

VERMONT BOARD OF FUNERAL SERVICES

MINUTES OF MEETING August 4, 2009

Board Members present: Paul Guare, Chairman, Lyndon Mann, John Coffin, Ercel Harvey and Peter Beck.

Staff attending: Chris Winters, Director, OPR, Kevin Leahy, Legal Counsel, Dan Vincent, OPR Inspector, and Judith Griffen, Admin. Ass't.

Public: Robert Covey

The Continuing Education Subcommittee of Paul Guare, Lyndon Mann and Peter Beck met at 8:37 AM to review 36 submitted courses. The decisions of the subcommittee are made a part of these minutes.

1. Chairman Guare called the regular meeting to order at 9:12.
2. The Minutes of the June 9, 2009 meeting were approved as submitted by Board Member Peter Beck.
3. Status of Cases: This item was moved to a later time in the meeting when Director Winters could join the Board. At that time he reported there were 16 pending cases of which 11 were under investigation, 3 were pending an Investigation Committee Report, one was in the Closing Report stage, and 1 case was under the supervision of the Chief Investigator. Chairman Guare again spoke of his and other Board Members' frustration with the seemingly endless investigation process and lack of communication between the staff and Board concerning these investigations. No action was required or asked of the Board at this time concerning any of these 16 cases. (Note: A fuller explanation of the status of each case was sent in an e-mail by Administrator Rita Knapp on Wednesday, August 5 to those Board Members who are members of Investigation Committees.)
4. Disciplinary Action: None
5. Concluded Reports: None
6. Applications: None
7. DISCUSSION ITEMS:
 - a. The Request of Roger Hilaire Jr. seeking an extension to the 30 day policy for re-examination as a Vermont Funeral Director. After a long discussion of the merits of Mr. Hilaire's case and the implication of an exemption to the new rule which went into effect July 1, 2009 requiring 2 years of college level training to qualify for a Vermont Funeral Director's License, the Board voted to deny Mr. Hilaire an exemption.
 - b. OPR Inspector Dan Vincent. First, Mr. Vincent brought to the Board's attention the fact that crematory authorization forms issued by NH crematories to VT funeral directors do not necessarily demand all the information required by Vermont rules and statutes. After some discussion, the Board instructed Mr. Vincent (with a formal vote) to simply inform those Vermont Funeral Directors along the VT/NH border that use NH crematories that if they use a NH crematory authorization form for their Vermont clients that they should write in the information required by the VT Board of Funeral Services Rules or by VT Statutes. Mr. Vincent agreed to provide Board Members copies of his follow-up inspection letters to funeral homes and crematories.

TheseconditemMr.Vincentwishedtodiscusswith assessedofeachfuneralorcrematoryestablishment purposeoffundingthefuneralservicestrustaccou yearandhasnotbeencollectedforsomeyearsdue funeralhomesdonothavethefeeprintedontheir Statues.

theBoardwasthe\$6.00feerequiredtobe perfuneral,burialordispositionforthe nt.Sincethefeeisnotbeingcollectedthis tothefundexceeding\$200,000.00,some writtenagreementsasrequiredbyVermont

ItwasdecidedbytheBoardthatthisitemwillbe meetingSeptember1,2009.

takenupasanagendaitematitsnextregular

ThethirditemMr.Vincentwishedtodiscusswith amongfuneralhomesduetothedifferentpre-need inspections.Sincethiswastobethemaintopico tostayandcontributetothediscussionupcoming.

heBoarddealtwithvariationsofpractices oncontractshehasencounteredduringhis fthisBoardMeeting,Mr.Vincentwasinvited

CContinueddiscussionofaPre-PlannedFuneralCo ofFuneralServicesRulesandVTStateStatuesand FuneralDirectors.

ntractwhichwouldsatisfyallVTBoard whichtheBoardcouldrecommendtoVT

AttheinstigationofBoardMemberJohnCoffin,the FuneralArrangementprovidedbyChairmanGuare.Th drafts suppliedbytheVFDA.IndividualBoardMembe copies.Duringthecourseofthislongdiscussion pointedoutthatperhapstheBoard'sattempttoarr pre-arrangementswasthewrongapproachandthatw Specifically,thedocumenttheBoardwaseditingwa Arrangement."OneofthechangesMr.Guarepropose specificgoodsandservicesthatontheitemizedst GoodsorServicesSelected"beclearlywritten. However,ourBoardRule6.1A4demandsassignedan prepaidfuneralcontracts.

BoardwentthroughadraftcopyforaPre-Need atcopycontainedMr.Guare'sadditiontoa rswroteinsuggestedchangesontheirindividual ofspecificsuggestionstothewording,Mr.Beck iveatasingleformtocoverallfuneralordispos al oormoreformsmightmakemoresense. stitled,"ContractforPre-NeedFuneral d(SectionIII)wasthatifabuyerdoesnotselect atementoffuneralgoodsandservicesthewords"On ddatedstatementofgoodsandservicesfor

VFDAmemberRobertCoveyindicatedthattheStateo arrangementformsandhaddevelopedthreeforms.H totheproposedMainewording.

fMainewasintheprocessofrevisingtheirpre- ewouldprovidetheBoardwiththewebaccess

Mr.Guare'sdraftcontinuedtobediscussedthrough

lunchandthemeetingadjournedat2:38PM

ThenextregularmeetingoftheBoardwillbeTuesd

ay,September1,2009

Note:UnderVermontStatues,Title3:Executive, advisorappointments,(c)Boardsshallmeetannual thereafter,toelectachair,vice-chairandsecret

Chapter5:Sec't.ofState129b.Boardmemberand y,inSeptemberorthefirstmeetingscheduled

MinutesbyPeterBeck