

TENNESSEE BOARD OF FUNERAL DIRECTORS AND EMBALMERS

MINUTES OF BOARD MEETING

APRIL 14, 2009

President David Murphy called the meeting to order at 10:00 A.M. in the Second Floor Conference Room of the Andrew Johnson Tower, Nashville, Tennessee.

Board members present were David Murphy, President, Dennis Hamilton, Vice President, Paula Bridges, Wayne Hinkle, Jill Horner, Eugene Williams and Clark McKinney.

Staff members present were Robert Gribble, Executive Director, Adrian Chick, Assistant General Counsel and Jimmy Gossett, Administrative Assistant.

ADOPTION OF AGENDA:

A motion was made by Wayne Hinkle to approve the agenda as printed.

Seconded by Clark McKinney

Adopted by voice vote

APPROVAL OF MINUTES:

A motion was made by Dennis Hamilton to approve the minutes of the March 10, 2009 Board Meeting.

Seconded by Eugene Williams

Adopted by voice vote

LEGAL REPORT:

ADRIAN CHICK, ASSISTANT GENERAL COUNSEL

No legal report was presented.

RULE CHANGES:

ADRIAN CHICK, ASSISTANT GENERAL COUNSEL

Assistant General Counsel Chick presented proposed rule changes to the board members for their review.

After much discussion, Jill Horner made a motion to approve the proposed rule changes.

Seconded by Dennis Hamilton

Adopted by voice vote

Assistant General Counsel Chick then reviewed with the board the "Regulatory Flexibility Act" and the Board determined that the proposed rules are consistent with the guidelines of the Act, Tenn. Code Ann. § 4-5-402, and that, if enacted, these proposed rules have no negative impact on small businesses.

A motion was made by Clark McKinney so stating.

Seconded by Paula Bridges

Adopted by voice vote

At 11:20 A.M., President David Murphy asked for a motion to have a ten (10) minute recess.

A motion was made by Clark McKinney for a break.

Seconded by Paula Bridges

Adopted by voice vote

The meeting reconvened at 11:30 A.M.

**ADMINISTRATIVE MATTERS:
ROBERT B. GRIBBLE, EXECUTIVE DIRECTOR**

**REPORT OF LICENSES ISSUED MARCH 10, 2009 – APRIL 13, 2009 BY
EXECUTIVE DIRECTOR AS PER BOARD AUTHORITY**

LICENSEE REPORT:

Establishments

Plunk Funeral Home, Inc. Camden, TN	New Establishment
Henry Smith Funeral Home Clarksville, TN	New Establishment
Cremation Services of East Tennessee, LLC Mohawk, TN	New Establishment

Anderson & Son Funeral Home and Memorial Park
Lafayette, TN

Change of Name

Anderson & Son Funeral Home
Red Boiling Springs, TN

Change of Name

Individuals

Charles Matthew Doak
Shelbyville, TN

Funeral Director

John Michael Graham
Elizabethton, TN

Funeral Director
Reciprocity

Jason Martin Click
Lenoir City, TN

Funeral Director & Embalmer

Adrian Lee Bachman
Kingston Springs, TN

Funeral Director & Embalmer

Jason Wayne Ligon
Lebanon, TN

Funeral Director & Embalmer

Clayton L.E. White
Humboldt, TN

Funeral Director & Embalmer

Terina Maria Westberg
Elizabethton, TN

Funeral Director & Embalmer

CLOSED ESTABLISHMENT REPORT:

Closed Establishments:

One (1) establishment has reported closing since the last board meeting:

- **Mountain Cremation and Burial, 438 West Race Street, Kingston, TN**

DISCIPLINARY ACTION REPORT:

The Board has previously authorized these consent orders and civil penalties. The Consent Orders have been signed and unless noted, the civil penalty has been paid by the respondent. The Executive Director requests the Board's acceptance of the following consent orders.

Complaint No. 2008022581

Violation: Multiple Statements of Goods and Services Selected lacked a required reason for embalming and failure to maintain a copy of the latest inspection report of the crematory that the funeral home uses

Action: \$500 Civil Penalty

Complaint No. 2008021011

Violation: The General Price List lacked the price of a container offered, a casket in the selection room was not listed on the Casket Price List, Statements of Goods and Services Selected lacked the required description of merchandise chosen and failed to provide the reason for embalming where required and cremation authorization forms were not signed by the funeral director

Action: \$250 Civil Penalty

Complaint No. 2008021031

Violation: Operating an establishment and conducting funerals on an invalid license due to non-renewal in a timely manner

Action: \$400 Civil Penalty

Complaint No. 2008023941

Violation: Engaging in the operation of a funeral establishment by advertising complete preparation and embalming service without being licensed

Action: \$250 Civil Penalty

Complaint No. 2008024431

Violation: Required disclosure language was missing from the Outer Burial Container Price List

Action: \$250 Civil Penalty

Complaint No. 2008026081

Violation: Contacting a family member knowing the person's relative was facing imminent death and asking whether the establishment could take custody of the body upon death

Action: \$1000 Civil Penalty

A motion was made by Eugene Williams to approve the Executive Director's request for the Board's acceptance of the above listed Consent Orders.

Seconded by Wayne Hinkle

Adopted by voice vote

OPEN COMPLAINT REPORT:

As of April 9, 2009, there were 73 open complaints.

DENIAL OF ESTABLISHMENT'S CHANGE OF NAME:

At the March 10, 2009 board meeting, Ms. Rosemary Leonard representing Wilson County Memorial Park and Chapel in Lebanon requested a change of the establishment's name to Lawrence Family Funeral Home. The Board tabled this

request and asked that the manager appear at the April 14, 2009 meeting for consideration of this establishment name change.

The manager of Wilson County Memorial Park and Chapel was notified by office staff via letter on March 26, 2009 and requested to appear before the Board at the April 14, 2009 meeting, but neither the manager nor a representative of the establishment was present at the meeting.

Executive Director Robert Gribble recommended that the Board consider Denial of the application for a name change, taking into consideration Tenn. Code Ann. § 62-5-314, use of names of unregistered person restricted, and the manager neither appearing or notifying the Board of his inability to attend the meeting.

Clark McKinney recused himself from participation in this matter.

Eugene Williams made a motion to deny the application.

Seconded by Paula Bridges

Adopted by voice vote

DENIAL OF ESTABLISHMENT LICENSE:

**TATE FUNERAL SERVICES
675 NEW HIGHWAY 68
SWEETWATER, TN**

New Establishment

Ownership: Corporation

Owner: James R. Tate Enterprises, Inc., of Sweetwater, TN

After an interview with James R. Tate and based upon TCA § 62-5-313(a), Dennis Hamilton made a motion to deny the application of Tate Funeral Services.

Seconded by Paula Bridges

President David Murphy directed a roll call vote.

<u>BOARD MEMBER</u>	<u>VOTE</u>
Paula Bridges	Yes
Dennis Hamilton	Yes
Wayne Hinkle	Yes
Jill Horner	Yes
Clark McKinney	Yes
David Murphy	Yes
Eugene Williams	Yes

With a unanimous vote, the application for Tate Funeral Services was DENIED.

ADJOURN:

A motion was made by Eugene Williams to adjourn.

Seconded by Wayne Hinkle

Adopted by voice vote

There being no further business, the meeting was adjourned by President David Murphy at 12:07 P.M.

Respectfully submitted,

Robert B. Gribble

Robert B. Gribble, CFSP
Executive Director