

WV Board of Funeral Service Examiners

Board Meeting

179 Summers Street

Suite 319

Charleston, WV 25301

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.