

Arkansas State Board of Embalmers & Funeral Directors
Rule Committee Meeting
January 17, 2014
Suite 113
Via Teleconference 877-402-99753

Rule committee members present were: Amy Goode, Executive Secretary, Kat Hodge, Board Council, Boyd Heath, Inspector, and Terry Woodard, President joined after the meeting started. Bobby Thurman, Vice President was unable to participate. Attorney Ron Sheffield also joined the teleconference.

The Executive Secretary explained she would like to start at the beginning of the current rules and work our way through each section. Mr. Heath stated he had a couple items he would like to address. First paragraph on the definition of Manager, particular this sentence, this would include but not limited to: apprentices, all employees, sale staff and other licensees that work at the establishment. Would this include insurance sales? Executive Secretary stated her thoughts were it would, but Mr. Heath explained those insurance representatives do not necessarily work for the funeral home. The Executive Secretary stated she thought that would include those insurance sale reps since they were acting as an agent for the funeral home. It is in our rule that the funeral home is responsible for agents and sales staff that represent their firm per Rule IV (f) (g). Ron Sheffield had thoughts that all funeral homes suffer from other funeral homes coming in and stating the can beat XYZ funeral home's price; that the funeral home stating that be made to put that statement into writing. If it's an oral or written statement against the firm, then a funeral home would have grounds to file a complaint. Hodge states that the rule currently has that a family should be given a statement of funeral goods. The family can shop around, but Sheffield said the issue is that this is happens before the family ever gets to either funeral home. Sheffield further stated, when a funeral home or representative can beat anyone's price, then that firm should prove it. It happens all the time, every day on the street. The committee could not come to any agreement on the suggestion. Mr. Sheffield stated that he would like to see added to Rule XIV some language to the rule that says that if a funeral firm makes statements to a family they be required to provide written information to the family. Then if they are making false statements concerning the opposing firm, then firms would have complaint process for false statements if the rule required them to put it writing. Hodge stated consumer has some responsibility to what they are being given by other firms. Firms do have now in Rule XIV that if a family changes to another firm the family or funeral firm must pay those charges at the initial firm. Sheffield stated that if the funeral firm was going to make a statement concerning other funeral firm they should have prices side by side, Board counsel felt that this was not something the Board could have control over. Most of these things will be based on quality of service, reputation of the firm, and their professional services fees that the Board has no control over. The Board cannot make the consumer be a responsible consumer. It was suggested to Mr. Sheffield to look specifically at Rule XIV and submit to the committee his ideas.

Rule II Licensee in charge of funeral directing and embalming. We should include a definition for licensee or use the term that is already in definition. Change wording throughout concerning which license is being referred to in the rule.

There was discussion about adding other types of licenses or clarifying the current license types. Discussion was also included that a funeral firm should have the family sign a waiver if they plan to use some extraordinary means of transporting their loved one from funeral service to cemetery. We do have a responsibility to the public to have license requirement for their loved ones being transported for hire.

There was discussion that ensued about Funeral Establishments in Rule IV. That there should be more requirements added to the funeral establishment regulations. There was a great deal of discussion that the funeral establishment rule needs several changes. The Board should have more requirements in place and or defined. There was suggestions to the committee that we should require financials documents or credit check. The committee felt we did not have the necessary backing by law or credentials to conduct background checks or check financial documents. Mr. Sheffield sent the Executive Secretary and Board counsel his proposed changes on funeral establishments requirements and ownership changes.

The committee discussed whether or not 40 miles was too far to require a family to drive to make a casket selection. There was discussion revolving around allowing funeral establishments to in addition to the five adult cases to add additional language concerning virtual display rooms etc.

The committee came to conclusion that we needed to schedule an actual meeting inviting AFDA, AFDM&A, and other interested parties to that next meeting to help get the industry involved.

The Executive Secretary will work with counsel to set the next date.

Discussion ended and teleconference adjourned.