

UNAPPROVED MINUTES

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

May 10, 2011
8:30 a.m. – Curriculum Committee
9:00AM – Board Meeting

Board Members present: Lyndon Mann, Chairman; Peter Beck, Robert Covey, Ercel Harvey and Larry Gile

Staff Attending: Dan Vincent, OPR Inspector; Terry Gray, Unit Administrator; Aprille Morrison, Administrative Assistant; and Colin Benjamin, Board Counsel

Visitors: Lucien Hayes, Greg Camp and J. Malcolm Potter

1. Meeting called to order at 9:00 am by Chairman Mann.
2. Mr. Beck moved to approve the minutes of the April 12, 2011 meeting seconded by Mr. Covey, pending changes. The motion passed unanimously.
3. Case Manager Report:

Mrs. Gray reported to the Board there are four (4) pending cases. The Board reviewed a closing report for 2010-81, James Meunier. Ms. Harvey made a motion to accept the closing report, seconded by Mr. Mann. The motion passed unanimously.

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4. Discipline: None
5. Discussion:
 - A. ACA Licensure – With the issues concerning the ACA's licensure status, and the buy out of the company from Royal Arcanum, the Board wanted to verify the ACA's status in Vermont. Currently, according to Banking and Insurance's website, ACA holds an active registration. Mr. Benjamin will contact the Banking and Insurance Division to verify this information as well as obtain information as to what Royal Arcanum's responsibilities are for servicing contracts in Vermont.
 - B. Clarification of Rule Interpretation: Mr. Vincent posed the question to the Board of whether Funeral Establishments should be able to perform limited services according to the Administrative Rules 5.4 and how this affects the GPL and Statement of Services. The reason Mr. Vincent posed this question is he has been made aware of a few establishments cropping up that are in the line of direct cremation and would not be offering all of the services a traditional funeral establishment does and for inspection purposes would not fulfill all the requirements inspected for. The Board had a lengthy discussion of this topic and came to the conclusion that the entities would need to apply for establishment licensure and would need to have a funeral director attached to the establishment. The establishments would also need to have the standard GPL

and Statement of Services but would be allowed to answer as not applicable in the sections that do not apply to their establishment. In the instance of direct cremation services the entity applying for licensure would need to include a letter from the crematory acknowledging the agreement made between the establishment and the personnel regarding body storage. In this discussion a question was also posed to the Board by Mr. Covey regarding establishment licenses and branch offices. Mr. Beck made a motion to direct Mr. Benjamin to research a previous advisory opinion that was issued by the Board regarding establishments and separate establish licensure for an entity that is not a branch of a licensed establishment. This motion was seconded by Mr. Gile. Mr. Covey abstained and the motion passed unanimously.

C. Interest – Distribution of Escrow Account Interest: Mr. Vincent presented the Board with his findings, from inspections, where the interest being accrued in escrow accounts is not being distributed evenly. Mr. Vincent found that currently the interest earned is not being applied evenly to the “cash advancement” side of the contract. The Board discussed the fact that a case, in approximately 2005, was brought before the Board where this had happened to a client and the Board ruled in favor of the client that the interest be distributed evenly between “both” sided of the contract. Mr. Beck made a motion that Mr. Benjamin and Mr. Vincent draft a letter to send to Vermont Funeral Homes stating the Board's position regarding cash advances and displacement of interest. The motion was seconded by Mrs. Harvey and passed unanimously.

D. Inspection Report – Mr. Vincent presented the Board with a summary of the establishment inspections he performed since the previous Board meeting. The Board had asked Mr. Vincent to give a summary of the “issues” common or otherwise he comes across when doing his inspections. Mr. Vincent inspected one Crematory and two Funeral establishments, and discussed, in general, what his findings were. The Crematory inspection prompted a discussion between the Board and Mr. Vincent regarding verification of the authorizing or primary agent not being current in the contracts. Mr. Vincent amended wording for the contracts and will distribute the new wording to the establishments. The inspection summary of the Funeral Establishments was given to the Board for their review.

E. Continuing Education – At the April 12, 2011 Education Committee meeting the committee denied two requests for education submitted by FuneralDirectorCEUs.com, New American Way of Death and Price Shopper Secrets. This company requested an appeal of the Committee's decision. The Board reviewed the documentation submitted by the company as well as heard discussion from the Committee. Mr. Beck made a motion, seconded by Mr. Mann to deny the appeal request for approval of the above mention courses. Ms. Morrison will send notification to FuneralDirectorCEUs.com regarding the Board's decision. The Committee reviewed requests for approval nine (9) other courses, four (4) were approved and five (5) were denied.

7. Applications – The applications listed below were presented to the Board for review. Mr. Beck made a motion, seconded by Mr. Gile, to table the application review until the inspections had been done for the establishments requesting licensure. The motion passed unanimously. The establishments will be contacted regarding additional information requested. Mr. Benjamin and Mrs. Gray will inform Mr. Vincent of when the state inspection can be performed.

- A. Williams River Services – Mark Kenney
- B. Green Mt. Direct Cremation Service, LLC

8. Discussion: Board Goals – Mr. Covey made a motion, seconded by Mr. Gile, to table this discussion item until the next meeting.

7. Adjournment at 11:56 am

8. Next Meeting – July 12, 2011

Respectfully Submitted,

Aprille Morrison, Administrative Assistant