

# **TENNESSEE BOARD OF FUNERAL DIRECTORS AND EMBALMERS**

## **MINUTES OF TELECONFERENCE BOARD MEETING**

**FEBRUARY 11, 2014**

The Tennessee Board of Funeral Directors and Embalmers conducted a teleconference meeting on Tuesday, February 11, 2014 at 10:01 a.m. (CST) in Conference Room 1-B Room of the Davy Crockett Tower, 500 James Robertson Parkway, Nashville, Tennessee, to discuss Rulemaking regarding "Removal Rules" and other funeral rules.

The following individuals announced participation in the meeting:

### **Board Members:**

Robert Starkey, President, Knoxville, TN  
Anita Taylor, Vice President, Chattanooga, TN  
Robert P. Helms, Lexington, TN  
Wayne Hinkle, Jefferson City, TN  
David Neal, Leoma, TN  
W. T. Patterson, Camden, TN  
Jane Gray Sowell, Columbia, TN

### **Staff Members:**

Samuel Payne, Deputy General Counsel, Division of Regulatory Boards  
Michael Driver, Chief Counsel, Division of Regulatory Boards  
Benton McDonough, Assistant General Counsel  
Genesis Johnson, Administrative Secretary  
Lisa Mosby, Administrative Assistant

After a quorum of the members being established via roll, President Robert Starkey called the teleconference meeting to order at 10:01 A.M. CST.

Benton McDonough, Assistant General Counsel, presented a statement of necessity to the board members.

President Robert Starkey made a statement of necessity due to the lack of a regularly scheduled board meeting for the month of February 2014, and the need to quickly address these Rulemaking projects in a timely manner prior to the March 2014 board meeting, the board believes a necessity exists that requires this meeting be held by teleconference.

Furthermore, the Board should vote on the Removal Services Economic Impact Statement and Regulatory Flexibility Analysis as well.

A motion was made by David Neal for the necessity for the teleconference meeting.

Seconded by Robert Helms

<b>Roll Call Vote</b>			
<b>Board Members</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>
<b>Robert P. Helms</b>	X		
<b>Wayne Hinkle</b>	X		
<b>David Neal</b>	X		
<b>W. T. Patterson</b>	X		
<b>Jane Gray Sowell</b>	X		
<b>Robert Starkey</b>	X		
<b>Anita Taylor</b>	X		

Motion passed.

**ADOPTION OF AGENDA:**

A motion was made by Jane Gray Sowell to approve the Agenda as printed.

Seconded by Wayne Hinkle

<b>Roll Call Vote</b>			
<b>Board Members</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>
<b>Robert P. Helms</b>	X		
<b>Wayne Hinkle</b>	X		
<b>David Neal</b>	X		
<b>W. T. Patterson</b>	X		
<b>Jane Gray Sowell</b>	X		
<b>Robert Starkey</b>	X		
<b>Anita Taylor</b>	X		

Motion passed.

**REMOVAL SERVICES REGULATORY FLEXIBILITY ANALYSIS:**

Benton McDonough, Assistant General Counsel, read into the record the Removal Services Regulatory Flexibility Analysis.

A motion was made by Wayne Hinkle to change the wording in Question 3 from “licensed” to “registered” and to approve the Removal Services Regulatory Flexibility Analysis.

Seconded by Anita Taylor

<b>Roll Call Vote</b>			
<b>Board Members</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>
<b>Robert P. Helms</b>	X		
<b>Wayne Hinkle</b>	X		
<b>David Neal</b>	X		
<b>W. T. Patterson</b>	X		
<b>Jane Gray Sowell</b>	X		
<b>Robert Starkey</b>	X		
<b>Anita Taylor</b>	X		

Motion passed.

**NOVEMBER 14, 2012 RULEMAKING HEARING:**

Benton McDonough, Assistant General Counsel, discussed the needed changes to the Rules that were adopted by the Board at the November 14, 2012 Rulemaking Hearing for reciprocal license fee. The Board approved Rule 0660-03-.05 which allows for a non-refundable application fee of \$200.00 and a license fee of \$235.00. After discussion with the Attorney General's Office, it is apparent that the Board of Funeral Directors and Embalmers does not have the authority under the funeral statutes to assess separate fees. Therefore, Benton McDonough, Assistant General Counsel, made a recommendation that only one fee; a nonrefundable application fee of \$435.00 be assessed to those individuals applying by reciprocity.

A motion was made by David Neal to accept counsel recommendation.

Seconded by Wayne Hinkle

<b>Roll Call Vote</b>			
<b>Board Members</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>
<b>Robert P. Helms</b>	X		
<b>Wayne Hinkle</b>	X		
<b>David Neal</b>	X		
<b>W. T. Patterson</b>	X		
<b>Jane Gray Sowell</b>	X		
<b>Robert Starkey</b>	X		
<b>Anita Taylor</b>	X		

Motion passed.

Benton McDonough, Assistant General Counsel, discussed the requirements for a crematory. During the November 14, 2012 Rulemaking Hearing, the Board of Funeral Directors and Embalmers approved Rule 0660-9-01(3) allowing that only one human body to be placed in a retort at one (1) time unless written permission has been received from the personal representative for each body. After discussion with the Attorney General’s Office, legal counsel is recommending that the Board of Funeral Directors and Embalmers withdraw that single rule.

A motion was made by Jane Gray Sowell to accept counsel recommendation.

Seconded by Anita Taylor

<b>Roll Call Vote</b>			
<b>Board Members</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>
<b>Robert P. Helms</b>	X		
<b>Wayne Hinkle</b>	X		
<b>David Neal</b>	X		
<b>W. T. Patterson</b>	X		
<b>Jane Gray Sowell</b>	X		
<b>Robert Starkey</b>	X		
<b>Anita Taylor</b>	X		

Motion passed.

**ADJOURN:**

A motion was made by David Neal to adjourn.

Seconded by Anita Taylor

<b>Roll Call Vote</b>			
<b>Board Members</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>
<b>Robert P. Helms</b>	X		
<b>Wayne Hinkle</b>	X		
<b>David Neal</b>	X		
<b>W. T. Patterson</b>	X		
<b>Jane Gray Sowell</b>	X		
<b>Robert Starkey</b>	X		
<b>Anita Taylor</b>	X		

Motion passed.

The meeting was adjourned by President Robert Starkey at 10:22 a.m.

Respectfully submitted,

*Robert B. Gribble*

Robert B. Gribble, CFSP  
Executive Director