

Vermont Board of Funeral Service

National Life Building North FL2,
Montpelier, VT 05620-3402

November 5, 2008 at 9:00 a.m.

Approved Minutes

Members Present: Peter Beck, John Coffin, Lyndon Mann
Member(s) Absent: Paul Guare
Staff present: Kevin Leahy, Legal Counsel, Judith Griffen, Administrative Assistant.
Also present: Gregory Camp
Chris Book

The meeting was called to order at 9:10 A.M. In the absence of Mr. Guare, Chairman, John Coffin chaired the meeting. Meeting was opened at 9:10. Prior to the regular meeting, Mr. Mann and Mr. Beck met to review the continuing education courses which had been submitted to the Board.

2. Approval of Minutes of Aug. 5, 2008: The Minutes were approved unanimously as presented on a motion by Mr. Coffin and a Second by Mr. Beck.

3. Status of Cases: Ms. Griffen reported there were 10 pending investigations and one case before the Board for closure.

Mr. Beck mentioned that in an earlier discussion with Mr. Winters, several Board Members had expressed their dissatisfaction with the conduct of the investigations concerning unprofessional behavior. It was their feeling that the investigations were not being conducted in a timely manner, that the Board Members assigned to an investigation team were not being involved nor kept informed of the progress of the investigation, and that perhaps a more formal time-line for investigations needed to become a part of either the rules or laws governing the procedures.

4. Disciplinary Action: The *Decision on Appeal* of Appellate Officer Michael Lipson concerning Paul Gendron was moved to the end of the meeting so it could be discussed in a Deliberative Session.

5. Concluded Reports: A *Report of Concluded Investigations* from the Office of Professional Regulations on **Case file number FS04-0907**, which was opened in September of 2007, was offered as a part of the agenda package. The report's conclusion was that the complaint was a result of a misunderstanding between the parties and that there was no evidence of unprofessional conduct. The report was assigned by Rita Knapp, Case Manager and Christopher Winters, Director of the OPR. **The recommendation of the Report was accepted by a unanimous vote of those Funeral Board Members present.**

6. Applications: There were none offered.

7. Discussion: While awaiting Mr. Winters, The Board offered the floor to Mr. Daniel R. Vincent, Inspector for the Office of Professional Regulation. Mr. Vincent presented the Board with new inspection report forms for funeral homes and crematoriums. The new forms contain specific items to be

checked off during the inspection which follow the of the Federal Trade Commission which apply. There but it was suggested that perhaps some input on the Funeral Directors and Crematory operators.

Board', Rules, State Statutes, and those requirements were generally well received by the Board. Irrespective of design and applications should come from Vermont

Mr. Vincent felt that there was confusion among some of the "Pre-Need, Pre-Paid or Pre-Arranged" Accounts/Contracts. As the discussion progressed, it appeared that the confusion had more to do with the terms "guaranteed or not guaranteed" agreements and the applicability of the terms "revocable or irrevocable." Mr. Vincent indicated he will mail a letter concerning this matter to Vermont Funeral Directors and to Mr. Chris Winters.

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There was consensus among the Board Members and representatives of the Funeral Directors present that a common form, similar to one provided by the National Association of Funeral Directors, should be issued by the Office of Professional Regulations and be the required contract used for prepaid funeral arrangements in Vermont. No vote was taken on this matter.

Acting Chairman Coffin pointed out that in his opinion where also licensed insurance sales people sell in years, the problem of policies without pre-need con

nitions since the number of funeral directors in Vermont funeral insurance has dropped drastically in recent years, the problem of policies without pre-need contracts has diminished significantly.

Mr. Christopher Winters, Director of the Office of Professional Regulations, reviewed for the Board his recommendations resulting from the OPR Summer Study Committee meeting which were reported in the Minutes of the August 5, 2008 Funeral Board Meeting. In addition, he stated the following items are being considered for possible legislative review: a) Annual notification; b) Standardized Pre-Need Contracts; c) Honorary Licenses for Funeral Directors over the age of 65; d) Rollover of contracts from one account to another and the need for more transparency therein; e) Full disclosure of any commissions involved in suggested rollovers.

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8. Deliberative Session: Members of the public were excused and Mr. Mann excluded himself from the Deliberative Session for personal reasons. Since there was not a quorum of Funeral Board Members, no action was taken.

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9. Adjournment: 11:47 AM