

BOARD OF MORTUARY SCIENCE
March 11, 2010, 9:00 a.m.
Lucas State Office Building, 4th Floor Board Room
Des Moines, Iowa

Minutes

Call to Order

Margo Eicher, Chair, called the meeting to order at 9:06 a.m.

Roll Call

Board members present: Margo Eicher, F.D.; Marty Mitchell, F.D.; LuJean Welander, F.D.; Bradley Hawn, F.D.; Paul Johnson; and Judy McClure. Absent: Tyrone Orr, F.D.

Staff Present: Ella Mae Baird, Board Executive; Karla Hoover, Licensure Secretary; Marvin Firch, Compliance and Outreach Consultant; and Pam Griebel, AAG

Presentation of Certificate of Appreciation:

Margo Eicher was presented with a certificate of appreciation for serving nine years on the Board of Mortuary Science with the last several years as board chair. She was also presented with a Challenge Coin from the Iowa Department of Public Health.

Approval of Minutes

Motion: Approve minutes for the January 21, 2010 as presented. (MSC: Mitchell/McClure)

Public Comment:

Public Attendee: Kevin Patterson- continuing-education seminar at DMAACC on March 22, 2010.

Reports:

Margo Eicher: Expressed her appreciation to the board and administration for their support.

Board Administrator, Ella Mae Baird

- Congratulation to LuJean Welander who was reappointed to the board and to Barbara Teahen who was newly appointed by the Governor to serve on the board.
- Marvin Firch and Ella Mae Baird will attend the IFDA Roundtable on May 12th.
- Senate File 2325 adds a new section to Iowa Code 272C. The proposed bill requires funeral directors who are licensed in Iowa but reside in another state to meet Iowa's continuing education requirements. Other proposed legislative changes are related to Insurance statute.
- The state is offering a retirement incentive program and Ella Mae Baird announced her plans to retire in June.
- State employees are required to take unpaid leave days this fiscal year, and Ms. Baird reported that she will be out of the office April 12—16.

Bureau Chief, Eileen Gloor: Ella Mae Baird presented the bureau chief's report in Ms. Gloor's absence. A copy of the full report is attached as an addendum to these minutes.

- Margo Eicher suggested the bureau explore the possibility of printing license wallet cards at the time of on-line renewal.
- Marvin Firch provided a summary of the disciplinary process. He stated that he will be available to provide presentations relating to state licensure.

Assistant Attorney General, Pam Griebel: Ms. Griebel explained the difference between statute and rules and provided an overview of the requirements set forth in Senate File 2325. She reported that Mark Kessler had filed a petition in district court challenging the board ruling.

Old Business: None

New Business

Mark Rohde asked to appear before the board to request reinstatement of his funeral director's license. The decision and board order from the contested case hearing for Mark Rohde was upheld by district court; thus the board will not entertain an application for reinstatement until five years have passed.

Motion: Uphold the original order of five years (MSC: Johnson/Mitchell). LuJean Welander, abstained.

Administrative Rules

- Revision to bureau chapter 4: The proposed amendments revise the audit administrative procedures for all 19 boards. The amendments clarify that audit information must be submitted within 30 days after the audit letter is sent and reduces the timeframe for obtaining make-up credit from 120 days to 90 days. Board approved by consensus the noticing of amendments to subrule 4.11(3).
- Marty Mitchell provided a summary of the discussion of the Rules Committee that met on March 10th. Rules Committee members: Marty Mitchell, F.D., Chair; Paul Johnson; James Barr, F.D.; Ruth Ohde, F.D.; Alison River, F.D.; Holly Peterson-Miller, F.D.; Kevin Patterson, F.D.; and Suzanne Gebel. Topics discussed by the committee included communicable disease; refrigeration; acceptable time lapse before embalming, burial, etc.; intern requirements; removals when the remains are under the direction of the medical examiner; and the funeral director's responsibility when scattering cremated remains. A sub-committee was appointed and will make recommendations to the full committee. Subcommittee members: Ruth Ohde, Chair; Marty Mitchell; Suzanne Gebel; Kevin Patterson; and John Kraemer. The next Rules Committee will be scheduled prior to the June board meeting.

Closed Session

In accordance with Iowa Code 21.5(1)“a” & “d,” the board went into closed session at 10:44 a.m. by unanimous roll call vote to discuss complaints (MS: Mitchell/Hawn). The board returned to open session at approximately 10:56 a.m. and made the following decisions:

Motion: Move the board close cases 09-023 and 10-005. (MSC: Johnson/Mitchell)

Future Board Meetings:

June 10, 2010

September 9, 2010

Adjournment

Move to adjourn meeting at 11:07 a.m. (MSC: Johnson/McClure).

Respectively submitted,

LuJean Welander, Board Secretary

Bureau Chief Report

1/01/10 – 3/31/10

- 1. Legislation and rulemaking** The 2010 legislative session convened on January 11. The funnel dates that allow bills to progress were February 12 and March 5. The 80th day of the session will be March 31. Primary issues addressed by the legislature include health care health care reform and the state budget. The Bureau of Professional Licensure submitted four requests for legislative changes in the Department's 2010 Technical Bill. These were for the Boards of Barbering, Cosmetology, Respiratory Care and Optometry. As we receive requests to make statutory changes or administer new licensure boards, I submit legislative assessments and fiscal notes with the input of the board executives, and we attend legislative subcommittee meetings upon request. When proposed legislation impacts with other boards such as medicine or nursing, the boards work together to provide consistent information regarding the impact of a proposed bill on public protection. When administrative rule changes are reviewed by the year round Administrative Rules Review Committee, the Board Executives provide information about the content of the changes, outcome of the public hearing, and public comment received. In some instances, Board members participate in the meetings to provide a professional perspective and articulate how rule changes proposed by the board benefit public protection.
- 2. Budget** The Department will continue to evaluate and respond to the impact of the overall state budget on public health services and workforce in SFY10. To date, IDPH has not experienced a substantive reduction in force. Our professional licensure staff is taking either 5 or 7 mandated unpaid days through June 30, depending on whether they are contract or non-contract employees. Thus far, all requests for the boards' professional memberships have been approved. No travel request for board members or staff may be submitted. PL staff members have been diligent in selecting furlough days that are spread over the coming months to assure the person who serves as their backup is informed about priority issues, allowing our work to progress as seamlessly as possible. Although the absence of any staff member is felt in an environment as busy as ours, we do not anticipate the boards will be significantly disadvantaged by the budget restrictions and we do not anticipate changes in our staff through the remainder of this fiscal year.
- 3. Activities of the Bureau Outreach and Compliance Educator** Marvin Firch has met with the 19 boards to describe the purpose of this new position and offer his services to improve compliance with Iowa's licensure statutes and rules. Marvin is currently accepting invitations to present information about the work of the licensure boards. He is developing educational materials that will be accessible to the public to better explain the complaint and disciplinary processes, and reinforce the link between licensure and public protection. Several boards have identified projects that

target Marvin's availability to travel within the state and meet with licensees, professional organizations, employers, students, and consumers. I encourage you to tap into his expertise and his focus on the positive aspects of licensure.

- 4. New Look on the Boards' Public Web Pages** The Bureau has changed the look of two public web pages to make information more accessible and easier for users to navigate. Since 2001 the boards have posted, on their individual Discipline and Public Actions page, those documents related to board actions that are public by law. Until now, the only way users could access information was by calendar year. This often made it difficult to link items that extended into another year. Under the new Channels system, users may select a board and sort disciplinary and public actions by licensee name, date, or location. The system does not provide a search option. However, users may use the Ctrl F function to insert a name that will be highlighted on the list. This option allows our Discipline Office staff to manage web postings, eliminating the need to submit requests to our IM Bureau. As in the past, public actions taken before October 2001 are available in hard copy and via CD. Additionally, the Bureau is using the Channels system to post meeting agendas, minutes, and related documents together under the date of the board meeting. Under the new system, which is also managed by our own staff, information will be available for the current year, the upcoming year, and the past year. Users who seek minutes from meetings two or more years in the past will be directed to contact the board office.
- 5. Internship Opportunity Posted** The Bureau has posted an internship opportunity for a graduate student to develop a program designed to educate salon owners, managers, and employees on matters related to Cosmetology licensure rules. In this case, the Bureau is interested in an individual who is familiar with Asian languages and customs. If such an intern is found, he/she will formulate a written plan to integrate a special populations component into other licensure boards' educational materials, and will recommend enhancements to board websites that increase their usefulness to diverse populations.
- 6. Measures of Success** Twice each year the Bureaus are required to report how well they have met performance measures. Our 19 boards have met or exceeded projected their targets for both licensure and discipline. The Bureau prints renewal notices and licenses in house, and licensure fees are processed and reconciled every business day. During SFY2009, the Bureau printed and mailed 22,177 licenses and wallet cards. In almost 100% of cases, printing and mailing is conducted within three business days when all required items are on file in the board office. In SFY09, the 19 boards in total received 415 complaints. The boards respond to 100% of signed complaints. Throughout the year, total of 213 cases were referred to the Department of Inspections and Appeals for investigation and 202 investigations were completed. Our ability to work efficiently is largely the result of experienced staff and the commitment of board members to assuring public protection through licensure, rulemaking, and discipline of incompetent or unethical practitioners. On behalf of

our Bureau I would like to thank you for the work you do and encourage you to help us identify areas for improvement.

- 7. Microsoft 2007** The Department of Public Health upgraded to Microsoft 2007 in fall 2009. Board members are encouraged to consider a similar upgrade in order to receive materials.