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STATE OF WEST VIRGINIA
Board of Funeral Service Examiners
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Board Meeting

July 25, 2023 @ 11:00 am

1. Board meeting convenes and establish quorum
2. Approve June 5, 2023 & June 27, 2023 meeting minutes
3. Executive Session - Complaint Review - 2023-08, 2023-11, 2023-14 & New complaint
4. Financial and P-card Reports for June, 2023
5. Executive Director's Report - Emergency Rule, New Board member
6. Office Manager's Report - Renewals report, Apprentice Connie Rule, Study Guide
7. License reinstatements - Douglas - expired June 30, 2022; Turner, expired 2016 (paid).
8. Legislation for 2024 session - ? Work session for Code
9. Items of Interest / Board Member Concerns
10. Next Meeting Date
11. Adjourn Meeting
12. Licenses to be signed (page 2)

Licenses to be signed

Funeral Service License

1. Rodger Brent Cook

Apprentice - FS

1. Joshua D. Poe

Apprentice-FD

1. John J. Reed

LIC / OIC Change

Funeral Home / Crematory

Crematory Operator

1. Teddy K. Day

Reciprocity FS License

1. Ahmadd Jay
2. Logan P. Pfaff

Courtesy Card

1. Shane M. Ayers

WV Board of Funeral Service Examiners

Board Meeting

179 Summers Street

Suite 319

Charleston, WV 25301

June 5, 2023

11:00 a.m.

Members & Staff Present: Eugene Fahey, President, Robert Fields, Vice President/Secretary Fred Kitchen and Rich Bishoff. Linda Lyter, Executive Director, Grady Bowyer, Office Manager, Mark Danehart and Melissa Cyphers, Inspectors and Adriana Marshall, Attorney

Present via Phone: John Valentine

Members Absent: Bryan Nichols & Ron Waybright

Call meeting to order at 11:09 a.m. by president of board – quorum established.

A motion made by Bob Fields to approve the March 30, 2023 meeting minutes. Seconded by Fred Kitchen. Motion approved.

A motion made by Rich Bishoff to go into Executive Session and seconded by Bob Fields. Motion approved. Staff requested to leave the room.

Complaints reviewed and discussed with recommendations.

Motion is made by Rich Bishoff to come out of Executive Session and seconded by Bob Fields. Motion approved. Staff return to the meeting.

Complaint # 2023-04 Motion is made by Fred Kitchen to close the complaint due to the funeral home closure. Continue to monitor. Seconded by Rich Bishoff. Motion approved.

Complaint # 2023-08 Motion is made by Fred Kitchen to request the appearance of Mr. Nixon at the next scheduled board meeting. Seconded by Rich Bishoff. Motion approved.

Complaint # 2023-09 Motion is made by Fred Kitchen to dismiss the complaint due to reinstatement of license. Attorney to draft letter to owner of facility. Seconded by Rich Bishoff. Motion approved.

Complaint # 2023-10 Motion is made by Fred Kitchen to dismiss the complaint due to reinstatement of license. Attorney to draft letter to licensee. Seconded by Rich Bishoff. Motion approved.

Compliant # 2023-11 Motion is made by Fred Kitchen to prepare a consent decree to include a \$500.00 fine, one-year probation and subject to unannounced inspections. Seconded by Rich Bishoff. Motion approved.

Complaint # 2023-12 Motion is made by Fred Kitchen to dismiss the complaint due to no probable cause or violation of law. Seconded by Rich Bishoff. Motion approved.

Complaint # 2023-13 Motion is made by Fred Kitchen to dismiss the complaint due to no probable cause or violation of law and the Board does not have authority for disinterment. This is a civil matter. Seconded by Rich Bishoff. Motion approved.

Agenda item moved for Items of Interest/Board Member Concerns in relation to an apprenticeship application that was on hold due to extenuating circumstances. The apprenticeship application and circumstances were discussed in detail by the Board. Motion is made by Rich Bishoff to approve the application retroactively since applicant has been attending mortuary school, is close to graduation and has completed much of the work along with his studies. Seconded by Bob Fields. Motion approved. Must submit all paperwork to the Board as soon as possible.

Lyter presented financial report for March, April & May. Lyter requested an increase in spending authority of up to \$20,000.00 for the remainder of the fiscal year in order to meet payroll and other financial obligations. A motion is made by Rich Bishoff to approve financial report and increase spending authority for \$20,000.00. Seconded by Fred Kitchen. Motion approved.

Lyter & Bowyer presented P-Card report. A motion to approve the P-Card report is made by Rich Bishoff and seconded by Bob Fields. Motion approved.

Executive Director's Report: Discussion of office manager increase of hours due to the legislation passed to increase retiree annual compensation from \$20,000.00 to \$25,000.00, discussion of conflict with Code/Rules in relation to inspections. Needs to be updated during 2024 legislative session. Provided information on apprentice lapsed license and potential reinstatement. Need to clarify reason for allowing to lapse to present at next meeting.

Office Manager's Report: Renewal forms were mailed out in May and beginning to receive. Fiber optic now installed for office, wireless connection, etc. Also, discussed process for procedural rule revisions. A motion is made by Bob Fields for procedural rule modification and seconded by Fred Kitchen. Motion approved.

CE Rollover: OSHA CE Hours can be rolled over to the general category of continuing education if licensee submits more hours than required.

Review of new study guide. Motion is made by Rich Bishoff to begin using the new study guide as soon as possible. Seconded by Fred Kitchen. Motion approved. All board members and staff to be provided with one.

Lyter provided the Safety Committee report. Motion is made by Rich Bishoff to approve the safety committee report. Seconded by Fred Kitchen. Motion approved.

Discussion regarding replacement of board member due to resignation/retirement of John Valentine. Rev. Paul Mateer has submitted paperwork for consideration.

Items of Interest/Board Member Concerns: Funeral home and crematory inspections discussed. Inspector to conduct unannounced inspection as soon as possible.

Lyter provided information for all other BRIM related matters, to include but not limited to, Defensive Driving review, importance of confidentiality, PII, Cyber Security and Privacy reviews. Motion is made by Rich Bishoff to approve the information provided and reviews of all BRIM related matters. Seconded by Fred Kitchen. Motion approved.

The next meeting will be scheduled for June 27, 2023 at 10:00 a.m.

Licenses signed by members.

A motion is made by Rich Bishoff to adjourn the meeting. Seconded by John Valentine. Motion approved.

WV Board of Funeral Service Examiners

Board Meeting

179 Summers Street

Suite 319

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June 27, 2023

10:00 a.m.

Members & Staff Present: Eugene Fahey, President, Robert Fields, Vice President/Secretary Rich Bishoff and Ron Waybright. Linda Lyter, Executive Director, Grady Bowyer, Office Manager, Mark Danehart, Inspector and Adriana Marshall, Attorney

Present via Zoom: Fred Kitchen & Bryan Nichols

Guests Via Zoom: Jesse Bailes, CSI & Mitchell Nixon, Nixon Funeral Home

Call meeting to order at 10:05 a.m. by president of board – quorum established.

Board meeting minutes for June 5, 2023 will be presented for approval at the next scheduled meeting.

Bailes presented information on prior investigation and legislative interim committee report. May share information, and reports. Will go back and review documents and time frames, etc. The Board to then decide if and how to proceed.

Jesse Bailes leaves the meeting at approximately 10:35.

Nixon joins the meeting at approximately 10:45. Gene Fahey recuses himself and leaves the room prior to the discussion of Complaint # 2023-08 due to close proximity of funeral homes.

Motion is made by Bob Fields to go into Executive Session and seconded by Ron Waybright. Motion approved.

Complaint reviewed and discussed with recommendations. Motion is made by Bob Fields for a six-month suspension, stayed, impose a twelve-month probation period, subject to random unannounced inspections, must comply with regulations regarding cleanliness - sanitation – medical waste, updated air quality test, blood-borne pathogen - OSHA training within sixty days, formaldehyde levels tested within thirty days and update the Board regarding his progress within thirty days. Failure to comply will result in imposition of six-month suspension. Seconded by Ron Waybright. Motion approved.

Inspections of funeral home and crematory discussed. No complaint issued or further action.

Motion is made by Ron Waybright to come out of Executive Session and seconded by Bob Fields. Motion approved. Fahey returns to the meeting at approximately 11:33.

Discussion of apprenticeship rule. Motion is made Rich Bishoff to file an emergency rule in relation to the apprenticeship rule to exclude certain requirements. Seconded by Ron Waybright. Motion approved. Necessary to reduce constraints on applicants and apprentice.

Apprenticeship license lapsed due to attending mortuary school and is close to graduation. Didn't realize he need to keep the apprentice license active while in school. Motion is made by Bob Fields to approve the license reinstatement and seconded by Ron Waybright. Motion approved.

Military fee waiver for initial license application fee.

Items of Interest/Board Member Concerns: Discussion of one-time reinstatement related to COVID-19 pandemic. Motion to approve license reinstatement is made by Bob Fields and seconded by Rich Bishoff. Motion approved.

The next meeting will be scheduled for July 25, 2023 at 11:00 a.m.

A motion is made by Rich Bishoff to adjourn the meeting. Seconded by Bob Fields. Motion approved.