

Louisiana State Board of Embalmers And Funeral Directors

Minutes for the Meeting of the Louisiana State Board of Embalmers And Funeral Directors January 11, 2017

Board Members present:

Louis Charbonnet, III, President
Kelly Rush Savoy, Vice President
S.J. Brasseaux, Secretary
Gerard Schoen, III, Treasurer
J. Steven Cox
Edward Muhlesien
Margaret Shehee
Maurice Southall

The meeting was called to order by the Board's President, Louis Charbonnet, III at 9:10 AM, at the Board office, located at 3500 N. Causeway Blvd. Ste. 1232 Metairie, Louisiana. Also present was Dianne T. Alexander, General Counsel, Chanel R. Debose, Prosecuting Attorney, Harry Vorhoff, Assistant Attorney General (LADOJ), Kim W. Michel, Executive Director, and M. Jude Daigle, Inspector. Mr. Dansby was not present at today's meeting.

PUBLIC COMMENTS:

No one was present to address the Board at this time.

PRESENTATIONS:

Devin George, State Registrar of LA Vital Records, was present to address the Board with regard to death certificate issuance by the Clerks of Court, Burial Transit Permits and an update with regard to LEERS.

Mr. Charles Muse and Ms. Gwendolyn Frazier of the LFDMA were present to address the Board and Mr. George with regard to a family member's ability to file and receive death certificates from the Clerks of Court in advance of the funeral homes receipt of the death certificates. The Board also has concerns with the Clerks of Court issuing death certificates to the families before the certificates are issued to the funeral homes.

Mr. George stated that the Clerks of Court are allowed to issue death certificates once the certificate has been cleared for release in LEERS. He also noted the fees that are charged for the death certificates by the Clerks of Court are broken down by a fee for LEERS, a fee for processing and a fee for the system to generate the certificates and those fees add up to more than the fees Vital Records charges for death certificates. Clerks of Court can choose to participate if they want, it is not mandatory. They are currently 51 of 64 Clerks of Court that participate. Mr. George stated that he would work on implementing a policy request for the Clerks of Court and discuss with the vendor of the LEERS system to be set up with a delay in the program in which the Clerks of Court would not be able to process the death certificates for a period of time. Mr. Muse requested that Mr. George take into consideration the possible time frame of twelve

months from the date of registry by the funeral homes.

Statistics regarding the information from the burial transit permits were discussed to see if that information could be requested and/or published upon the Vital Records website. Mr. George stated that the information is readily available upon request.

Mr. George noted that LEERS began in July of 2012 and there are currently 92% of Doctors registered with LEERS. Mr. George also stated that they are still working on the font size for the typing and that they are still working on reaching 100% of the doctors to be registered with LEERS. Mr. George also noted that funeral homes would soon be able to order death certificates online directly from LEERS.

COMPLIANCE HEARING and/or ADMISSION AND CONSENT

There were no hearings scheduled for today's meeting.

For informational purposes only, Act/SB 179 Crime and Punishment which Prohibits the trafficking in human remains was discussed briefly.

For information purposes only, a discussion ensued with regard to the Attorney General's Opinion 16-0170 which states that meetings of the Board's designated committees must follow the open meetings law.

For informational purposes only, a brief discussion by Ms. Michel with regard to the U.S. Department of Labor's Equal Employment Opportunity regulations involving apprenticeships.

Ms. Michel presented the Board with a notice from the Louisiana Department of Children and Family Services, Child Support Enforcement Section with regard to Charles Gayden and Gayden Funeral Home, Jena in order for his licenses to be suspended until he has complied with the order issued to him by the LDCFS-CSES. The Board has thirty days in which to comply with the suspension order for Mr. Gayden's professional license for his individual and business establishment.

A temporary license application submitted for approval was presented to the Board due to the individual's license having been issued in December 2016.

Motion was made by Mr. Muhleisen, seconded by Mr. Schoen and passed that the individual will need to either wait until the license has been practiced on for one year or begin an internship at a Louisiana licensed establishment in order to receive their Louisiana license.

The Board was presented with a listing of the licenses that were not renewed on or before December 31, 2016. It was noted that 26 funeral directors, 56 embalmers and 17 funeral establishments had failed to renew by the expiration date of December 31, 2016.

Ms. Michel stated that the license renewals were reconciled on the day the office opened after the holidays which was January 3, 2017. The final list of non renewed licenses were not compiled until the following day. Ms. Michel stated that once she was supplied with the funeral establishment list of non renewals, she immediately created an "Urgent Fax" stating the delinquency, allowing new applications and fees to be submitted by Friday, January 6, 2017 with an extended date of January 31, 2017 for inspections to be completed and submitted. The list of delinquent funeral establishments are; Brannum Funeral Homes, (364 and 2135), manager Karen Teamer, Capital Funeral Home (540), Manager Ivy Ross, Community Funeral Home (2880), manager Clyde McGuire, Delhomme Funeral Homes (488, 1058, 584, and 2540), manager Duanne Delhomme, Hixson Brothers, LLC (256, 798, 233, and 682), manager Joel Swisher, Kramer Funeral Homes (254, 2428, and 2442), manager Graham Kramer, and Natchitoches Funeral Home (2839 and 2452), manager Edward Ward, Jr. Ms. Michel noted that all of the funeral homes have complied with the new application and fees

being received by Friday, January 6, 2017.

Duane Delhomme, owner of Delhomme Funeral Homes, was present to address the Board regarding his establishment licenses being delinquent and to oppose the requirement of reinstating as well as to speak on behalf of the other establishments that were listed. Also present was Graham Krammer, owner of Kramer Funeral Homes and Karen Teamer, owner of Brannum Funeral Homes, to address the Board as well regarding the delinquency of those licenses and their opposition to the reinstatement process. Mr. Delhomme stated that his renewals had been mailed on December 20, Mr. Kramer's were mailed on December 28 and Ms. Teamer's were placed in an envelope with the wrong address. Mr. Delhomme's and Mr. Kramer's employee's individual licenses had been mailed under separate cover but had been received and processed timely. Mr. Delhomme noted in his letter to the Board dated January 9, 2017, that "there is one common denominator, the U.S. Postal Service. All Funeral Homes either through Certified Return Receipt or General Mail used the U.S. Postal Service and to this point all mail has been lost."

A discussion ensued with regard to the regulations outlined within the Statutes and the Rules. Ms. Michel provided a listing of delinquencies dating back to the year 2006 which reflected all funeral establishments that were delinquent during each year and reinstatement of same. Ms. Michel also noted that there were no exceptions made with regard to delinquent establishment licenses even after Hurricane Katrina which was the 2006 renewal period. Ms. Michel stated that the Board cannot be held responsible for mail not being received and/or lost.

Mr. Delhomme requested that the Board take this matter under consideration.

The Board's Chair, Mr. Charbonnet, advised Mr. Delhomme that the Board would further discuss the matter during Executive Session with the Board's General Counsel, Ms. Alexander and the Assistant Attorney General for the Board, Mr. Vorhoff.

BOARD/STAFF ISSUES

A. Executive Director's report by Kim W. Michel

Motion was made by Mr. Cox, seconded by Ms. Shehee and unanimously passed to accept the Executive Director's report as presented.

Ms. Michel stated that she had received an email from Mr. Dansby, Consumer Representative, of his decision to resign from this Board.

For the Record, Ms. Michel's report outlined the previous month's Conference exam report of pass and fail rate. The Conference report's personal information was redacted.

Ms. Michel also noted that since the last Board meeting on December 7, 2016, she was unable to complete the resolutions for the deceased licensees as requested and that those documents will be completed for the next scheduled meeting.

B. General Counsel's complaint report by Dianne T. Alexander

Since the Complaint Review Committee was unable to meet before today's meeting, there was no report to present.

C. Inspector's report by M. Jude Daigle

Motion was made by Mr. Schoen, seconded by Mr. Southall and unanimously passed to accept the Inspector's report as presented.

MINUTES

Motion was made by Ms. Shehee, seconded by Mr. Southall and unanimously passed to accept the minutes of the meeting for December 7, 2016.

FINANCIAL

Financial Report and Budget update Fiscal 2015/2016 and 2016/2017

Motion was made by Mr. Brasseaux, seconded by Mr. Schoen and unanimously passed to accept the financial report and budget update for fiscal 2015/2016 and 2016/2017.

CORRESPONDENCE

Patrick Gros was present to address the Board regarding the reinstatement of his E2150 license.

A motion was made by Mr. Brasseaux, seconded by Mr. Southall and unanimously passed that Mr. Gros will be able to reinstate his E2150 license after all fees have been paid with regard to the application and reinstatement, that he serve an internship for six months and that he successfully pass the Louisiana Rules and Regulations exam and once these terms have been satisfied, Mr. Gros will be able to reinstate his license.

Temporary licensees requesting their LA license:

- a. Lataya Johnson, T/L 0490, who holds Mississippi license 9473, currently employed with Richardson Funeral Home, Clinton;
- b. Hailey Bryan, T/L 0493, who holds Florida license F070357, currently employed with Cox Funeral Home, Oak Grove;

It was noted by Ms. Michel that Ms. Bryan's requirements have not yet been met as the expiration date for her temporary license approaches. Ms. Michel suggested that should Ms. Bryan meet the requirements by the expiration of her time then her license can be issued, but should Ms. Bryan not have the requirements completed by that time then Ms. Bryan will need to apply for another temporary license in order to extend the time for her to have these requirements completed.

Motion was made by Ms. Shehee, seconded by Mr. Southall and unanimously passed that the Ms. Johnson be issued her Louisiana license and that Ms. Bryan be issued her Louisiana license once her requirements have been completed.

EXECUTIVE SESSION

Motion was made by Mr. Brasseaux, seconded by Mr. Schoen and unanimously passed that the Board move into Executive Session at 11:15 AM.

Motion was made by Mr. Cox, seconded by Mr. Brasseaux and unanimously passed that the Board move out of Executive Session at 12:40 PM.

Motion was made by Mr. Schoen, seconded by Ms. Shehee and unanimously passed that the Board's current officers rotate in succession to begin presiding at the next scheduled meeting as follows:

President – Kelly Rush Savoy
Vice President – S.J. Brasseaux
Secretary – Gerard Schoen, III
Treasurer – J. Steven Cox

Motion was made by Mr. Brasseaux, seconded by Ms. Shehee and unanimously passed that the Board continue to follow the regulations as outlined with regard to the requirement for renewals and the requirement for the receipt of the renewals to be in the Board's office on or before the expiration date of the licenses. It was also suggested that Ms. Michel place a notice upon the website stating that regardless of the choice of a mail carrier, the Board is not responsible for lost mail and renewals that are not received on or before the expiration date of the license.

Motion was made by Mr. Schoen, seconded by Mr. Brasseaux and unanimously passed to approve the per diem for Mr. Muhleisen for his attendance at the upcoming FARB meeting.

NEW BUSINESS

The next Board meeting is tentatively scheduled for March 8, 2017.

The meeting was concluded by the Board's President, Mr. Louis Charbonnet, III at 12:45 PM.



S.J. Brasseaux, Secretary



Louis Charbonnet, III - President Approved on **Tentative date of March 8, 2017.**

