors and stated that she felt it would be prudent for the Board to establish a salary range for this position that would mirror an Administrative Services Officer II and that would provide a minimum and maximum for the position. She stated that would allow the Board to pay less for people with less experience, but also to retain qualified individuals. Jennifer also requested that the Board be allowed to participate in the State's Deferred Compensation Plan at no cost to the Board. She said this would simply allow Board employees to contribute to a retirement account pre-tax.

There was discussion that Jennifer had far exceeded the expectations of the Board and that she had gone above what was required of the position. Board members commented that they were very impressed with how quickly she has learned the profession.

Bart Burton stated that he felt the compensation request was justified.

Wendy Simons moved to approve the evaluation and to increase compensation to \$75,000 per year. The motion was seconded by Tammy Dermody and carried unanimously.

23. Report from Executive Director, Jennifer Kandt

Jennifer Kandt presented report which is included in the meeting attachments.

24. Report from Senior Deputy Attorney General

Senior Deputy Attorney General, Henna Rasul stated that she did not have a report.

25. Board member comments

Chairman Fazzino thanked Board members for their professionalism and hard work.

26. Discussion regarding future agenda items and future meeting dates

Meetings scheduled for the following dates:

July 14, 2015

October 13, 2015

27. Public comment

Note: No vote may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken. (NRS 241.020)

28. Adjournment (For possible action)

Meeting was adjourned at 10:50 a.m.