

**DRAFT**

**STATE BOARD OF FUNERAL AND CEMETERY SERVICE BOARD MEETING**  
**December 1, 2022, at 11:00 a.m.**  
**Indiana Government Center South**  
**Conference Center, Room #1**  
**402 West Washington Street, Indianapolis, Indiana**

**CALL TO ORDER**

The meeting was called to order at 11:00 a.m. by Kathleen Matuszak, pursuant to public notice posted at the principal office of the board at least forty-eight (48) hours before the time of the meeting.

**BOARD MEMBERS PRESENT:** Kathleen Matuszak, Chairperson  
Thomas Sproles, Vice Chairman  
Frank Downing  
Christopher Cooke

**STATE OFFICIALS PRESENT:** Tracy Hicks, Board Director  
Marianna Kassenbrock, Assistant Board Director  
Clarence Leatherbury, Deputy Attorney General

**ADOPTION OF THE AGENDA**

Sproles/Cooke  
4/0/0

Voting in Favor: Thomas Sproles, Kathleen Matuszak, Frank Downing, and Christopher Cooke  
Motion carried.

**DISCUSSION REGARDING 832 IAC 3-2-2, EXAMINATION FOR FUNERAL DIRECTOR INTERN LICENSE**

The following organizations addressed the board regarding their opinion of whether the board should cease requiring a national examination to become licensed.

**Indiana Funeral Directors Association:** Indicated 26% of their members felt the test was relevant to practice. They feel educators are teaching to pass the exam rather than teaching for actual practice.  
**Sawyer and Coleman Blake:** Spoke about the low pass rate and schools and students not knowing what is on the exam. Coleman took course online and Sawyer took live classes.

**International Counsel of Funeral Service Examining Boards – Jon Rettig:** He reported that the examination is compiled by licensees. 52 volunteers participated in the last examination item writing, etc. They updated their website this year to include statistical information regarding pass/fail rates for schools of mortuary science. These statistics will be provided to boards soon. Their annual meeting focus will be what they can do to better serve states. The Conference has had panel discussions with several schools that have resulted in good information. They count on educators for information. There will always be bad funeral directors no matter the education and examination. Their examination is legally defensible. They currently have an Indiana funeral director on the examination committee. They use a broad range of experienced licensees in examination development. They share information with schools in conjunction with the American Board examination content. The American Board represents the schools of mortuary science. They use Pearson VUE for the exam. Tom Sproles looked at their website and found 58% pass the Arts examination and 50% pass the Sciences examination. Mr. Rettig indicted his statistics were first time takers only. The first time and subsequent exam fee \$570. Tom Sproles asked where should these pass rates be. Mr. Sproles indicated other two-year degree licenses have a higher pass rate than funeral candidates. Mr. Sproles asked if the Conference have a target number of where they want to be. Mr. Rettig does not have a benchmark number. Mr. Sproles asked how they know where the Conference needs improvement in. Mr. Rettig indicated the item writing committee is made up of funeral directors only. Mr. Sproles has participated in this and was impressed with the process. COVID has created lower test scores for all professions and educations. Mr. Sproles asked where does the examination need improvement and what is the Conference working on. Mr. Rettig indicated communicating better and interacting with educators and the American Board. Frank Downing pointed out that the Conference used to average the Arts and Sciences sections of

the examination for one score and now they do not' why is that? Mr. Rettig indicated that it is up to the states. The Conference now uses a weighted score. He doesn't know when they stopped averaging. Mr. Sproles asked; if we decide to remove the exam, does that elevate the profession, equal, or lower the profession. Mr. Rettig indicated a net effect because your licensees are violating state law regardless. 1,378 responded to the survey from the conference for examination content.

**Jack Lechner, Cincinnati College of Mortuary** – Mr. Lechner has 49 years' experience in death care and served over Arlington Cemetery with 29 years of military service. He feels the Conference is the one single barrier to practice. They have no regulation other than themselves. Each state has their own statutes for regulation however the Conference is the sole determinant of who receives a license in many states. Candidates are given minimal information upon failing. He requested information on first time pass rates. They said they do not have to provide that information. He finally received it by filing under the open meetings act in Ohio. They profit from the examination and their meetings. He explained the Conference revenue and expenses over some years. Do failures incentivize a higher failure rate? Universities have moved away from standardized testing. Frank Downing asked if he helps his students that fail the exam? If the student passes the first time, the school refunds the conference exam fees. Mr. Downing asked if he chooses not to use the books the conference uses? The conference surveys all school on what books they use then they compile the list of books. Mr. Sproles asked if he knew what books are on the Conference list? Yes, but there could be two different books for embalming and the school only uses one. Mr. Sproles asked what they charge for education (\$30,000) and does he have a problem with the examination fee based on what they charge for education. Mr. Lechner said yes. Kathleen Matuszak asked what the graduation rate is at his college. The graduation rate is 93%.

**Worsham College** – Leili McMurrugh indicated Worsham College has an 85% national pass rate for their students. Licensure requires all the pieces of education and examinations to be licensed. We must look at retention in the funeral homes. Removing the examination does not help the retention piece. Their funeral director supervisor drives this. What goes in the place of the examination? What are we doing to improve the conference examination? Are we really elevating if we are not prepared to replace the conference examination? We must look at reciprocity. We are losing licensees within 5 years. The change should be to elevate. Kathleen Matuszak asked; what do the students need more of, mentoring or skills on how to pass examination. The answer is both, 50/50. She explores test taking strategies to assist her students. Frank Downing asked; is the examination relevant or not, based on your knowledge, what is your opinion of the relevance of the examination? The conference asks funeral directors what is relevant so they can formulate questions. She thinks it is part of all the pieces to become licensed. There must be a benchmark to enter the profession. Kathleen Matuszak asked; do you feel your approach would change toward students if the examination requirements were changed. No. Kathleen Matuszak asked; should a 4.0 graduate that can't pass the examination be able to practice? Yes, with the appropriate mentor.

**IVY Tech Community College - Central Indiana, Jonathan DeHart** - Students come to him daily that they have been offered a job, however they can make more at fast food jobs than doing pick-ups for funeral homes. He is encouraged that the board is having this conversation. He leans more toward keeping the examination, but on the mentor side.

**ABFSE American Board of Funeral Service Education, Robert C. Smith III** – Mr. Smith believes they should pass the national board examination. The Department of Education wants to know if the money they provide is worth it. They don't have enforcement with schools the way the board has with licensees. They maintain a curriculum for schools to use and it is reviewed every year, however they use it as they see fit for their particular college. They accredit schools. If students are properly educated, they should be able to pass the examination. He encouraged the board to have an alternate system in place if the national exam is removed. National Accreditation uses their curriculum for their questions. Not all mortuary programs are accredited for hours to transfer for other degrees. Independent school that offers only funeral service are accredited only by the American Board of Funeral Service Education, not a national accreditation. Two years ago, they removed accreditation for one mortuary school.

**Rory Glick** – He feels examination is roadblock to service and is structured for failure. They are losing students and employees to hire. He has employed a company to find funeral directors to hire. Two have come across his desk. One of them failed four times and he works with someone that has failed it seven times. His third son is not entering the business because of the high failure rate of the exam. He cannot expand his funeral home because he cannot find employees to work. Frank Downing asked; do you blame the school as well? Yes.

Board discussion: Clarence Leatherbury said we could accept lower than 75% passing requirement. Frank Downing indicated the Board needs to look at the state exam questions. Mr. Downing wants to look at all the info presented and that The Conference uses a sliding scale for the examination. To pass, you must get 101-104 of 150 questions correct. One other state is entertaining the notion. There are other states that separated funeral directors from embalmers and the funeral directors do not have to pass the NBE. Tom Sproles is disappointed that Vincennes and Mid America did not attend. There is a wide range of colleges that have a high/low pass rate, so there is a big difference in education. Kathleen Matuszak wondered how far the board can go to assist students. School pass rates have not always been published by The Conference, but they have been doing it for three years.

The Board decided to meet at 9:00 A.M. at their next meeting to further discuss this matter.

#### **ADOPTION OF THE MINUTES FROM THE AUGUST 4, 2022, MEETING OF THE BOARD**

A motion was made and seconded to adopt the minutes.

Sproles/Cooke  
4/0/0

Voting in Favor: Thomas Sproles, Kathleen Matuszak, Frank Downing, and Christopher Cooke  
Motion carried.

#### **OFFICE OF THE ATTORNEY GENERAL REPORT**

Written and verbal report provided. The DAG did not know what the stats are per regional location. Amy Osborne indicated future reports will have regional information along with some other good information.

#### **PERSONAL APPEARANCE FOR COMPLIANCE OF FINAL ORDER**

1. John C. Sherrill, FD29500085, 2021SBFCS0023

Mr. Sherrill reported that the mausoleum project is complete with the floors, tile, paneling, and air purifying system.

2. Mara Stuart & Stuart Mortuary, 2020SBFCS0002

Ms. Stuart instituted a list of how the employees do things. Overall, that was a bad period for them. They are in a place now that they are comfortable with accountant, and everything is being paid and taken care of. Ms. Stuart has not taken crash review course yet. Frank Downing asked if there has been any association with Marvin Boatright? Ms. Stuart indicated no association professionally; however, they are members of the same church.

#### **CONSIDERATION OF OBJECTIONS TO NOTICE OF PROPOSED DEFAULT**

1. Ellis Funeral Home, LLC, FH11500004 & CA21500028, and Craig Ellis, 2022SBFCS0005 & 2022SBFCS0006

No one from Ellis Funeral Home was present.

#### **ADMINISTRATIVE HEARINGS**

1. Ellis Funeral Home, LLC, FH11500004 & CA21500028, and Craig Ellis, 2022SBFCS0004, 2022SBFCS0005, 2022SBFCS0006

A motion was made and seconded to issue a Default Order.

Downing/Cooke  
4/0/0

Voting in Favor: Thomas Sproles, Kathleen Matuszak, Frank Downing, and Christopher Cooke  
Motion carried.

A motion was made and seconded to issue a Cease and Desist Order for Craig Ellis.

Sproles/Cooke  
4/0/0

Voting in Favor: Thomas Sproles, Kathleen Matuszak, Frank Downing, and Christopher Cooke  
Motion carried.

A motion was made and seconded to indefinitely suspend the license of Ellis Funeral Home with no right to petition for reinstatement for a period of six months and require the owner and licensed manager to complete the IFDA "in-person" crash review course, impose a fine of \$500 per count for 11 counts, required the funeral home pass inspection prior to petitioning for reinstatement, and require Craig Ellis to appear at the hearing to reinstate.

Sproles/Cooke  
4/0/0

Voting in Favor: Thomas Sproles, Kathleen Matuszak, Frank Downing, and Christopher Cooke  
Motion carried.

2. TMG Funeral and Cremations Services, LLC dba Tippecanoe Funeral and Cremation Services, FH11600020 & CA21600039, 2020 SBFCS 0017

A motion was made and seconded to revoke the suspension and remove the previous probation.

Sproles/Cooke  
4/0/0

Voting in Favor: Thomas Sproles, Kathleen Matuszak, Frank Downing, and Christopher Cooke  
Motion carried.

## **CONSIDERATION OF APPLICATIONS FOR FUNERAL BRANCH LICENSE**

1. Tippecanoe Funeral and Cremation Services-Funeral Chapel Branch, 3631 Morehouse Rd., West Lafayette

A motion was made and seconded to approve the application.

Sproles/Cooke  
4/0/0

Voting in Favor: Thomas Sproles, Kathleen Matuszak, Frank Downing, and Christopher Cooke  
Motion carried.

2. Tippecanoe Funeral and Cremation Services-Service Center Branch, 1718 West 350 N., West Lafayette

A motion was made and seconded to approve the application.

Sproles/Cooke  
4/0/0

Voting in Favor: Thomas Sproles, Kathleen Matuszak, Frank Downing, and Christopher Cooke  
Motion carried.

## **PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER**

1. Chapel Hill Memorial Gardens, CM41000004, CA210000046, 2022SBFCS0003

A motion was made and seconded to approve the proposed settlement.

Cooke/Downing  
3/0/1

Voting in Favor: Kathleen Matuszak, Frank Downing, and Christopher Cooke  
Abstaining: Thomas Sproles  
Motion carried.

2. Grinsteiner Funeral Home, FH11500005, CA21500030, 2022SBFCS0021

A motion was made and seconded to approve the proposed settlement.

Sproles/Cooke

4/0/0

Voting in Favor: Thomas Sproles, Kathleen Matuszak, Frank Downing, and Christopher Cooke  
Motion carried.

3. Charles V. Agugliaro, FD01023403, 2022SBFCS0022

A motion was made and seconded to approve the proposed settlement.

Sproles/Cooke

4/0/0

Voting in Favor: Thomas Sproles, Kathleen Matuszak, Frank Downing, and Christopher Cooke  
Motion carried.

#### **IPLA COMPLIANCE DIVISION REPORT.**

The compliance division conducted sixteen inspections of existing funeral homes. Nine passed, three received a corrective action plan, one failed, and three were out of business.

One funeral branch was inspected and passed. One was failed for unlicensed practice.

Zaneta Nunally explained the corrective action plan choice when inspecting. The failed funeral home was told to check the rust, paint chips, caulking, ventilation cleanliness, disinfecting, and expiration dates. Zaneta will check to see if she can tell the board the counties these inspections were conducted.

#### **INTERNATIONAL CONFERENCE OF FUNERAL SERVICE EXAMINING BOARDS ANNUAL MEETING MARCH 1 & 2, 2023**

Tom Sproles indicated he would like to attend.

#### **Annual Review of Cemetery Maintenance Consumer Protection Fund Balance to Determine if Sales in 2023 Would Require Payment into the Fund 3/1/24**

A motion was made and seconded to suspend payment to the fund for sales in 2023.

Cooke/Downing

4/0/0

Voting in Favor: Thomas Sproles, Kathleen Matuszak, Frank Downing, and Christopher Cooke  
Motion carried.

#### **Annual Review of Preneed Consumer Protection Fund Balance to Determine if Sales in 2023 Would Require Payment into the Fund 3/1/24**

A motion was made and seconded to suspend payment to the fund for sales in 2023.

Cooke/Downing

4/0/0

Voting in Favor: Thomas Sproles, Kathleen Matuszak, Frank Downing, and Christopher Cooke  
Motion carried.

#### **Consideration of Payment of International Conference of Funeral Service Examining Boards 2022 Membership Dues from the Funeral Education Fund; \$250.00**

A motion was made and seconded to pay the membership fee from the Funeral Director Education Fund.

Sproles/Downing

4/0/0

Voting in Favor: Thomas Sproles, Kathleen Matuszak, Frank Downing, and Christopher Cooke  
Motion carried.

## **VERIFIED COMPLAINTS REQUESTING RESTITUTION FROM THE PRENEED CONSUMER PROTECTION FUND**

1. Colleen Risk for Edith E. Ison  
Re: Winklepleck Weesner Funeral Home, FH83000655 (Closed)

A motion was made and seconded to approve payment in the amount of \$8825.57 plus interest.

Sproles/Cooke  
4/0/0

Voting in Favor: Thomas Sproles, Kathleen Matuszak, Frank Downing, and Christopher Cooke  
Motion carried.

2. Ronnie Newsome for Vernal Howard Pruitt  
Re: Winklepleck Weesner Funeral Home, FH83000655 (Closed))

A motion was made and seconded to approve payment in the amount of \$9950.66 plus interest.

Sproles/Downing  
4/0/0

Voting in Favor: Thomas Sproles, Kathleen Matuszak, Frank Downing, and Christopher Cooke  
Motion carried.

## **REVIEW OF CONTINUING EDUCATION SPONSORS AND COURSES**

A motion was made and seconded to approve the list as indicated below.

Downing/Sproles  
4/0/0

Voting in Favor: Thomas Sproles, Kathleen Matuszak, Frank Downing, and Christopher Cooke  
Motion carried.

## **COURSES FOR APPROVAL**

### **Vermilion County Funeral Directors Assoc. CE10800843 – APPROVED AS NON-LAW CLASSES**

1. Celebrating 100 years of Kelley Vault – 10/5/22 – 1 CEU
2. Aquamation – A New Option – 10/5/22 – 1 CEU
3. Reconstructive Art Basics – 10/5/22 – 2 CEU
4. Embalming Basics – 10/5/22 – 2 CEU
5. Helping Serve Our Local Veterans – 10/5/22 – 1 CEU
6. Navigating Medicare and Medicaid – 10/5/22 – 1 CEU

### **MKJ Marketing – CE22200020 APPROVED AS NON-LAW CLASSES**

#### **Advance U**

1. Virtual Arrangements: managing Funeral Cemetery Arrangements Remotely – On Demand/Online – 5 CEU
2. Arranger Training: The Advanced Course – On Demand/Online – 8 CEU
3. Good Call: How to Answer the 9 Most Common Funeral Cemetery Calls – On Demand/Online – 6 CEU

#### **Summit**

1. 2022 MKJ Marketing Summit – 11/7/22 to 11/9/22 – 13 CEU

### **Indiana State Coroner's Association - CE10800754 - DENIED, DOES NOT FALL UNDER ANY OF THE SUBJECTS INDICATED IN 832 IAC 4-1-2**

1. 2022 Dr. David Avolt In-Service Training Conference – 6/16/2022 to 6/18/2022 – 18 CEU
2. 40 hour Medicolegal Death Investigative Course – 9/17/2022 to 6/18/2022 – 40 CEU

### **Calvin Lewis – CE21800071 - APPROVED**

1. Preneed Burial Services & Merchandise – 12/14/2022 – 1 CEU LAW
2. The Practice of Funeral Service – 12/14/2022 – 1 CEU LAW
3. The Cremation Act – 12/14/2022 – 1 CEU LAW
4. The Cemetery Act – 12/14/2022 – 1 CEU LAW
5. OSHA – 12/14/2022 – 1 CEU

**Cremation Association of North America – CE21200016 – APPROVED -no law**

**A**

1. Cremation Arrangement Conference Best Practices – 2023 – 2 CEU
2. Phone Shoppers: Your Best First Impression – 2023 – 1 CEU
3. Cremation & the Environment – 2023 – 2 CEU

**B**

1. The Power of Presence: Introduction – 2023 – 2 CEU
2. Communication Skills Fundamentals – 2023 – 1 CEU

**C**

1. The Cremation Choice – 2023 – 2 CEU
2. Ethics in Funeral Service – 2023 – 2 CEU
3. Aftercare: An Introduction – 2023 – 2 CEU
4. Three Tools for Improving Your Business – 2023 – 1 CEU
5. Complying the FTC Funeral Rule – 2023 – 1 CEU
6. Presentation Without Preservation – 2023 – 1 CEU

**D**

1. CANA's Online Crematory Operations Certification Program – 2023 – 8 CEU

**Akron Concrete Products, Inc. – CE10800616 - APPROVED**

1. Outer Burial Container Basics – 12/20/22 and 12/21/22 – 1 CEU
2. Embalming Unknowns – 12/20/22 – 2 CEU
3. The Relevance of Restorative Art – 12/21/22 – 1 CEU
4. Defending the Truth: Embalming, Social Media & Bias – 12/21/22 – 1 CEU
5. Indiana Practice Act – 12/20/22 – 2 CEU **LAW**
6. Indiana Cremation Act & Pre Need Act – 12/21/22 – 2 CEU **LAW**

**National Funeral Directors and Morticians Association, Inc -CE10800785 – APPROVED – no law**

1. What Makes the Great – 2/19/2023 – 2 CEU
2. BE the Influencer – 2/20/2023 – 2 CEU

**Selected Independent Funeral Homes – CE10800819 – APPROVED – no law**

1. Tools for Navigating Today's Workplace – 1/30/2023 – 3 CEU
2. 'Next' Practices Exchange – 1/31/2023 – 3 CEU
3. Crabs vs. Ants: Building Cultures to Improve Recruitment and Retention – 2/2/2023 – 3 CEU

**Certified Safety Training – NEW - APPROVED**

1. FTC Funeral Rule Training – Ongoing – 2 CEU **LAW**

**International Order of the Golden Rule – CE10800865 – APPROVED – no law**

1. Fabulous Food for Funerals: Catering the Funeral Experience – 2/28/23 – 1 CEU
2. Future Focus: Connecting & Cultivating the Next Generation – 1/24/23 and online – 1 CEU

**Wilbert Funeral Services – CE21500018 – APPROVED – no law**

1. One Block West of the White House – Story of Galwers – 1/19/23 – 1 CEU
2. Helping Them is Hurting You – 2/2/23 – 1 CEU

## **BOARD MEETING ATTENDANCE TO COUNT FOR CONTINUING EDUCATION**

It was the consensus of the Board that attendance for entire Board meetings should qualify as continuing education credit for funeral directors. IFDA will keep track and offer CE.

## **RETROACTIVE APPROVAL OF CONTINUING EDUCATION COURSES**

It was the consensus of the Board to continue to allow retroactive approval of continuing education courses through June 1, 2023. After June 1, 2023, continuing education providers must obtain approval of their courses prior to offering them to funeral directors.

## **FILING DEADLINE FOR REQUEST FOR APPROVAL OF CONTINUING EDUCATION COURSES**

It was the consensus of the Board to set a deadline to file for approval of continuing education courses. The filing deadline is two weeks prior to each meeting.

## **ADJOURNMENT**

The meeting adjourned at 2:15 p.m.

**Next Scheduled Meeting:**



Thursday, December 1, 2022

Page 2 of 2