

IDAHO BOARD OF MORTICIANS
Bureau of Occupational Licenses
700 West State Street, P.O. Box 83720
Boise, ID 83720-0063

Board Meeting Minutes of 7/16/2013

BOARD MEMBERS PRESENT: David L. Hutton - Chair
James H. Opdahl
Craig Geary

BUREAU STAFF: Tana Cory, Bureau Chief
Dawn Hall, Administrative Support Manager
Lori Peel, Investigative Unit Manager
Maurie Ellsworth, Legal Counsel
John Kersey, Chief Investigator
Tyler Williams, Board Prosecutor
Roger Hales, Naylor and Hales
Erin Anderson, Technical Records Specialist I

OTHERS PRESENT: Sherri Rudai, Funeral Consumers Alliance of Idaho, Inc.

The meeting was called to order at 9:00 AM MDT by David L. Hutton.

APPROVAL OF MINUTES

Mr. Opdahl made a motion to approve the minutes of 6/12/2013. It was seconded by Mr. Geary. Motion carried.

FINANCIAL REPORT

Ms. Hall gave the financial report, which indicated that the Board has a cash balance of \$28,488.92 as of 6/30/2013. Ms. Hall also presented the Board with the 2014 Contract Renewal. Mr. Opdahl made a motion to renew the contract and authorize the Board chair to sign on behalf of the Board. It was seconded by Mr. Geary. Motion carried.

DISCIPLINE

Mr. Williams presented a memorandum regarding case numbers MOR-2013-5 and MOR-2013-6. Mr. Opdahl made a motion to close MOR-2013-5 and MOR-2013-6. It was seconded by Mr. Geary. Motion carried.

[INVESTIGATIVE REPORT](#)

Ms. Peel gave the investigative report, which is linked above.

Ms. Peel and the Board discussed changes to the funeral and crematory establishment inspection forms. Mr. Geary made a motion to approve all suggested changes to the inspection forms. It was seconded by Mr. Opdahl. Motion carried.

LEGISLATIVE REPORT

Ms. Cory gave the legislative report. She reminded the Board that any law changes need to be submitted by 8/1/2013 rules changes are due the third week in August.

Mr. Hales presented the changes to Rule 450.a, 452.01, 455.01, 501.01 and 501.02. Mr. Geary made a motion to accept these changes and for the Bureau to submit the request to DFM, and once approved post the proposals to the web. It was seconded by Mr. Opdahl. Motion carried. Other discussion was held on record keeping. It was decided to table this matter for later discussion.

NEW BUSINESS

A motion was made by Mr. Hutton to elect Mr. Opdahl as Chair. It was seconded by Mr. Geary. Motion carried. This motion will take effect at the next Board meeting.

EXECUTIVE SESSION

Mr. Opdahl made a motion that the Board go into executive session under Idaho Code § 67-2345(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the Executive Session was to consider license application materials. It was seconded by Mr. Geary. The vote was: Mr. Hutton, aye; Mr. Opdahl, aye; and Mr. Geary, aye. Motion carried.

Mr. Opdahl made a motion to come out of executive session. It was seconded by Mr. Geary. The vote was: Mr. Hutton, aye; Mr. Opdahl, aye; and Mr. Geary, aye. Motion carried.

APPLICATIONS

Mr. Opdahl made a motion to approve the following for licensure once passage of inspection occurs:

#901124331

It was seconded by Mr. Geary. Motion carried.

Mr. Opdahl made a motion to approve the following applicant for licensure by exam once the applicant passes the State Jurisprudence exam:

#901072854

It was seconded by Mr. Geary. Motion carried.

Mr. Geary made a motion to approve the following applicant for licensure by endorsement as a mortician. The motion provided that the applicant not be required to re-take the State Jurisprudence exam, since this exam was previously taken and the applicant recently received a funeral director's license. The applicant made an error and applied for an Idaho funeral directors license instead of a mortician's license:

#901126181

It was seconded by Mr. Opdahl. Motion carried.

Mr. Geary made a motion to approve the following applicant for licensure by exam once applicant passes the State Jurisprudence exam:

#901114408

It was seconded by Mr. Opdahl. Motion carried.

Mr. Opdahl made a motion to deny the following applicant for licensure by endorsement per Idaho Code 54-1116(3)(a)(h) and (k):

Shaun O Reilly

It was seconded by Mr. Geary. Motion carried.

The Board discussed disciplined morticians and their MCA, Certificate of Authority, licenses. It was determined that in the future when licensees investigated for alleged violations the Bureau is to verify if the licensee also holds an MCA license. The MCA license is to be placed on hold as well, since an MCA license is linked to a current and active mortician's license.

Mr. Opdahl made a motion to deny the following applicant for licensure by endorsement stating that he did not meet the requirements set forth in Idaho Code 54-1109(3). The Board directed Ms. Anderson to send a letter to the applicant informing him of the decision and that he may submit a new application for licensure by exam. If he reapplies the Board will transfer his fees from the denied application to his new application, and they will re-review his request at the next regularly scheduled Board meeting:

Delbert Rawlins

It was seconded by Mr. Geary. Motion carried.

ADJOURNMENT

The Board adjourned the meeting at 12:00 PM for lunch and reconvened at 1:15 PM.

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Mr. Opdahl made a motion to come out of executive session. It was seconded by Mr. Geary. The vote was: Mr. Hutton, aye; Mr. Opdahl, aye; and Mr. Geary, aye. Motion carried.

CORRESPONDENCE

The Board reviewed the submitted correspondence and gave Ms. Anderson direction for a response.

The Board agreed to add the video link for the new FTC Funeral Rule to their Board web page under the "General Information of Interest" link.

PERMITS

The Board reviewed the following permits for accuracy. No discrepancies were noted:

Kate Lion	MRT-1322
Debra Aguirre-Shank	FDT-1330
Carrie Nordin	MRT-1320
Rod Timmons	MRT-1306
Chad Walker	MRT-1305
Jamie Cloninger	MRT-1329
Matthew Bennett	MRT-1321

CE AUDIT

The Board agreed to an annual random audit of 5% of applicable licensees for compliance to the continuing education requirement. Ms. Anderson will start the first audit in September of 2013 and present the report to the Board at its January 14th, 2014 board meeting. From this point forward the audit is to be run in July of each year.

CE FOR RENEWAL

Mr. Hutton reviewed and approved the continuing education that was submitted for renewal of the following licensees:

M-781
M-791

OTHER

Ms. Anderson presented to the Board the current activity on the current Mortician Trainee and Funeral Director Trainee permit holders.

The Board reviewed and signed off on the 2013 MCA license audit. MCA-110 was tabled for further review due to the audit form not being signed by the applicant. Ms. Anderson is to contact the establishment.

The Board Chair reviewed the Board mail. Wall certificates and minutes were also signed by the Board at this time.

A motion was made by Mr. Opdahl to approve the car rental for the July 16th, 2013 Board meeting for Mr. Hutton. It was seconded by Mr. Geary. Motion carried.

The Board approved the following meeting dates:

1/14/2014 and 1/15/2014	9:00 AM MDT
7/15/2014 and 7/16/2014	9:00 AM MDT

NEXT MEETING was scheduled for 1/14/2014 and 1/15/2014.

ADJOURNMENT

Mr. Hutton made a motion to adjourn the meeting at 2:40 PM MDT. It was seconded by Mr. Opdahl and Mr. Geary. Motion carried.

David L. Hutton, Chair

James H. Opdahl

Craig Geary

Tana Cory, Bureau Chief