

*Arkansas State Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services
Board Meeting Minutes*

Tuesday, September 21, 2021

1 Commerce Way
Diamond Mine Room– 2nd Floor
Little Rock, AR
9:00 – 9:30 AM

Vice-Chair Steve Whitwell, Professional Member called the meeting to order. Member(s) present: Billy Curl, Professional Member, Commissioner Alan McClain, Professional Member, Rausch Hodges, Professional Member, Josephine Perry, Senior Citizens Member, and Stephanie Neipling, Consumer Member.

Members absent: Chairman Bill Booker, Professional Member and Bruce Smithson, Professional Member.

Staff present: Robert Akers, Director, Funeral Services Division, Darriel Ezell, Inspector/Investigator, Amy Goode, Executive Secretary, Amelia Vestal, Senior Securities Examiner, Amanda Gibson, Arkansas Insurance Department, Associate Counsel and Eddie Davis, Director of Security.

1. **Call to Order** – Introduction of Board members and staff.
2. **Approval of the Agenda**

Vice Chairman Whitwell inquired if there was any desire to change or deviate from the proposed agenda. Hearing none, the Board preceded with the agenda as prepared by staff.

3. **New Business**

- a) **Public Hearing** (*§23-61-1103 Powers and Duties*) Proposed Rule 1- Amended Rule Pertaining to Embalmers, Funeral Directors, Funeral Establishments, Crematories, Retort Operators, and Transport Services

Russ Galbraith, Deputy Commissioner | Arkansas Insurance Department, served as Hearing Officer.

Amanda Gibson, Board Counsel, represented the Board.

Tiffanie Harrison, Court Reporter.

Hearing Officer, Russ Galbraith called the hearing on the record at 9:05 A.M. and explained the purpose of the public hearing was to discuss Proposed Rule 1- Amended Rule Pertaining to Embalmers, Funeral Directors, Funeral Establishments, Crematories, Retort Operators, and Transport Services. Exhibits 1-11 were introduced and collective entered as the exhibit packet, with no objections. No members of the public were present to give comment and written

comment was received. After the public hearing, we will notify Bureau of Legislative Research that there was no written or verbal comment received and the promulgation continues. Rules will go into effect 10 days after being approved by the legislative committee. Hearing was adjourned at 9:09 AM.

b) Request for consideration from Matt Buel and Arkansas State University

Matt Buel wanted the board to consider giving continuing education credit to licensed preceptors that assist the school in training embalming techniques to their students. Ms. Gibson stated she did not believe it was allowable under the rule, since it requires them to be an instructors or discussion leaders of a continuing education seminar. Hodges indicated he had been a preceptor for the schools in the past and stated you are basically instructing a student in embalming an actual case, it is not a class. As a preceptor, you are overseeing them embalming of a body and then you sign off on it. It is not furthering my education as preceptor, Hodges indicated. Gibson stated teaching students is not teaching continuing education.

Motion made by Curl to not approve item #2b as requested by Matt Buel, seconded by Hodges, all in favor. Motion carried.

4. Administrative

a) Approval of the August 17, 2021 meeting minutes

Motion made by Neipling to approve the August 17, 2021 meeting minutes as presented by staff, seconded by Hodges, all in favor. Motion carried.

b) Approval of the August 30, 2021 special meeting minutes

Motion made by Curl to approve the August 30, 2021 meeting minutes as presented by staff, seconded by Hodges, all in favor. Motion carried.

c) Approval of the September 8, 2021 special meeting minutes

Motion made by Curl to approve the September 8, 2021 meeting minutes as presented by staff, seconded by Hodges, all in favor. Motion carried.

5. Complaints

a) To consider the complaint(s) on-file with the State Board

[\[A.C.A. §23-61-1111 Duties of the State Insurance Department\]](#)

Ms. Gibson stated she had three (3) funeral director and embalmer complaints to present to the board.

Case No. 21-12. Counsel advises the Board should close the complaint after an investigation found no violations.

Complainant heard that the funeral home cashed in a life insurance policy on his father and kept the money even though the funeral home did not provide the services. The complaint was based on a rumor that the funeral home did the same thing to another person. The complainant's mother (surviving widow) stated in writing that the allegations in her son's complaint were untrue.

Case No. 21-17. Recommend hearing by board staff and counsel.

Unlicensed persons made funeral arrangements with the family, and no GPL was given to the family in the meeting where arrangements were made. Also, one of the respondents did not respond to the complaint.

Case No. 21-19. Counsel advised the Board to close the complaint as it has been resolved.

Death occurred in Missouri, so the Respondents requested a mortuary service in Missouri to make the removal and embalm. The substance of the complaint was that it took approximately five months for the Respondents to pay the mortuary service's invoice. It was paid after complaint was received.

Motion made by Curl to accept the staff's recommendation to set case 21-17 for a hearing at a future date, seconded by Hodges, all in favor. Motion carried.

Motion made by Curl to accept the staff's recommendation to close cases 21-12 and 21-19 seconded by Hodges, all in favor. Motion carried.

6. **Old Business**
a) **Update from Yell County Burial Association**

Currently showing about 72% of the membership has responded and will be sending out a seconded notice by the 15th of September, for those that have not responded.

7. **Financial Update August 2021**

Executive Secretary give the Board an update as the end of August 2021. All three entities that make up the board are currently expensing more than in revenue collected.

8. **Next Meeting Date(s)**
a) **Wednesday, September 29, 2021 (10:30 a.m.) Public Hearing Texarkana City Hall**

9. **Future Meeting Date(s):**
a) **Monday, October 18, 2021 (1:00 p.m.) Rules Sub-Committee**
b) **Tuesday, October 19, 2021 (9:00 a.m.) Board Meeting and Hearings**
c) **Tuesday, November 16, 2021 (9:00 a.m.) Board Meeting and Hearings**
d) **Tuesday, December 7, 2021 (9:00 a.m.) Board Meeting and Hearings**

10. Future Meeting Date(s) 2022:

- a) Monday, January 17, 2022 (1:00 p.m.) Rules Sub-Committee**
- b) Tuesday, January 18, 2022 (9:00 a.m.) Board Meeting and Hearings**

11. Comments and Announcements

12. Adjournment

Motion made by Hodges to adjourn the meeting at 9:30 AM, seconded by Curl, all in favor.
Motion carried.