

Arkansas State Board of Embalmers & Funeral Directors  
Rule Committee Meeting  
101 East Capitol, Conference Room C  
February 13, 2014 – 9:00am

Rule committee members present were: Amy Goode, Executive Secretary, Kat Hodge, Board Council, Boyd Heath, Inspector, Terry Woodard, President, and Bobby Thurman, Vice President was present. Also attending were Ron Sheffield, Attorney, Justin Lowery, AFDA, and we had several guest come from the Arkansas Department of Health to discuss some concerns with ERAVE.

Executive Secretary explained there had been some concerns voiced about the pass rate of the National Conference Exam. It was further reported that the issue was discussed with ASU @ Mountain Home, but needed to talk to Hope. Will talk to other executives at Convention.

The committee began discussion with the updated definition of manager. Discussion then went into the opening of an establishment. Mr. Sheffield stated that the Board's statute has the authority to do this, but that the Board need to consider requiring a business plan, financial records, and credit score. Ms. Hodge questioned what would be the determining factor or who would be qualified on the Board to determine the solvency. Further stated it was her opinion that the Board's statute does allow the Board to require they make application on forms provided by the Board, so questions could be asked in the application process. The Board could decide after the inspection whether they meet the requirements for licensure. Counsel advice is it the statute does not allow you to determine the financial solvency by receiving financial document. It was the committee determination that the new funeral establishments would have inspection; then at the next regular scheduled Board meeting the Board would approve or disapprove of the application for license. It was suggested that the Board might want to approach a legislation liaison to change the law to allow for the requirement of credit checks and back ground checks.

The committee began discussion on the requirements of the establishments, that if the Board gets complaints about the structural safety of the building that the Inspector should inspect the property for that. If the Inspector does find it to be structurally unsafe, that the Board could always contact the local building authority, code officer, or code enforcement that has authority. Goode stated that she had compiled rules and regulations from the surrounding states. Thought the Board should require an embalming log and there were several items that the Board could address that have been issues over the years. Requirement that establishments provide proof of insurance on vehicles and all insurance carried by the establishment by providing proof of insurance. When they cancel the Board can be notified.

The committee discussed the transport insurance requirements and had discussed that they should carry cargo insurance. That the transport license requirement is \$500,000 of liability insurance, but what kind? Is that going to cover something happening to the human remains and the family suing? It was also mentioned that we require transports to have insurance, but do not mention as requirement for establishments. The Board thought it should be required on the vehicles of all establishments. Is it really cargo insurance though when transporting to cemetery? However, funeral homes also make removals like a licensed transport service. Sheffield stated he would inquire about insurance with someone he knows. Board counsel stated she did not believe the transport service needed cargo insurance.

The Arkansas Department of Health arrived to discuss some concerns the industry had with the new electronic death certificate system (ERAVE). John Senner, was the spokesman for the department. He introduced Paul Johnson, head of Vital Statistics and Center of Health Statistics, Carolyn Pettit is the Project Manager, and Melinda Allen, Registrar. Mr. Senner provided copies of the proposed changes to the vital statistics regulation. A member of the Board had questions or needed clarification concerning the establishment license number. He had death certificates come back with the license number listed a 5 digit number that eventually it was discovered that was their Board ID#. Mr. Senner stated that he had done some research and there was correspondence between Rachael McGrew and Stewart Matthews about the funeral directors, but no written correspondence about the funeral home. The website lists only the Board ID# so they determined it was the most sensible number to verify.

They are printing the Board ID#, but the other number (license number) is in their system as an arbitrary sequence number, but they could use that number and expand the field to 5 digits to accommodate the newer establishments. The funeral homes need clarification; the system asks for license number, but that is not what is printed on the death certificate. Simple solution would be to change the certificate to say Board ID#, but clarification is what is needed. ERAVE has not been very successful for the funeral homes, because the Doctors are not trained or using the system. There is a matter they are aware of and working to correct the situation. They are doing training all over the state with hospitals, hospitalists, doctors, and coroners. It was finally agreed that they could update the system to accommodate the license number. Executive Secretary stated she would provide an updated list of establishments to them.

We have been advised that we will need to begin conducting public hearings again as stated in the statute 17-29-313. It was questioned what “the Board is going to say if the new ones applying complain about those before them didn’t have the public hearing”. Counsel’s advice was that we misunderstood the Judge’s opinion and it’s now her advice we follow the law, since you are now aware that 17-29-313 is still good law. We will now be following the law as it is on the books. The Board discussed changing current rule to put it to better use in the current system we have. The specific case in 1996 was that the crematory was close to elementary school. The Board based on testimony cannot make arbitrary decisions, that your decisions to grant or deny should be based on some form of reasonableness. Decisions to grant or deny the permits will be done at the next possible regular board meeting. The Committee discussed a crematory application fee and permit fee.

The Committee discussed different fee structures that will be reflected in the 2<sup>nd</sup> draft. They discussed adding new applications to apply for a funeral director license and embalmers license. Reinstatement applications will also be added. It was also discussed that the licensees and establishments change their late penalty fee structure. Grace period of 15 days to be given, January 1<sup>st</sup> – 15<sup>th</sup> renewal fees received after that day will have a fee per day penalty until paid or max is reached. There will be different amounts for the different types of licenses.

There was no further discussion and committee adjourned.