

DRAFT

STATE BOARD OF FUNERAL AND CEMETERY SERVICE BOARD MEETING
June 8, 2023, at 11:00 a.m.
Indiana Government Center South
402 West Washington Street, Room W064, 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
Clarence Leatherbury, Deputy Attorney General

ADOPTION OF THE AGENDA

A motion was made and seconded to adopt the agenda.

Cooke/Downing
4/0/0

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

ADOPTION OF THE MINUTES FROM THE APRIL 6, 2023, 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.

IPLA Compliance Division Report.

The Compliance Officers conducted a total of 19 inspections for the months of April and May.

13 Funeral Homes and 6 Branches resulted in 19 violations cited for four corrective action plans and one failure.

ADMINISTRATIVE HEARINGS

1. Lankford Funeral Home and Family Center, FH11900011, CA21900016, and Randy Ray Lankford, FD21800053, 2022SBFCS0016 & 2022SBFCS0017

A motion was made and seconded to issue a Notice of Proposed Default.

Sproles/Cooke
4/0/0

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

2. Ellis Funeral Home, LLC, FH11500004 & CA21500028, 2022SBFCS0006

A motion was made and seconded to reinstate the license and certificate of authority on indefinite probation with no right to petition for reinstatement for a period of one year, Respondent shall obey all federal, state, and local laws, including those rules relating to the practice of funeral service in Indiana. For the duration of probation, Respondent shall submit quarterly reports to the Board. Such reports shall detail the services provided at the funeral home over the quarter and may be submitted to the Board Director, Tracy Hicks. For each pre-need and at-need account created or serviced during the quarter, Respondent shall provide the following information, where applicable:

- a. The decedent's name, the date of service, and the name and contact information of the family members that arranged the service;
- b. The name of the embalmer and a copy of the embalming report;
- c. The name of the funeral director that coordinated the service;
- d. A copy of the completed death certificate;
- e. A copy of any and all pre-need contracts, with the statement of goods and services attached to each;
- f. A copy of any and all at-need contracts, with the statement of goods and services attached to each; and,
- g. Documentation evidencing proper deposit of any and all pre-need funds into trust/escrow.

For the duration of probation, Respondent shall have an obligation to report any and all new consumer complaints filed against it within one (1) week of receiving notice of such complaints. Such reports shall be submitted to the Board and noticed to Petitioner.

For the duration of its probation, Respondent shall have an obligation to cooperate with any and all investigations into consumer complaints filed against it with the Office of the Indiana Attorney General ("OAG"). Respondent shall make all reasonable efforts to resolve such complaints to the satisfaction of the consumers involved.

This obligation includes the submission of written responses to consumer complaints, where requested, and the production of any subpoenaed documents.

Prior to petitioning for withdrawal of probation, Respondent shall request and pass an IPLA

Respondent shall fully comply with the terms and conditions of this probation.

Respondent shall make personal appearances before the Board upon request.

Downing/Cooke

4/0/0

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

Motion carried.

DISCUSSION OF POSSIBLE REINSTATEMENT

1. Mike Dooley, FD08700183

A motion was made and seconded to allow renewal of the license, require a one year apprenticeship, IFDA Crash Review course, pass the examination, and appear before the board in one year.

Downing/Sproles

4/0/0

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

Motion carried.

PERSONAL APPEARANCE AND CONSIDERATION OF FUNERAL BRANCH LICENSE AND CERTIFICATE OF AUTHORITY

1. Comfort Cremations, 674 N. 36th St., Lafayette, IN

A motion was made and seconded to approve the applications.

Downing/Cooke

4/0/0

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

Motion carried.

PERSONAL APPEARANCE AND CONSIDERATION OF COURTESY CARD APPLICATION

1. Adam Baity

The courtesy card application will remain pending until 12/15/23 to provide Mr. Baity the opportunity to decide whether or not he wants to surrender his funeral director license pursuant to IC 25-1-11-17.

INDIANA FUNERAL DIRECTORS ASSOCIATION INTERN/MENTOR FUNERAL DIRECTOR PROGRAM UPDATE

Andy Clayton addressed the Board regarding their intention to improve the funeral industry by further supporting licensees through training programs.

NATIONAL VETERANS SHRINE, FORT WAYNE, DISCUSSION REGARDING COMMUNITY COLUMBARIUM

Pat Fraizier and Eric Johnson from the National Veterans Shrine, presented to the board the improvements and expansion of the museum. D.O. McComb donated a columbarium, however they do not have the cemetery license yet because they are not able to provide for the perpetual care fund. The Board supports their efforts, however statute requires the perpetual care fund for registered cemeteries.

COMPLIANCE REPORTS

1. Ellers Mortuary-Sunset Memory Garden Chapel and Sunset Memory Garden Cemetery, FH89200009 & CA20300010, 2021SBFCS0018

A motion was made and seconded that they see nothing that would warrant further violations.

Sproles/Cooke

4/0/0

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

Motion carried.

2. East Hill Cemetery Company, CA42200001, 2022SBFCS0020

A motion was made and seconded that they see nothing that would warrant further violations.

Cooke/Sproles

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. Young-Nichols Funeral Home for Don Roark Re: Porter Funeral Home, FH83006732 (closed)

A motion was made and seconded to approve \$1040.10 plus interest not to exceed the cost of the at-need contract.

Sproles/Cooke

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 Funeral Directors Life Insurance Company's course, The New Funeral Consumer Segmentation Study- Ongoing, 2 CEU, non-law

Cooke/Sproles

3/0/1

Voting in Favor: Thomas Sproles, Kathleen Matuszak, and Christopher Cooke

Recused: Frank Downing,

Motion carried.

A motion was made and seconded to approve the following continuing education report.

Cooke/Sproles

4/0/0

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

Motion carried.

COLIBRI HEALTHCARE, LLC, CE10800701

- A. Aftercare – Extending a Helping Hand All Year Round, 2nd edition - online/homestudy, 1 CEU, non-law
- B. Communicating with Difficult People - online/homestudy, 2 CEU, non-law
- C. Employment Law, Updated Edition - online/homestudy, 3 CEU, non-law
- D. Ethical Standards in the Funeral Industry - online/homestudy, 2 CEU, non-law
- E. HIV/AIDS & Other Bloodborne Pathogens for Funeral Professionals - online/homestudy, 1 CEU, non-law
- F. HIV/AIDS & Other Bloodborne Pathogens for Funeral Professionals - online/homestudy, 2 CEU, non-law
- G. Infectious Disease Control for Funeral Professionals - online/homestudy, 4 CEU, non-law
- H. Preparing New Embalmers - online/homestudy, 1 CEU, non-law
- I. The History of Embalming in the Funeral Industry - online/homestudy, 3 CEU, non-law
- j. Trends in the Funeral Industry - online/homestudy, 3 CEU, non-law

CREMATION ASSOCIATION OF NORTH AMERICA, CE21200016

- A. 2023 CANA Convention - August 9-11, 2023, 7 CEU, non-law

FLANNER BUCHANAN FUNERAL CENTER, CE21800040

- A. Social Security Benefits -February 7, 2023, 1 CEU, non-law
- B. Medicaid – and How it Applies to Funeral Industry Virtual training – August 29, 2023, 1 CEU, non-law

INDIANA DONOR NETWORK, CE21600014

- A. Discover Donation & Transplantation – Continuous, 3 CEU, non-law

THE KENTUCKY ASSOCIATION OF MORTICIANS, INC., CE21400019

- A. Funeral Home Finances- June 6, 2023, 2 CEU, non-law
- B. Ethical Response When Embalming Goes Wrong- June 6, 2023, 2 CEU, non-law
- C. FTC Funeral Rule- June 6, 2023, 2 CEU, non-law

MADISON COUNTY FUNERAL DIRECTOR'S ASSOCIATION, CE10800768

- A. Pre-Need Law Review - June 13, 2023, 2 CEU, law
- B. Indiana Donor Network/Organ & Tissue Donation – August 8, 2023, 1 CEU, non-law

NATIONAL FUNERAL DIRECTORS AND MORTICIANS ASSOC., INC, CE10800785

- A. The Long Game, Cultivating a Winning Business Model for Sustainable Pre-Need Programs- July 31, 2023, 1 CEU, non-law
- B. Build, Grow, Exit – August 1, 2023, 1 CEU, non-law
- C. The Ethical Approach to DEI – August 1, 2023, 2 CEU, non-law
- D. Embalming with Excellence: Perfecting Your Gift – August 2, 2023, 2 CEU, non-law

SELECTED EDUCATION TRUST, CE22200008 Denied. There is still not enough information to justify eight hours for each course.

- A. Being a Successful Professional – April, June, Sept., 2023, 8 CEU, non-law
- B. Financing Fundamentals: Business Acquisition & Growth – April, June, Sept. 2023, 8 CEU, non-law

- C. Guiding Families Toward Meaning & Healing - April, June, Sept. 2023, 8 CEU, non-law
- D. Gaining Respect and Building Trust -- April, June, Sept. 2023, 8 CEU, non-law
- E. Mastering the Inquiry Phone Call - April, June, Sept. 2023, 8 CEU, non-law
- F. Making Best Impressions - April, June, Sept. 2023, 8 CEU, non-law
- G. Life Hacks for Everyday Life - Feb., April, June, Sept., 2023, 8 CEU, non-law
- H. Recruitment and Retention: Times Have Changed – June, Sept., 2023, 8 CEU, non-law

SELECTED INDEPENDENT FUNERAL HOMES, CE10800819

- A. Improving the Customer Service Experience- July 18, 2023, 3 CEU, non-law

WILBERT FUNERAL SERVICES, INC., CE21500018

- A. Embracing the DIY Consumer- July 6, 2023, 1 CEU, non-law
- B. Value-Based Client Engagement – July 20, 2023, 1 CEU, non-law
- C. Funeral Service and Young Families: What You Need to Know – August 3, 2023, 1 CEU, non-law

ADJOURNMENT

The meeting adjourned at 2:09 p.m.