IOWA BOARD OF MORTUARY SCIENCE
March 7, 2013
Lucas State Office Building, 5th Floor Conference Room #526
Des Moines, Iowa

Open Session Meeting Minutes

Call to Order:
The meeting was called to order at 9:40 a.m. by Brad Hawn, Chair.

Roll Call:

MEMBERS PRESENT:
Norene Mostkoff, Public Member
Barb Teahen, F.D.
Kimberly Doehrmann, F.D.
Todd Kale, F.D.
Rebecca Ervin, Public Member
Bradley Hawn, F.D.
Marty Mitchell, F.D.

STAFF PRESENT:
Susan Reynolds, Board Executive
Barb Huey, Bureau Chief
Pam Griebel, AAG
Karla Hoover, Licensure Specialist
Barb Christiansen, Administrative Assistant

GUESTS PRESENT:
Amber Smith
Kevin Patterson, Mortuary Science Program Chair, DMACC
Abid Talic, Islamic and Cultural Center "Bosniak"
Nermin Spahic, Imam, Islamic and Cultural Center "Bosniak"
Nadis Barucic, Islamic and Cultural Center "Bosniak"

Review Agenda:
December minutes incorrectly read the 8th instead of the 13th.

Approval of Minutes:
A motion was made by Mitchell to approve the December 13, 2013, minutes. A second was received from Mostkoff. All ayes, opposed none, motion carried.

Public Comment:
Members of the Islamic and Cultural Center (ICC) "Bosniak", gave a power point presentation on a proposed Islamic preparation room, "gasulhana" and cemetery in Granger. The ICC was represented by Abid Talic , president of the board of directors, Nerman Spahic, Imam and Nadis Barucic. The ICC discussed the differences of a funeral home versus a preparation room; the design of the preparation room; and space requirements for funeral services. The ICC reported there are 17,000 Bosnia families living in Iowa at this time. Members of the cultural center asked for guidance from the board to move forward with their plans. AAG Griebel addressed the application of mortuary science law to the Islamic center and laws not enforced by the board such as a burial transit permit. AAG Griebel stated that she did not think, according to the rules that these individuals would need an establishment license. The Mortuary Science Rules Committee is in the process of drafting rules that will clarify for funeral directors how to work in compliance with Iowa law while affording respect to a group's religious rites and customs.

Board recessed and resumed at 11:05 a.m.

Reports:
Chair: No report.
Board Executive: No report.
Bureau Chief: No report.
AAG: Pam Griebel discussed the recent Iowa Supreme Court's interpretation of the Final Disposition Act, Iowa Code 144C, that allowed a surviving spouse to disregard his wife's written instructions to bury her remains in Montana. The wife did not execute a declaration under chapter 144C designating another individual through a durable power of attorney to exercise her final burial request. Funeral directors need to know who is authorized under the law to make decisions about embalming, funeral services, final disposition, and the like, and whether a designation complies with Chapter 144C.

A bill has been introduced allowing the Ombudsman office access to closed session minutes and audio recordings.

A bill to license individuals owning or operating pet cemeteries and crematoriums has been introduced, and if passed, would be regulated by the Insurance Division.

Applications:
Amber Smith: Applicant has applied for internship and will be working with a preceptor located in Omaha who holds an Iowa license. The Board needs to consider prior convictions that may affect her eligibility. Applicant has outstanding restitution to pay. AAG Griebel stated that in the past the board has approved licenses under a consent order with provisions the applicant could not own or manage a funeral establishment during the duration of her internship and to be reviewed by the Board prior to issuing a license.

A motion made by Mitchell to approve the application for internship under a consent order with non-ownership during internship and to be reviewed again before licensing. A second was received from Mostkoff. All ayes, opposed none, motion carried.

Amber Catrenich: Applicant requested another start date to begin her internship due to an OWI conviction that affected her driving privileges and caused her to postpone the original start date of the internship. It was the Board's consensus to allow her to resume her internship at the first available opportunity. Applicant was advised to communicate the new start date with Karla Hoover.

A motion was made by Mitchell to approve the start of her internship at the first available opportunity with her new preceptor under the condition the board has the right to review her internship upon completion prior to licensing, and she notifies Karla Hoover of her start date. A second was received from Teahen. All ayes, opposed none, motion carried.

Administrative Rules:
Marty Mitchell reported that Jim Barr a committee member has resigned. Committee is now looking for another member to fill the vacancy. AAG Griebel suggested asking Jim's daughter to join the committee. Board chair gave Marty Mitchell permission to contact her.

Committee discussed the Islamic community and when the funeral director would turn over control of the decedent to the Imam and any problems that may occur during the transition.

The Board gave consensus to send the rules drafted on record retention, intern training requirements and endorsement to stakeholders.

New Business:
Board discussed when the duties of a funeral director end after a burial transit permit is issued. The rules committee will be developing proposed rules that will address this issue at their next meeting in June.

Board executive received an e-mail from Bonnie Kauth an advocate for at home death care, through the State's Ombudsman Office, requesting the board to address burial transit permits. Funeral directors are professionally obligated to assure the death certificate is on file before issuing a burial transit permit; and can only issue a permit to another funeral director if the cause of death was or is suspected to be from a communicable disease. Funeral directors are required by law to issue the permit to the designated individual identified under Iowa Code 144.C. Ms. Kauth will be directed to the State Registrar's office and legislature with her concerns about the limited availability of securing a burial transit permit through a government body. Board executive will respond to Ms. Kauth and ombudsman's office.

New Business: None.

Closed Session:
A motion was made by Mostkoff to enter into closed session at 12:10 p.m. to discuss confidential material related to applications and complaints according to Iowa Code Chapter 21.5(1)(a) and (d). A second was received from Teahen. Roll call taken.
Hawn – aye
Mitchell – aye
Teahen – aye
Doehrmann – aye
Mostkoff – aye
Ervin – Aye
Motion carried.

Board returned to open session at 12:44 p.m.

Closed Session Follow-up:
A motion was made by Mitchell to close Case #12-016 and Case #12-018. A second was received from Doehrmann. All ayes, opposed none, motion carried.

A motion was made by Mitchell that probable cause was found to bring charges in case #12-019. A second was received from Teahen. All ayes, opposed none, motion carried.

Future Board Meetings:
June 13, 2013
September 12, 2013
December 12, 2013

Adjournment:
A motion was made by Mitchell to adjourn the meeting at 12:47 p.m. A second was received from Doehrmann. All ayes, opposed none, motion carried.
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