



STATE OF NEVADA
FUNERAL AND CEMETERY SERVICES BOARD

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MINUTES

Tuesday, November 15, 2022, at 9:00 a.m.
Video Conference and Teleconference

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

The Board meeting commenced at 9:00 am and a quorum was established.

Board Members Present

Dr. Randy Sharp, Chairman

Kim Kandaras, Treasurer

Adam Garcia

Dr. Raymond Giddens

Laura Sussman

Dr. Donald Edward Chaney

Board Staff Present

Jennifer Kandt, Executive Director

Marie Paakkari, Administrative Assistant

Board Counsel Present

Joel Bekker, Deputy Attorney General

Board Members Absent

Bart Burton, 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)

Candy Grey of Andre's Serenity Mortuary stated that recently there was a gentleman making videos and posting them to social media. Mr. Grey stated that he would like to propose that from now on, anyone making removals in the State of Nevada should be a licensed Nevada funeral director or embalmer. Mr. Grey stated that he believes that would cut down on a lot of the sensationalism with people on social media. Mr. Grey stated that it was a disgrace to the profession and could be hurtful to families.

Joel Bekker, Assistant District Attorney stated that the Board is not able to take action on anything that is not on the agenda. Mr. Bekker stated that the Board could not take action on anything that is stated in public comment except to put it on a future agenda item. Mr. Bekker stated that this matter is already on this agenda and Mr. Grey's concerns can be addressed during that agenda item.

Christopher Grant of McDermott's Funeral Service stated that he agrees with what Mr. Grey stated and agrees that what happened is ridiculous. Mr. Grant stated that he feels that the bigger issue is when you refer to licensed funeral director or embalmers doing removals, he believes that would be a financial hardship on funeral homes as the funeral director may not be able to go out at 2 or 3 in the morning and also meet with families. Mr. Grant stated that he trusts his staff and he does use the company that the gentleman in question was working for,

but he does not allow the outside removal service to have access to any of his facilities when he or his staff are not present. Mr. Grant stated that the facility and managing funeral director should be accountable for the staff that is hired or the training for that staff. Mr. Grant stated that now to say that in addition to meeting with families and being held responsible and being the licensee of the business, you also must go out and do your own pickups or hire another licensed funeral director. Mr. Grant stated that would mean he would be doubling pay to hire a licensed individual to do removals. Mr. Grant stated that because of this situation, he has instituted non-disclosure agreements with his staff to let them know that if they do anything like that, there will be legal consequences. Mr. Grant stated that he makes sure that when he hires his staff, that he trusts them and that they are trained properly. Mr. Grant stated that the agency in question does not have a key to his facility and they are never there unattended or unsupervised. Mr. Grant stated that is the most important issue as far as who physically goes out and picks up to be licensed as they are not meeting with families or preparing paperwork or handling any financials. They may be part-time employees and asking them to be licensed seems a little excessive and this kind of thing could happen again because of social media. Mr. Grant stated that it is ultimately the responsibility of the facility. Mr. Grant stated that this sort of thing is happening all across the country even with licensed individuals not realizing that what they are doing is really insensitive.

3. Consent Agenda

The consent agenda items contain matters of routine acceptance. The Board members may approve the consent agenda as a whole or individually at their discretion.

- A. Discussion, recommendation, and possible action regarding review and approval of minutes of meetings (For possible action)
 - 1) August 25, 2022
- B. Discussion, recommendation, and possible action regarding previously issued temporary establishment permit, direct cremation facility permit, crematory license applications and request for approval of new managing funeral directors (for possible action)
 - 1) Establishment Permit for Desert Memorial Cremation & Burial, 1111 Las Vegas Boulevard North, Las Vegas, NV 89101 EST133 with Edward Rudolph Rodriguez FD892 as Managing Funeral Director (Change of ownership to Anthem Serenity Operations, LLC)
 - 2) Direct Cremation Facility Permit for Sunrise Cremation Society, 401 Max Court, Henderson, NV 89011 DC101L with Edward Rudolph Rodriguez FD892 as Managing Funeral Director (Change of ownership to Anthem Serenity Operations, LLC)
 - 3) Crematory License for Desert Crematory, 3027 Contract Avenue, Las Vegas, NV 89101 CRE114 (Change of ownership to Anthem Serenity Operations, LLC)
 - 4) Establishment Permit for Star Mortuary, 320 E. Old Mill Road, Mesquite, NV 89027 with Tyson Smith as Managing Funeral Director (change of ownership from Virgin Valley Mortuary to Star Mortuary)
 - 5) Managing Funeral Director Request for Dustin Olson FD779 – Simple Cremation (Reno) DC77L.
 - 6) Managing Funeral Director Request for Dustin Olson FD779 – Simple Cremation (Sparks) DC89L.

MOTION: ADAM GARCIA MOVED TO APPROVE THE ABOVE REFERENCED CONSENT AGENDA ITEMS A AND B-1 THROUGH 6. DR. EDWARD DONALD CHANEY SECONDED THE MOTION WITH LAURA SUSSMAN RECUSING HERSELF FROM AGENDA ITEM A AS SHE WAS ABSENT FROM THE LAST MEETING AND THE MOTION WAS CARRIED UNANIMOUSLY.

4. Discussion, recommendation, and possible action regarding consent decree for case number FB22-08 (For possible action)

The Board reviewed and discussed the consent decree for case number FB22-08.

MOTION: LAURA SUSSMAN MOVED TO APPROVE THE CONSENT DECREE AS WRITTEN REGARDING CASE NUMBER FB22-08. KIM KANDARAS SECONDED THE MOTION AND THE MOTION WAS CARRIED UNANIMOUSLY.

5. Discussion, recommendation, and possible action regarding licensing and/or training of transportation staff (For possible action)

Ms. Kandt stated that there is some concern over the individual who was posting videos to TIKTOK. Ms. Kandt stated that this individual was not licensed with the Board and that he works for a transportation company that funeral establishments contract with. Ms. Kandt stated that transportation is part of the scope of practice of funeral establishments, and the establishment is ultimately responsible. Ms. Kandt said there was a request for the Board to consider requiring licensing of transportation staff or requiring a licensed funeral director or embalmer to do the removal. Ms. Kandt stated that there are some states that do require funeral directors to be on a removal, and there are some states that even require two people to do a removal, one of which must be a licensed funeral director. Ms. Kandt stated that if that was something that this Board was going to consider then the Board would have to give a significant time period to implement such a change as there are not enough licensees in the State of Nevada where that would be a possibility right now.

Ms. Kandt stated that in regards to the individual on TikTok, she has been in contact with the Nursing Board since this individual was filmed in hospitals as well. Ms. Kandt stated that this matter was turned over to the Attorney General's office to see if there may be some criminal conduct that could be looked at, but since he is not licensed with this Board, taking action against this particular individual is not a possibility.

Joel Bekker stated that in review of NRS 642.016 which defines a funeral establishment and mentions the transportation of dead bodies and that is in a place that has prep room, sanitation, ventilation, etc. Mr. Bekker stated that statute is too narrowly defined to include transporters themselves. Mr. Bekker stated that NRS 642.063 gives the Board authorization to adopt reasonable rules and regulations. Mr. Bekker stated that the Board can make regulation on its own that would be part of NAC, but to get the statute passed it would have to go through the legislative process.

Jennifer Kandt stated that she believes it could be done in regulations because there is a section in regulation regarding transportation that states "a licensed funeral director or someone acting on their behalf" can do the transportation. Ms. Kandt stated that the regulation has been interpreted to allow the facility to contract with a transportation agency or have their own staff, but they are acting on behalf of that funeral director and that establishment. Ms. Kandt stated that it is already in regulation and if the Board wanted to change that then it would just have to go through the regulatory process to change it.

Mr. Garcia asked if the Board would be willing to entertain a regulation stating that you cannot record, or videotape in any form a decedent, or something along those lines, without the express written permission of the family. Mr. Garcia stated that way, the Board is not saddling the funeral homes with having to have a funeral director to accompany the transport.

Jennifer Kandt stated that if the Board did enact a regulation to prohibit filming, the Board still has no jurisdiction over non-licensed individuals and that if the Board were to attach a criminal charge for filming inside a funeral home, that would have to be statutory.

Joel Bekker stated that a violation of a statute would constitute a misdemeanor.

Adam Garcia stated that he believed that the Board could take action administratively by revoking or suspending the license of the funeral home who is responsible for the actions of their employees and contractors.

Jennifer Kandt stated that Mr. Garcia was correct, but in this instance it occurred in multiple funeral homes without them knowing as it was done surreptitiously. She stated that Mr. Garcia had a good point about having clear guidance that filming inside a funeral home unless requested by the family could be prohibited.

Mr. Garcia stated that he believes this should focus more on the funeral home employees and contractors of the funeral home and not family, since if they want to take pictures of their loved ones it would be up to them.

Dr. Randy Sharp stated that his employer requires him to sign a yearly contract that he will not film anything at his place of employment. Dr. Sharp asked if there was something in the funeral director contracts with the funeral home that mentions that the funeral directors are responsible for their actions or the funeral home employees. Dr. Sharp asked if there was something in their contract that could be added or enforced in addition to a regulation.

Dr. Raymond Giddens of Giddens Memorial Chapel stated that they have that language in their human resource policies and staff are not allowed to release things to social media related to the business. Dr. Giddens stated that he would recommend that when the Board does its annually inspection that it should be part of the inspection process.

Adam Garcia stated in response to Dr. Giddens, it would seem to him that any type of agreement between employee and funeral home or the employer is really up to the employer to do. Mr. Garcia stated that the Board can't really hold the transporter accountable, but the Board can make the funeral home accountable and therefore up to the funeral home to make those decisions.

Laura Sussman stated that she likes the idea of adding a regulation regarding recording within the funeral home. Ms. Sussman stated that she would also like to suggest as a service to the funeral homes to come up with some kind of training for transporters. Ms. Sussman stated that it is really hard to find people who are good at doing these removals and understand when you find someone that is a quality person you never want to let them go. Ms. Sussman stated that it is really difficult to find licensed individuals to meet with families let alone try to send them out on removals in the middle of the night and then come back in the morning and meet with families. Ms. Sussman stated that having a licensed funeral director or embalmer to do removals would be a challenge in their community and State. Ms. Sussman stated that by setting a statute so that everyone understands and possibly creating an online training program that the funeral homes and funeral directors are responsible to have their staff view would be helpful to the field in general. Ms. Sussman stated that maybe the funeral directors on the Board or others could help develop a program. Ms. Sussman stated that she would like to see some sort of certification that could easily be completed in a day and can include shadowing someone in a couple of calls. Ms. Sussman stated that she would be happy to assist, and she believes that it would be good for the industry.

Kim Kandaras stated that she agrees with Ms. Sussman and believes that some form of formal training doesn't need to be anything in length, but some form of formal training and certification for removal staff would be amazing. Ms. Kandaras also stated that the Board might want to look to license them in the future so administratively the Board can reprimand them or remove their

license. Ms. Kandaras stated that social media just keeps getting worse and worse and maybe something the Board should consider in the future to have more control over the transportation companies and to be able to post sanctions on those companies.

Laura Sussman stated that even licensed individuals could do this and actually do this, if you search online, not necessarily in Nevada, but it's really the moral character of the individual regardless of their licensure. Ms. Sussman stated that she believes that training to make people aware of whoever is out there representing the industry understands the things that should and should not be done. Ms. Sussman stated that she does not believe that licensure would make any difference.

Kim Kandaras stated if the funeral home hired a transport company, they would need to prove that they went through training.

Dr. Raymond Giddens stated that their funeral association just did a training that Ms. Kandt was involved with, and they had an attorney who presented social media concerns regarding licensed and unlicensed individuals at funeral homes. Dr. Giddens stated that it doesn't matter whether you are licensed or not, people are posting on social media regardless of licensure status. Dr. Giddens stated that their focus was training. He said that they are looking at putting on another seminar regarding training for transporters. Dr. Giddens stated that they currently allow other agencies to rent their refrigeration space and they do have people coming in and it is their first time, and they are not used to working with dead bodies and they have a lot of questions or they don't know what they are doing. Dr. Giddens stated that they pick up bodies from other funeral homes that are tied inappropriately and leave marks then the embalmers complain because they have marks on their face from tying too tight. Dr. Giddens believes that there is a lot of training regarding removal and transportation of dead bodies.

Candy Grey stated that a lot of people look at it as a business, but it is also a profession, and their profession is built on ethics. Mr. Grey stated that a lot of times the removal person is the first contact with family, and he believes that person should be a licensee. Mr. Grey stated that part of the funeral director and embalmer's jobs is to get up in the middle of the night. He stated that lack of a licensee doing the work, is a disrespect to families who pay thousands of dollars for their expertise. Mr. Grey stated that they are not looking for someone off the street, they are looking for a licensed and trained professional. Mr. Candy stated that in the State of Nevada there is a certification to serve alcohol, but there is no certification to make a removal for a human being, someone's loved one.

Ryan Bowen of La Paloma Funeral Services stated that the points have been hit on well by Ms. Sussman and Dr. Giddens as they clearly understand the issue with trying to find individuals to license. Mr. Bowen stated that right now it is very difficult to find arrangers and directors to fill those spots and to find a driver and license them would be difficult. Mr. Bowen stated that perhaps a policy that is in place with the company and with the knowledge that is on the Board they could come up with the main points that this policy hits and then each funeral home can install that policy within their own policies and at inspection the Board could make sure that the funeral home has a policy in place to ensure necessary training for drivers. Mr. Bowen stated that licensing drivers would be nearly impossible to make sure that you had one all the time especially when that need came up quickly. Mr. Bowen stated that he believes everyone is on the right track but having a licensed individual doing it would be so difficult to have with the number of people that are in-and-out of the job, but he believes that a company policy would be sufficient.

Christopher Grant stated he believes that the training is a good idea, and it is up to the Board and the funeral industry to figure that out and how that would pertain to an outside transportation company. Mr. Grant stated that his driver has been working with him for fifteen to twenty years. Mr. Grant stated that in regards to Mr. Grey stating that the families should receive a certain level of service, he agrees, as far as saying that they have spent thousands of dollars, if the Board requires this separate licensing, the Board is ensuring that these families will be spending thousands of dollars because their costs would go through the roof. Mr. Grant believes that if

they have to go out personally or hire someone, train them, license them as a funeral director or hire an embalmer that will then go out on removals, the under a thousand-dollar cremation will go out the window and what the families in Nevada will be paying for cremation, some of these facilities that are still six to eight hundred dollars will be nonexistent. Mr. Grant stated that if he had to go out personally then be at the funeral home to meet with the families, he will probably be getting rid of some staff because they will not be necessary at that point and his costs will go through the roof which means what he is charging the families will go through the roof as well. Mr. Grant stated that you can do all the training and licensing, but you cannot license humanity and you cannot license greed. Mr. Grant stated that the gentleman who did this was making money off of these videos and some of the videos were making him thousands of dollars. Mr. Grant stated if you go online and search for mortuary employee videos, you will see licensed funeral directors and embalmers and you will see people at cemetery services. Mr. Grant stated that he has seen this in town with funeral arrangers that are videotaping funeral services going on and they are doing it to say look at this beautiful service, but they are also invading that family's privacy to have their own service. Mr. Grant stated that in some cases they are not like this guy that was just doing it for money. We just live in a culture right now where there is a certain number of people that want to be famous and want to be popular and liked and want to be viewed on social media. Mr. Grant stated that on some level there is nothing that can be done about it, especially now that its not just social media, it is a money generating thing. Mr. Grant stated that you are talking about a staff member that is making \$15-\$20 per hour with overtime and they can post a viral video and make \$10,000-\$15,000 dollars off of it, that is tough to compete with. Mr. Grant stated that it is more what do they do as funeral home owners, staff member and Board members to ensure that if the funeral home owners and funeral directors don't go through the due diligence of making sure that either the people they are using are the correct people or like he does, even with the removal service in question, he never lets them into his facility that he is responsible for without him personally being there or his crematory operator being there or his long term removal tech being there to receive that body and sign that body in. Mr. Grant stated that some of those videos were filmed at the hospital and before he got to the funeral home. Mr. Grant stated how can he govern that or in his vehicle. Mr. Grant stated that they try not to use this service as much as possible and he tries to do everything with his staff. The mortuary that does the Clark County rotation uses the outside removal service. Mr. Grant stated that if they have to hire staff where he has to now hire two or three more drivers, costs will go up and what the families will pay will go up.

Laura Sussman stated that she took a safe driving course online and it was a four-hour class that was very informative with quizzes along the way. Ms. Sussman stated that one of the things we need to realize is that we have funeral homes of all different sizes. There are some that do hundred calls a year and some that do a thousand and they all do not have the same resources. Mr. Sussman stated that if the Board could come up with some standardized type of training, whether online or in person, it should be readily available because it was said earlier, you may lose a transport person one day and you need someone right away and you cannot wait for a class. Ms. Sussman stated that it should be something that people can get trained immediately and fulfill the needs of the agency. Mr. Sussman stated that if that is something that the Board could do, it would be helpful for the funeral homes.

Jennifer Kandt stated that it seems like where this is going is for the Board to explore some regulations regarding not filming inside a funeral home and training of these staff members. Ms. Kandt stated that it can be narrowed down within the regulations as far as maybe a requirement that there be a four-hour training, either a Board approved training or a Board training that is available online. Ms. Kandt stated that there are resources that the Board could hire a company to create a training for the Board. Ms. Kandt stated that the Board will need some subject experts to assist whatever company the Board uses to create that online training to give them content. Ms. Kandt stated that is something doable and something to explore. Ms. Kandt stated that it can be worked on concurrently in terms of the regulations and also start exploring what that content might be.

Adam Garcia stated that he likes the idea that this is moving toward, but he would like to include that when the regulations are being drafted, instead of recording or videotaping in a funeral home, he would suggest “in the course and conduct of their employment” or whatever else they are doing, so that if they do it at the hospital, it is still covered. Mr. Garcia stated as long as they are transporting in the course and conduct of their work with the funeral home the regulation should cover that instead of just at the funeral home.

Dr. Randy Sharp stated that in his employment, their transporters are supplied with a video training, and they have to sign off that they have given that to all of their employees prior to them transporting which might be an option also.

Kim Kandaras stated that she likes the idea of the training, and she would be happy to volunteer her staff and the knowledge that they have to help whichever company is hired to do this training or whatever the process ends up being.

Dr. Chaney stated that he felt it is important to have the language still allow for recording within the funeral home for those who are wanting the services recorded.

Jennifer Kandt stated that there will have to be a lot of carve outs within the regulation. Ms. Kandt stated that as you know changing regulations is a long process, it is not something that is implemented overnight. Ms. Kandt stated that first a draft would be presented to the Board for review and additions, or changes will be made, then it is sent to LCB and they redraft it all, it is a long process and then there are workshops and hearings too. Ms. Kandt stated that Mr. Garcia made a great point about making sure that it is in their scope of work verses just at the funeral home because some of those videos occurred at the hospital.

Dr. Chaney stated that it should cover funeral service workers or the removal service workers. Because if a family wants to record, in his opinion, they can record whatever they want. A funeral professional does not or should not be doing that.

Jennifer Kandt stated that the Board does not have jurisdiction over what family members do, it would just be recording by employees or contractors of a funeral establishment. Whether that is recording removing bodies or funeral service itself, the family member can do whatever they want, as the Board does not have jurisdiction over the families.

Christopher Grant stated regarding the filming, some funeral homes offer streaming for family members that are unable to attend which is performed by the funeral home.

Jennifer Kandt stated that there would be some sort of carve out for that as well.

Ryan Bowen stated that they have policies in place with blood borne pathogen training and things to that effect that they have to follow. Mr. Bowen stated again, he repeats, he does not mind that the Board does some sort of online training, and he hopes that the Board will limit the cost for that training or that the Funeral Board would just provide that and will give the certification to keep the cost down to the families because that cost will get passed along to the families. Mr. Bowen stated that he still believes that a policy within a company is enough and that they can regulate themselves and that more regulation is the wrong direction to go. Mr. Bowen stated that they should just have a policy in place and their employees can sign off on that policy and the funeral home should be responsible. Mr. Bowen stated that then the Board would make the funeral homes responsible.

Ms. Kandt stated that certainly the Board does not want to do anything that could increase costs for families so making a training available at no cost to those who take it would be ideal.

Adam Garcia stated that he agrees with Mr. Bowen’s point, but he believes that there should be some kind of regulation in place to require the funeral homes to have a policy. Mr. Garcia stated that one way or another, the Board is going to have to work on some kind of regulation.

Adam Garcia asked if there would be a timeline regarding this matter.

Jennifer Kandt stated that she would try to provide a draft for the next meeting in terms of the very basic beginnings of the regulation. Ms. Kandt stated that there will probably be some companies that we will have reached out to regarding training options. Ms. Kandt stated that the Board could certainly get an online training and make it available even if there is no requirement for anyone to take it. The training could be available on the Board website as a resource then adding the regulation, we would be already to go with that from day one.

MOTION: ADAM GARCIA MOVED TO DIRECT STAFF TO DRAFT A REGULATION FOR BOARD REVIEW REGARDING THE OVERT AND SURREPTITIOUS RECORDING IN FUNERAL HOMES OR IN THE COURSE AND CONDUCT OF TRANSPORTING OF DECEDENTS RELATED TO THE WORK OF THE FUNERAL HOME AND TO EXPLORE POTENTIAL TRAINING AND/OR OTHER REGULATIONS WOULD BE REQUIRED TO ENFORCE THE REGULATION. LAURA SUSSMAN SECONDED THE MOTION AND THE MOTION WAS CARRIED UNANIMOUSLY.

6. Discussion, recommendation, and possible action regarding executive director job announcement posting (For possible action)

Jennifer Kandt stated that there is a draft announcement in the Board packet. Basically it was taken from what the Board qualifications for the position are in the Board Policy and Procedures Manual. The first question would be if the Board had any changes that the Board would like to see to the actual job announcement and then there is another hiring document referring to where the Board intends to post the job announcement. Then the selection process for staff to review the applicants, conduct the actual interviews and then the five finalists that are selected will go before the Board and then the Board can interview those top five during a public meeting. The timeline is to be determined. Ms. Kandt stated that she did not believe that the interviews will be conducted in February, there will probably be a meeting between the February and May meetings. Ms. Kandt stated that she intended to have a 60-90 transition period for the new hire.

The Board discussed the executive director job announcement posting and hiring process.

MOTION: LAURA SUSSMAN MOVED TO APPROVE THE EXECUTIVE DIRECTOR JOB ANNOUNCEMENT POSTING AND HIRING PROCESS. KIM KANDARAS SECONDED THE MOTION AND THE MOTION WAS CARRIED UNANIMOUSLY.

7. Financial Reports
A. Regulatory Fee Collection
B. Financial Reports

Jennifer Kandt presented a summary of the Board financial reports.

8. Overview of current complaint status

Jennifer Kandt presented a summary of the current complaint status to the Board.

9. Report from Executive Director, Jennifer Kandt

Jennifer Kandt presented a written report, and the Board reviewed the information provided.

10. Discussion regarding future agenda items and future meeting dates
Wednesday, February 15, 2023
Wednesday, May 17, 2023
Wednesday, August 16, 2023
Wednesday, November 15, 2023

11. 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.

12. Adjournment

The Board adjourned at 10:17 am.