

DRAFT

**STATE BOARD OF FUNERAL AND CEMETERY SERVICE BOARD MEETING
August 3, 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 (Electronically after 1:30 p.m.)
Christopher Cooke

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

ADOPTION OF THE AGENDA

A motion was made and seconded to adopt the agenda.

Cooke/Sproles
4/0/0

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

ADOPTION OF THE MINUTES FROM THE JUNE 8, 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 presented.

IPLA COMPLIANCE DIVISION REPORT.

A written and verbal report presented.

PERSONAL APPEARANCE IN COMPLIANCE WITH 2023SBFCS0006

1. Jacob Rhodes, FD22100007

Mr. Rhodes appeared and reported he is signed up for the next IFDA Crash Review course, working at Palmer Funeral Home, and is maintaining his sobriety.

ADMINISTRATIVE HEARINGS

1. Alford's Mortuary, FH19900032 & CA09100825 and Donald Alford, FD01015193, 2023SBFCS0009

A motion was made and seconded to accept the OAG's recommendation as follows:

Respondent Director's funeral director license, FD01015193, shall be placed on INDEFINITE SUSPENSION, without the right to petition for reinstatement for SIX (6) MONTHS from the date of this Final Order.

Further, Respondent Facility's current probation, as imposed in the Board's license renewal order on April 13, 2023, shall be MODIFIED. Respondent Facility's funeral home license, FH19900032, shall remain on INDEFINITE PROBATION, without the right to petition for removal of probation for ONE (1) YEAR from the date of this Final Order.

Respondents' discipline shall be subject to the following terms and conditions:

I. Obey All Laws

Respondents shall obey all federal, state, and local laws, including those rules relating to the practice of funeral service in Indiana.

II. Continuing Education

Within SIX (6) MONTHS from the date of this Final Order, Respondent Facility shall submit proof that each of its associated funeral directors, including Respondent Director, have taken the Indiana Funeral Director Association's Crash Review Course.

Such continuing education credits shall not count towards the total number of credits required to maintain licensure.

III. Reporting and Personal Appearances

Respondents shall continue to submit QUARTERLY REPORTS according to the terms set forth in the Board's license renewal orders of April 12 and 13, 2023.

Respondents' obligation to make quarterly personal appearances as set forth in the Board's license renewal orders shall likewise remain in effect for the duration of their discipline.

IV. Obligation to Cooperate and Resolve

For the duration of their discipline, Respondents shall have an obligation to cooperate with any and all OAG investigations into consumer complaints filed against them. Respondents 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.

V. Designation of Managing Funeral Director

Respondent Facility shall have the obligation to designate a new managing funeral director with the Board for the duration of Respondent Director's suspension. Such designation shall occur according to the procedure set out in Board's statutes and rules regarding managing directors.

VI. Civil Penalty

Prior to petitioning for reinstatement, Respondent Director shall pay a civil penalty of five thousand dollars (\$5,000.00). prior to petitioning for withdrawal of probation, respondent facility shall pay a civil penalty of two thousand five hundred dollars (\$2,500.00).

VII. Fee

Pursuant to Ind. Code § 4-6-14-10(b), Respondents shall each pay a fee of five dollars (\$5) to be deposited into the Health Records and Personal Identifying Information Protection Trust Fund.

VIII. Maintain Active Licenses

Respondents shall maintain active licenses for the duration of their discipline.

IX. Pass IPLA Inspection

Prior to petitioning for withdrawal of probation, Respondent Facility shall request and pass another IPLA inspection.

X. Reinstatement and Withdrawal of Probation

Respondents shall be responsible for petitioning the Board for reinstatement and removal of probation. Respondents must pay all fines and fees in full prior to petitioning for reinstatement and removal of probation.

Sproles/Cooke

4/0/0

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

Motion carried.

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

A motion was made and seconded to find them in default.

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 revoke the funeral home license and the funeral director license.

Sproles/Cooke

4/0/0

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

Motion carried.

CONSIDERATION OF PROPOSED CEASE AND DESIST AGREEMENT

1. Death Done Differently LLC & Lauren Richwine, 2023SBFCS0001

A motion was made and seconded to accept the agreement

Cooke/Downing

3/0/1

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

Recusing: Frank Downing

Motion carried.

COMPLIANCE REPORTS

1. Ellers Mortuary-Sunset Memory Garden Chapel and Sunset Memory Garden Cemetery, FH89200009 & CA20300010, 2021SBFCS0018
2. East Hill Cemetery Company, CA42200001, 2022SBFCS0020
3. Donald Alford, FD01015193, 2023SBFCS0012

CONSIDERATION OF PROPOSED SETTLEMENT AGREEMENT

1. Wilson-Shook Funeral Home Thornburg Memorial Chapel, FH10600017, CA20600021, Wilson-Shook Funeral Home Frazee Brooks Memorial Chapel, FH10600015, CA20300019, FB42200005, and Zalo Wilson Jr., FD08800062, 2022SBFCS0024

A motion was made and seconded to accept the proposed settlement agreement.

Cooke/Matuszak

3/0/0

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

Motion carried.

VERIFIED COMPLAINT REQUESTING RESTITUTION FROM THE PRENEED CONSUMER PROTECTION FUND

1. Palmer Funeral Home for Avance Highsmith, Sr.
Re: Clark O'Neal Funeral Home Inc., FH10400018 (Closed)

A motion was made and seconded to approve the request in the amount of \$5867.61 plus interest upon receipt of the signed request form.

Sproles/Cooke

3/0/0

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

Motion carried.

2. Christensen Funeral Home-Winklepleck Chapel for Doris Ruth Barnes
Re: Winklepleck Weesner Funeral Home Inc., FH83000655

A motion was made and seconded to approve the request in the amount of \$8491.40 plus interest.

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 all below unless otherwise indicated.

Cooke/Sproles

3/0/0

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

Motion carried.

Colibri Healthcare, LLC, CE10800701

- A. An Understanding of Grief & the Role of the Funeral Professional - online/home study, 1 CEU, non-law
- B. Cremation: An Overview - online/home study, 1 CEU, non-law
- C. Death of a Parent - online/home study, 1 CEU, non-law
- D. Mass Fatalities Incidents - online/home study, 1 CEU, non-law
- E. Military & Line of Duty Funeral Services - online/home study, 3 CEU, non-law (corrected CEU 8-7-23 via email from Tom Sproles. Colibri submitted incorrect CEU.)
- F. OSHA & CDC Guidelines for the Funeral Profession - online/home study, 1 CEU, non-law
- G. The Funeral Rule - online/home study, 3 CEU, non-law
- H. The Culture of Death & Funerals - online/home study, 1 CEU, non-law
- I. The Impact of Grief in the Elder Adult Population - online/home study, 1 CEU, non-law

Funeral Director's Association of The Falls Cities, CE10800717

Cremation Headaches, 10/5/23, 3 CEU, non-law

International Cemetery, Cremation, And Funeral Association, CE10800864 (APPROVED)

Cremation Operator Training, 8/1/23, 7 CEU, non-law

International Order of The Golden Rule, CE10800865

- A. Strategic Planning, 9/26/23, 1 CEU, non-law
- B. 2023 OGR Future Leaders Forum, 8/15 & 16/23, 3 CEU, non-law

Matthews Aurora Funeral Solutions, CE10800858

- A. Shifts in Consumer Desires and Habits, 8/16/23, 2 CEU, non-law
- B. Remote Funeral Arrangements & Tech as Game Changers, 8/16/23, 1 CEU, non-law
- C. Death of Direct Cremation. Why it Matters, 8/16/23, 1 CEU, non-law

Minnick Services, CE10800889

- A. The Graveside as an Event, ongoing, 1 CEU, non-law
- B. Casket Options & Merchandising, ongoing, 1 CEU, non-law
- C. Building a Custom Image & Cap Panel for Your Families, ongoing, 1 CEU, non-law
- D. The Cremation Process Start to Finish, ongoing, 1 CEU, non-law
- E. Commemorations & Cremation Merchandising, ongoing, 1 CEU, non-law
- F. Burial Vault 101A & 101B, ongoing, 2 CEU, non-law
- G. Cremation Liability – Is Anyone Really Getting Sued?, 11/15 & 16/23, 2 CEU, Law
- H. Navigating the Cemetery & Funeral Home Relationship, 11/15 & 16/23, 2 CEU, Law

Selected Education Trust, CE22200008

Resubmission. Submitted a portal to review courses. Revised CEU per course to 4 hours each. Denied twice for excessive CEUs (8) for the subject matter.

- A. Being a Successful Professional – April, June, Sept., 2023, 4 CEU, non-law
- B. Financing Fundamentals: Business Acquisition & Growth – April, June, Sept. 2023, 4 CEU, non-law
- C. Making Best Impressions - April, June, Sept. 2023, 4 CEU, non-law
- D. Mastering the Inquiry Phone Call - April, June, Sept. 2023, 4 CEU, non-law
- E. Recruitment and Retention: Times Have Changed – June, Sept., 2023, 4 CEU, non-law

Selected Independent Funeral Homes, CE10800819

- A. 2023 AM, Opening Session & Keynote Address, 10/11/23, 2 CEU, non-law
- B. 2023 AM, General Session: On Track & Out of Court..., 10/11/2023, 1 CEU, non-law
- C. 2023 AM, Expanding Your Firm's Footprint, 10/12/23, 1 CEU, non-law
- D. 2023 AM, Backed by Data: What 9000+..., 10/12/23, 1 CEU, non-law
- E. 2023 AM, Membership Business Session, 10/12/23, 1 CEU, non-law
- F. 2023 AM, Communication is Key to Crisis De-escalation, 10/12/23, 1 CEU, non-law
- G. 2023 AM, The Young & the Restless, 10/12/23, 1 CEU, non-law
- H. 2023 AM, Futures Session: Funeral Service in the Future, 10/13/23, 2 CEU, non-law

Vermilion County Funeral Director's Association, CE10800843 – NOT APPROVED
RESUBMIT, INCOMPLETE APPLICATION (Need outlines)

- A. Honoring Our Veterans, 10/11/23, 1 CEU, non-law
- B. American Board of Funeral Service Education & Updates, 10/11/23, 1 CEU, non-law
- C. Preneed Decision-Making Journey, 10/11/23, 1 CEU, non-law
- D. The Bottom Line, 10/11/23, 1 CEU, non-law
- E. Upcoming Updates to Medicaid/Medicare, Fall 2023, 10/11/23, 1 CEU, non-law
- F. Embalming & Body Preparation: Let's Stop Dropping the Ball. 10/11/23, 2 CEU, non-law
- G. The State of the IFDA, 10/11/23, 1 CEU, non-law

WebCE, Inc., CE10800715

- A. Helping Survivors After Suicide: The Funeral Director's Role, Ongoing, 2 CEU, non-law

Wilbert Funeral Services, INC., CE21500018

- A. The Moral Dilemma with Preneed, 8/17/23, 1 CEU, non-law
- B. Current Issues Facing Funeral Service, 8/31/23, 1 CEU, non-law
- C. Should Cremated Remains Rest in Peace? Part 2: Who Makes the Decision, 9/14/23, 1 CEU, non-law
- D. Identification & Chain of Custody, 9/28/23, 1 CEU, non-law

ADJOURNMENT

The meeting adjourned at 3:05 p.m.