

UNAPPROVED MINUTES

May 8, 2012

Vermont Board of Funeral Service
National Life Building North Fl 2,
Montpelier, VT 05620-3402

8:30 a.m. – Curriculum Committee

9:00 AM – Board Meeting

Board Members present: Lyndon Mann, Peter Beck, Larry Gile, Robert Covey, and Mary Alice Bisbee

Staff Attending: Terry Gray, Unit Administrator; Danielle Rubalcaba, Licensing Board Specialist; Colin Benjamin, Board Counsel; Carla Preston, Case Manager, and Daniel Vincent, OPR Inspector

Visitors: Greg Camp, Steven C. Gregory, Steven K. Gregory

1. **Call to Order:** Meeting called to order at 9:00 am by Chairman Mann.
2. **Approval of Minutes:** Mr. Beck made a motion to approve the minutes from the March 13, 2012 Meeting as presented. The motion was seconded by Mr. Gile. And passed unanimously.
4. **Case Manager's Report:** Ms. Preston reported there are currently seven (7) cases pending for the Funeral Service Board. Five (5) cases are under investigation. Charges of Unprofessional Conduct have been filed regarding two (2) cases. The Respondents whose licenses have been conditioned by prior Board Orders are all in compliance.
3. **Education Committee Report:** 14 Continuing Education courses were approved by the Committee and 4 were denied approval. The Committee upheld its previous denial on appeal of a 17-credit course from the *Insight Institute*. Another letter will be sent to them regarding the denial.
5. **Concluded Reports:** None
6. **Applications:** None
7. **Hearings:** None
8. **Inspection Report:** – Daniel Vincent – Mr. Vincent presented the Board with his outline of the four inspections he performed, one of which was noted for deficiencies. A letter was sent to this funeral establishment with instructions to correct these deficiencies and report back to him.

9. **Old Business:**

a. **The Waiver of Notification Provision in the Board's Recommended Pre-Need Contract:** Mr. Vincent pointed out to the Board during the March 13th meeting *the discrepancies between* the recommended contract and Administrative Law and Rules. Chairman Mann feels that it is in everyone's best interest not to have a waiver for this Pre-Need Contract.

Following lengthy discussion Mr. Beck moved to eliminate the first six words in Paragraph 1 on page 4 of the "Contract for Prepaid Funeral Arrangements," specifically, "Unless Purchaser waives the notification requirement." In addition, the sentence in CAPS following Paragraph 1 and the place for the Purchaser's Initials together with the parenthetical information on Page 1 related to the same, be removed. Mrs. Bisbee seconded.

-The motion passed unanimously.

b. **Will the Board Rule that the use of its Recommended Contract for Prepaid Funerals be made Mandatory?**

Chairman Mann introduced the discussion by saying he felt it was in everyone's best interest to have the use of "Recommended" Prepaid Funeral Contract developed by the Board now made **mandatory** for Vermont Funeral Directors.

Following considerable discussion during which there seemed to be consensus that among the Board Members and contributing guests that it was time to move the "Contract" from being recommended to being mandated,

Mrs. Bisbee made the motion to send a letter to all licensed funeral directors requesting comments on the idea of making the use of the Board's Pre-Need contract mandatory. Comments shall be received by the Board before its July 10th meeting. Motioned was seconded by Mr. Covey and passed unanimously.

Mr. Gregory Camp, Executive Director of the Vermont Funeral Director's Association indicated that his organization would also alert its members concerning this issue

(It was anticipated that the Board would schedule a vote on this question at its September, 2012 Meeting.)

c. **Review the procedures involving Establishment Licenses.**

At its March 13th meeting, Board Member Larry Gile asked that a review and discussion of the procedures involved in Funeral Establishment Licensing be placed on this month's agenda. Specifically, Mr. Gile was concerned that in the sale, consolidation, or merging of funeral homes, the holders of Prepaid Contracts be notified of changes affecting their contracts and that the Office of Professional Regulation inspectors ensure that the consumer's interest were protected during such changes of ownership.

Staff suggested that perhaps a "Template" letter covering those items that should be addressed by the owner of a newly acquired funeral home be sent by the OPR and that the Board should be informed of such changes in ownership. This idea was endorsed by the Board.

10. New Business:

During the March 13th meeting Stephen C. Gregory Sr., addressed the board seeking clarification regarding the crematory establishment this son, Stephen Jr. is currently constructing. The Gregory Sr. requested permission to transfer his current funeral establishment license from its current Shelburne address to a separate location within the building under construction by his son in South Burlington.

Mr. Covey made a motion to approve the transfer of Mr. Gregory's Funeral Establishment License from its current location in Shelburne to a new location in South Burlington. Ms. Bisbee seconded the motion. The motion passed unanimously.

11. Adjournment: There being no further business, Mr. Mann accepted a motion to adjourn, from Mr. Beck at 11:40 a.m. It was seconded by Mr. Gile and passed.

Future Meetings—

June 11, 2012—Licensure Study (Full Board)

July 10, 2012—Funeral Board Meeting

August 14, 2012—Licensure Study (Full Board)

September 11, 2012—Funeral Board Meeting

Respectfully Submitted,
Danielle Rubalcaba, Licensing Board Administrative Assistant