

**BOARD OF MORTUARY SCIENCE**  
**January 21, 2010, 9:00 a.m.**  
**Lucas State Office Building, 4<sup>th</sup> Floor Board Room**  
**Des Moines, Iowa**

**Minutes**

**Conference Call Board Meeting:** This board meeting was held by conference call, pursuant to Iowa Code 21.8 due to the possibility of severe weather conditions for Iowa. The meeting was accessible to members of the public through attendance at the origination site in Room 418, 4<sup>th</sup> Floor Lucas Building.

**Rescheduled Board Meeting:** The board meeting scheduled for December 10, 2009, was postponed to January 21, 2010, due to hazardous driving conditions on December 10<sup>th</sup>.

**Call to Order**

Margo Eicher, Chair, called the meeting to order at 9:04 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. Tyrone Orr, F.D. joined meeting at 9:50 a.m.

Staff Present: Ella Mae Baird, Board Executive; Karla Hoover, and Pam Griebel, AAG

**Approval of Minutes**

**Motion:** Approve minutes for the September 10, October 7, October 19, and November 3, 2009 board meetings as presented. (MSC: Mitchell/McClure)

**Public Comment:**

Public Attendees: Kevin Patterson, DMAACC, attended a portion of the meeting at the origination site.

**Reports:**

Margo Eicher: No Report

Board Administrator, Ella Mae Baird

- The 106<sup>th</sup> Annual Convention of the International Conference of Funeral Service Examining Boards (ICFSEB) will be held in Fayetteville, AR on February 25 & 26, 2010. A representative of the board was unable to attend last year because out-of-state travel was frozen and out-of-state travel is frozen this year.
- Marvin Firch and Ella Mae Baird will attend the IFDA Roundtable on May 12, 2010 at the Scheman Building in Ames.
- Senate Study Bill 3080 proposes a revision to Iowa Code 272C. The proposed Bill, if passed, will (1) codify the 24 hours of continuing education required for license renewal, which is currently set forth in administrative rule 102.2(1); (2) Provide for notification to licensees of continuing education opportunities; (3) Require funeral directors who are licensed in Iowa but reside in another state to meet Iowa's continuing education requirements. The bureau is maintaining a neutral stance.
- Prefile request was submitted by the State Medical Examiner's Office to retain fees for the work performed by the State Medical Examiner staff to issue cremation permits.

- A proposed technical amendment for the State Medical Examiner's Office is a proposed revision to 144.31. The proposed revision will give physicians 72 hours to certify a fetal death after delivery. Current requirement allows 24 hours.
- The rules committee scheduled for yesterday was cancelled due to scheduling conflicts. The committee will meet March 10th, just prior to the March board meeting.

Assistant Attorney General, Pam Griebel:

The Insurance bill adds enforcement options against the purchaser of pre-need agreements if the seller failed to secure a CPA opinion on compliance with pre-need trusting laws. The bill as initially proposed also clarified a consumer's rights to transfer trust funds even when the contract is irrevocable for Title 19 purposes. There is also a bill that would increase required trusting from 80% to 100%, add alternative enforcement options when a CPA opinion is not secured by the seller of pre-need agreements, and require continuing education according to Iowa requirements for out-of-state funeral directors even when such funeral directors comply with the requirements of the state in which they reside.

**Old Business:** None

**New Business**

1. Incomplete intern applications: Karla Hoover reported on incomplete internship applications. Board discussed adding requirements to board rules, such as: (1) setting a timeframe when the internship must be completed; (2) reactivation of the internship; and (3) require completion of college course on Iowa laws and rules prior to returning to the internship;

Kevin Patterson suggested the board may want to address requirements when an individual graduates but does not start the internship and then comes back to begin the internship several years later. He also asked for clarification of the number of hours that is considered to be a fulltime employee.

Board referred the internship issue to the Rules Committee for review and suggestions. Margo Eicher requested this discussion be a priority for the rules committee.

2. Annual Report of disciplinary cases in 2009. Ella Mae Baird reported there are currently 891 licensed funeral directors in Iowa and 581 licensed establishments. In 2009, the board reviewed 24 new discipline cases; filed formal actions against four cases; and took informal actions against 13 cases. Actions taken by the board involved cases opened in 2007, 2008, and 2009.

**Administrative Rules**

The proposed amendments published as Notice of Intended Action, ARC 8334B was presented to the board for adoption. The proposed amendments incorporate into Chapter 4 the adoption by reference of Department of Public Health's administrative rules relating to child support noncompliance, noncompliance of loan repayment, and nonpayment of state dept.

**MOTION:** (MSC: Johnson/Mitchell) moved to adopt bureau rules noticed as ARC 8334B.

**Note:** Board member, Tyrone Orr, joined the board meeting.

**Closed Session**

In accordance with Iowa Code 21.5(1)a & d, the board went into closed session at 9:52 a.m. by unanimous roll call vote to discuss complaints (MS: Johnson/Orr). The board returned to open session at approximately 10:15 a.m. and made the following decisions:

**Motions:**

Close case 08-013 (MSC: Johnson/Hawn)

Close case 08-020 (MSC: Johnson/Hawn)

Decline to reopen case 08-021 (MSC: Johnson/McClure)

Accept signed settlement for 09-014 (MSC: Johnson/Mitchell)

Close cases 09-017, 09-018 (MSC: Johnson/McClure)

Bureau Chief, Eileen Gloor: Ms. Gloor joined the board meeting at 10:19 and gave her report. A copy of the full report is attached as an addendum to these minutes.

**Note:** Martin Mitchell left the board meeting at 10:28.

Board returned to Closed Session at 10:29 a.m. by unanimous roll call vote to discuss remaining closed agenda items. (MS: Johnson/Hawn). The board returned to open session at approximately 10:33 a.m. and took the following actions.

**Motions:**

Close cases 08-022 and 09-021, (MSC: Johnson/Hawn). Martin Mitchell recused.

**Future Board Meetings:**

March 11, 2010

June 10, 2010

**Adjournment**

Move to adjourn meeting at 10:37 a.m. (MSC: Johnson/McClure).

Respectively submitted,

LuJean Welander, Board Secretary

## **Bureau of Professional Licensure**

### **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 are February 12 and March 5. The 80<sup>th</sup> day of the session will be March 31. Primary issues to be 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.