

**BOARD OF MORTUARY SCIENCE**  
**June 10, 2010, 9:30 a.m.**  
**Lucas State Office Building, 4<sup>th</sup> Floor Board Room**  
**Des Moines, Iowa**

**Minutes**

**Call to Order**

Paul Johnson, Vice Chair, called the meeting to order at 9:33 a.m.

**Roll Call**

Board members present: Paul Johnson; Marty Mitchell, F.D.; LuJean Welander, F.D.; Bradley Hawn, F.D.; Judy McClure; Tyrone Orr, F.D.; Barbara Teahen, F.D.

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

**Approval of Minutes**

**Motion:** Approve minutes for the March 11 and April 20, 2010 as presented. (MSC: Mitchell/Orr)

**Public Comment:**

Public Attendees: Suzanne Gebel expressed her appreciation on behalf of IFDA for Ella Mae's contributions to our board. Paul also expressed appreciation on behalf of the board. Ella Mae added comments of thanks and appreciation.

**Reports:**

Vice Chair, Paul Johnson: Welcomed Barbara Teahen as a newly appointed board member.

Board Administrator, Ella Mae Baird

- Senate File 2325 adds a new section to Iowa Code 272C that requires funeral directors who are licensed in Iowa but reside in another state to meet Iowa's continuing education requirements.
- Board meeting dates for the remainder of 2010 and 2011 are: September 9 and December 9, 2010; March 10, June 9, September 8, and December 8, 2011.
- Announcement of retirement effective June 18<sup>th</sup>.

Bureau Chief, Eileen Gloor: A copy of the full report is attached as an addendum to these minutes.

Assistant Attorney General, Pam Griebel: Pam Griebel provided a summary of the guidelines and provided a complete copy of the board member guidelines to the board members. Pam relayed appreciation to Ella Mae Baird for her service during the last several years.

- Guidelines for board members: Board members were provided a copy of the Guidelines. . She stated that one of the most important functions of the board is to establish the standards that the public has a right to expect from funeral directors.
- Policy statements by professional licensing boards. Board members were provided a memo from Julie Pottorff regarding policy statements. The Mortuary Science Board has always tried to engage the profession in establishing its rules through an ad hoc rules committee.

- Other legal issues affecting the board. Pam provided a summary of the case involving the Alcor Life Extension Foundation v. Richardson, Iowa Court of Appeals on May 12, 2010.

Compliance and Outreach Consultant, Marvin Firch: Marvin Firch attended the IFDA roundtable discussions in May. He stated he appreciated the opportunity to meet with funeral directors and his table was always full. He provided a summary of the comments received from funeral directors who participated in the discussions.

### **Election of Officers**

Chair: Paul Johnson nominated for Chair for 2010-2011 year, (MSC: Mitchell/Hawn)

Vice Chair: Tyrone Orr nominated for Vice-Chair for 2010-2011 year, (MSC: Mitchell/Johnson)

Secretary: LuJean Welander nominated for Secretary for 2010-2011 year, (MSC: Mitchell/Hawn)

Committee appointments by Board Chair:

Rules committee: Paul Johnson resigned from this committee and he appointed Judy McClure to fill his position. Marty Mitchell will continue to serve as the Rules Committee Chair. Other committee members previously appointed are: James Barr, F.D.; Ruth Ohde, F.D.; Alison River, F.D.; Holly Peterson-Miller, F.D.; Kevin Patterson, F.D.; and Suzanne Gebel.

Discipline Committee: Paul Johnson, appointed Tyrone Orr as the Discipline Committee Chair, and Brad Hawn and himself to serve on the Discipline Committee.

**Old Business:** None

### **New Business**

- Revised death certificate, Victoria Hutton, Vital Records: New death certificate form will be implemented on Jan. 1, 2011. Copies of the proposed form were distributed to the board members. Ms. Hutton explained that the end goal is electronic reporting; however, at this time, the new form will be in paper only. She is setting up training programs to get the word out to everyone. Ms. Hutton is working with IT to have information and directions available online. Ms. Hutton will e-mail the board members when the information is available online.
- Funeral home establishment inspections: Ella Mae Baird reported that she and Sharon Dozier, Interim Mortuary Science Board Executive, met with Carmily Stone, Bureau Chief of Environmental Health Services regarding funeral home inspections. Ms. Baird provided a summary of the history of the inspection program and the actions taken by the board to have funeral homes and cremation establishments inspected. She also reported that Environmental Health wishes to appoint a committee to involve county inspectors in the implementation of establishment inspections. The Board Chair appointed Marty Mitchell and Barbara Teahen to serve on the ad hoc committee.

### **Administrative Rules**

Marty Mitchell provided a summary of the discussion of the subcommittee meeting held on April 28<sup>th</sup> and the Rules Committee that met on May 4<sup>th</sup>. The committee suggested pre-noticing the rules to obtain comments on the proposed rules prior to the June board meeting. As part of the pre-notice phase, Marvin Firch distributed copies of the proposed rules at IFDA's Roundtable discussions and IFDA also circulated a copy to its members. IFDA received one comment questioning whether a funeral director could issue a burial transit permit and be in compliance with Public Health rules. Pam Griebel did not have any legal concerns with the current wording of the proposed subrule

100.4(3). Ella Mae Baird will also check with the bureau chief of Vital Records to ensure the requirements are in compliance with public health statute and rules. Because funeral directors may use a burial transit permit or some other form of authorization verifying they have authorization to remove the money on behalf of the funeral home, the board agreed to slightly revise paragraph “c” of 100.4(3) by adding the phrase “or other evidence of authorization.” The board gave its consensus to file Notice of Intended Action following the board meeting.

**Closed Session**

In accordance with Iowa Code 21.5(1)“a” & “d,” the board went into closed session at 12:19 p.m. by unanimous roll call vote to discuss complaints (MS: Mitchell/Orr). The board returned to open session at approximately 12:58 p.m. (MS: Mitchell/Orr) and made the following decisions:

**Motion:** Move the board close cases. 05-025, 09-015, 09-022, 10-002 and 10-008, (MSC:Orr/Welander ).

**Motion:** Move to close cases 10-003 and 10-004 (MSC: Mitchell/Hawn) LuJean Welander abstained from the vote.

**Future Board Meetings:**

September 9, 2010  
December 9, 2010

**Adjournment**

Move to adjourn meeting at 1:02 p.m. (MSC: Mitchell/McClure).

Respectively submitted,  
LuJean Welander, Board Secretary

## Bureau of Professional Licensure

### Bureau Chief Report

4/01/10 – 6/30/10

- 1. Legislation and rulemaking** The 2010 legislative session adjourned March 30. Both the IDPH Omnibus Bill and the Technical Bill passed successfully and have been signed by the Governor. No new boards were created within the Bureau of Professional Licensure. Rulemaking will continue throughout the year to better define statutory changes and in response to new board actions. When administrative rule changes are reviewed by the Administrative Rules Review Committee, the Board Executives provide information about the content of each change, outcome of every public hearing, and summary of public comments 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. Board appointments** Within the Bureau of Professional Licensure, Governor Culver appointed 19 new board members. All have been confirmed by the Senate and will begin serving their first terms on May 1, or earlier if they are filling a vacancy. Additionally, 23 board members were reappointed to second or third terms. Almost an equal number of board members have completed one or more terms of service, including 10 who served the maximum 9 years on a single board.  
  
The Department has published a press release and new board member names will be posted on the individual boards' websites on May 1.
- 3. AAG reports** At the first meeting of each board following May 1 the board's AAG will present and discuss a handout entitled *Guidelines for Board Members*. This is an opportunity to reinforce the information provided to new board members in their orientation binders and face-to-face orientation with the Bureau Chief. It also gives current board members an opportunity to discuss new information and ask their AAG questions that may have arisen about their role during the previous year. The seven AAGs who provide legal guidance to our boards will also present a brief educational session at each quarterly public meeting on a topic selected with the input of the board executives. The topic this quarter, *Policy Statements by Professional Licensing Boards*, is based on a Memorandum prepared by Julie Pottorff, Deputy Attorney General.
- 4. Budget** The Department continues to evaluate and respond to the impact of the overall state budget on public health services and workforce. Bureau staff members are completing either 5 or 7 mandated unpaid days before the end of FY10 on June 30, 2010. The staff is staggering their furlough time as creatively as possible to minimize the impact on productivity. Travel restrictions remain in effect for Board members and staff. Memberships in professional organizations continue to be approved based on justification of their necessity to assure access to national licensure examinations and maintain licensure functions. Director Newton and the IDPH Executive Team continue to evaluate and respond to budget mandates.

- 5. State early retirement incentive** The Bureau is impacted by the State's early retirement program which is designed to reduce personnel and replacement costs. The departments are permitted to replace no more than 50% of positions vacated through the program, and must demonstrate a 50% cost saving when doing so. Employees who leave employment under the program must do so by June 24, 2010 and agree not to be employed by the State of Iowa in any capacity other than appointment to a board or commission. Eligible employees submitted their applications by April 15, 2010. The Department submitted a plan that has been approved by the Department of Administrative Services. For Professional Licensure, this would allow the Bureau to fill the positions vacated by one board executive and the discipline office coordinator with no pay reductions. Marvin Firch will serve as interim Bureau Chief effective June 25. Dates for filling the positions vacated under the program will be determined pending approval of the plan by the Department of Management. This plan leaves one board executive position vacant.
- 6. Outreach and compliance** Marvin Firch is working with the boards to increase compliance through outreach and education. He has prepared and presented information throughout the state on the complaint process, participated in in-state meetings of professional organizations upon request, assisted to develop and implement a pilot project to survey licensed cosmetology schools, published an article in the Des Moines Register about the purpose of the boards, and assisted the Department to issue press releases. He is currently completing a project is to create CDs with PowerPoint slides and a voice-over option for inclusion in new board member orientation binders, and for use by board members and board chairs regarding the role, processes, and informational resources of the 19 professional licensure boards.
- 7. Semi-annual meeting with DIA investigators** On April 22, 2010, the Bureau will host an educational meeting with the four investigators who are employed by the Department of Inspections and Appeals, and supported by licensee fees, to conduct an average of 21 investigations each month for the licensure boards. These semi-annual meeting are valuable to the Bureau and DIA as an opportunity to identify the best methods to conduct investigations and provide inclusive and timely reports to the boards so they make fully informed decisions.
- 8. Guidelines for meal receipts** Board members are requested to adhere to the guidelines for submitting meal receipts fully in order to receive reimbursements. The guidelines identify the seven items that must be included with every meal receipt. Because credit card receipts are not acceptable, board members must be diligent in requesting and reviewing receipts at the time of service. The guidelines will be available at meetings and upon request at any time.
- 9. Bureau relocation** The schedule for relocation to the building that was previously Mercy Capitol on the Capitol Complex has been delayed. Professional Licensure is still anticipated to share physical space with the Plumbing Board and Emergency Medical Services when the move occurs.