

TENNESSEE BOARD OF FUNERAL DIRECTORS AND EMBALMERS

MINUTES OF BOARD MEETING

FEBRUARY 14, 2023

President Anthony Harris called the meeting to order at 10:00 a.m. The meeting was conducted in Conference Room 1-B, Davy Crockett Tower, Nashville, Tennessee.

Board members physically present: Anthony Harris, President; Tonya Scales Haynes, Vice President; Fred Berry, Christopher Lea, Scottie Poarch, and Pamela Stephens

Board member(s) absent: Charles Rahm

Note: Board member Tonya Scales Haynes arrived at 10:02 a.m. during Legal's presentation of the first complaint on the Legal Report.

Staff physically present: Robert Gribble, Executive Director, Troy Bryant, Associate General Counsel, and Lisa Bohannon, Regulatory Board Administrative Manager

ADOPTION OF AGENDA:

A motion was made by Fred Berry to approve the agenda as published.

Seconded by Christopher Lea

Adopted by Voice Vote

APPROVAL OF MINUTES:

A motion was made by Christopher Lea to approve the Minutes of the December 13, 2022, Board Meeting.

Seconded by Pam Stephens

Adopted by Voice Vote

LEGAL REPORT:
TROY BRYANT, ASSOCIATE GENERAL COUNSEL

Abbreviations:

GPL – General Price List

CPL – Casket Price List

OBCPL – Outer Burial Container Price List

SFGSS – Statement of Funeral Goods and Services Selected

1. Case No.: 2022047521 – Funeral Establishment

An anonymous Complainant alleged that an employee at Respondent establishment was performing unlicensed activity by waiting on at-need families.

Respondent replied stating that the employee does not wait on at-need families but does assist licensed funeral directors who are waiting on at-need families. Respondent stated that during these meetings, a licensed funeral director is always present. Respondent added that specifically, this particular employee's duties are to help gather information from the family while the licensed funeral director leads the meeting. Respondent further provided that the funeral director types, handles, and signs all forms, documents, and contracts.

Recommendation:

- Closure

A motion was made by Fred Berry to accept Counsel's recommendation.

Seconded by Christopher Lea

Adopted by Voice Vote

2. Case No.: 2022047321 – Establishment

This complaint was administratively opened following a routine review of Respondent's website. On the staff page of Respondent's website, it showed an individual's name and a photograph designating the individual as "General Manager." At the time, the individual was not a licensed funeral director.

Respondent replied through counsel stating that confusion caused to the general public was not intentional as the Respondent listed the individual as General Manager with the understanding that the individual had passed his licensing examination and that licensure was imminent. Respondent states that in fact, the day they received the complaint, the individual received his Tennessee funeral director license. Respondent adds that throughout the website, individuals who

are listed as staff also specifically denote whether that individual is licensed. For example, the individual's counterpart, the Location Manger is not only denoted as a "location Manager" but also as a "Lic. Funeral Director & Embalmer." Respondent contends that since the individual listed as "General Manager did not have a similar designation, that chances that the general public would mistakenly believe the General Manager was a licensed individual were further diminished. Respondent stated that in the future, they will refrain from publishing the name and photo of an unlicensed individual in conjunction with a managerial title.

Recommendation:

- Letter of Warning

A motion was made by Fred Berry to accept Counsel's recommendation.

Seconded by Pam Stephens

Adopted by Voice Vote

3. Case No.: 2022049221 – Funeral Establishment

During the course of a routine inspection conducted on October 25, 2022, the board representative determined that Respondent establishment's pre-need seller registration had expired on September 30, 2022 and had not been renewed. During the inspection, a member of the Respondent establishment informed the inspector that they had not written any pre-need funeral contracts during the time of the expired registration. After viewing funeral files during the time of the expired registration, the inspector found no evidence of any pre-need funeral contracts written by the establishment. The website for Respondent establishment displayed an advertisement indicating that the establishment offered pre-need funerals despite the expiration of the registration. Respondent renewed their registration on October 26, 2022.

Recommendation:

- \$250.00 civil penalty. Authorize via Consent Order and formal hearing if necessary.

A motion was made by Pam Stephens to accept Counsel's recommendation.

Seconded by Fred Berry

Adopted by Voice Vote

4. Case No.: 2022050781 – Funeral Director

Complainant stated that they were hired by Respondent on October 10, 2022 as an office manager. Complainant stated the employment started out fine because they “did not have any deceased come in.” Complainant alleged that in addition to office manager duties, Respondent required her to also “be in the room with her and help her put the bodies in the caskets and things that [Complainant] was just uncomfortable with doing.” Complainant contends that when she communicated that she was uncomfortable with that kind of work to Respondent, Respondent “yelled at me and told me she hired me to help her.” Complainant contends that following this interaction, Respondent treated Complainant “very rudely and condescendingly.”

Respondent replied stating they had taken over as manager of the establishment in early June and that she was operating the establishment alone until Complainant was hired on October 10, 2022 as an office manager/assistant. Respondent stated that for the entire month of October, the establishment received no calls. Respondent stated they used this time to attempt to train Complainant in office management, however Respondent stated she soon learned that Complainant struggled with many standard office management duties including typing and spell checking documents. Respondent stated upon hiring Complainant, and again after Complainant started working at the establishment, they informed her that she would have to assist Respondent with “getting cots out of the van, casketing, possibly dressing and helping me get the casket up the ramp from [the] prep room to the chapel.” Respondent stated that at no time did Complainant perform or was asked to perform licensed activity. As further evidence of this, Respondent stated that due to the slow pace of the work, Respondent had not even embalmed a body until the 9th of December, by which time, Complainant had already resigned. Respondent added regarding the allegation of yelling at Complainant, that on November 18, 2022 Respondent had transported a body from a funeral home back to her establishment. Upon returning, Respondent went to get the body while, as Respondent describes it, Complainant, “was just standing under the porch” failing to assist Respondent. Respondent admits that she yelled at Complainant to help because the remains were heavy, and expressed that if Complainant had issues with being around decedents, then Complainant needed to find another job. Respondent says that following this interaction, they spoke with Complainant, apologized for yelling, and asked that Complainant take the weekend to decide if she wished to

continue her employment there. Respondent stated that on the following Monday (November 28, 2022) they received Complainant's verbal and written resignation.

Based on the above it appears that the majority of the complaint are work related matters. The only tangible allegation appears to be Complainant's allegation that Respondent had her perform licensed activity without proper licensure. However, the activities described by both the Complainant and Respondent do not rise to the level of licensed activity, particularly when both parties admit that Respondent only asked Complainant to assist with pre-preparation work.

Recommendation:

- Closure

A motion was made by Fred Berry to accept Counsel's recommendation.

Seconded by Christopher Lea

Adopted by Voice Vote

5. Case No.: 2022044221 – Funeral Establishment

The Department administratively opened a complaint after learning of a news story in which the Respondent buried the incorrect decedent in a grave plot. This case was immediately sent for investigation.

The investigator spoke first to the funeral director who made arrangements with the family, who stated that she first made arrangements with them on October 12, 2022. The funeral director provided that the interment services were scheduled for October 18, 2022, and that another individual had also been interred that day. The funeral director stated that approximately 30 minutes prior to the funeral service, she was notified by cemetery workers that the first individual who had been buried earlier had incorrectly been interred in the plot intended for the family she had been working with. The funeral director stated that the family was made aware of this mistake prior to the funeral service. The funeral director stated that her and the funeral home staff immediately made arrangements to correct the mistake, including contacting the family of the individual who had been incorrectly interred to have all necessary paper signed by the family to reinter him. The funeral director stated that the arrangements for reinterment were completed the same day (October 18, 2022) but that because of the late time, the family requested the decedent be reinterred on October 19th. The funeral director also stated that she contacted the family who was informed

during the service that arrangements were made to have the decedent interred on October 20, 2022.

The investigator also spoke to the manager of the funeral home who was out of town when the interment mistake occurred on October 18, 2022. The manager stated that the funeral director made him aware of the error, and that following the conversation he asked the cemetery manager to inform the family of the mistake. The manager returned the following day and met with the two sons of the decedent who had been informed of the mistake prior to the service and informed them that the funeral home had immediately began working on obtaining all the documents required to disinter the decedent who had been incorrectly interred so that their father could be interred in the correct space. The manager communicated to the sons that their father could be interred at 3:00 that same day (October 19, 2022), but that the sons declined and requested he be interred on October 20, 2022. The manager stated that the interment of their father occurred on October 20, 2022 and that he was present for the interment along with the family. The manager stated that neither family incurred any additional charges for the mistake made by the funeral home.

The investigator spoke next to two brothers who were the sons of the decedent. They stated that at the time scheduled for the service, he and his siblings were called into an office by the cemetery manager who informed them that someone else had been mistakenly buried in his father's grave. One of the brothers stated that they were informed of the mistake after several family members inquired to the funeral home staff why there were no tent, chairs or cemetery equipment at the father's grave. The brother stated that no staff member explained and only said they would check on the situation. One brother stated that the funeral staff informed him and the family that they would need to receive documentation in order to have the decedent disinterred from their father's grave, but that the burial could be done the next day (October 19, 2022). The brother stated that due to family reasons, they requested the reinterment be scheduled for October 20, 2022 instead. The brother stated that only eight to ten family members were able to attend the burial and that none of the friends in attendance for the service on the 18th were able to attend. The brother further stated there was no committal service and that the family was there basically to only watch their father be buried. The brother further claimed that on the day of the burial, the manager was very "unprofessional, uncaring and extremely rude to him and his family."

Based on the above, it appears that Respondent, in failing to answer the family's repeated questions regarding the burial services, and the manner of the

manager's conduct on October 20, 2022, Respondent has committed unprofessional conduct.

Recommendation:

- \$1,500.00 civil penalty plus half the cost of the investigation. Authorize via Consent Order and formal hearing if necessary.

A motion was made by Pam Stephens to accept Counsel's recommendation.

Seconded by Fred Berry

Adopted by Voice Vote

6. Case No.: 2022049231 – Funeral Establishment

During the course of a routine inspection conducted on November 3, 2022, the inspector discovered that the manager for the Respondent establishment had a funeral director license that had expired on June 30, 2022 and was not reinstated until August 11, 2022. Likewise, the manager also had an embalmer license that had expired on June 30, 2022 and had not been renewed at the time of the inspection. After examining the funeral files for the Respondent establishment, the inspector found no evidence that the manager had served in the capacity of a licensed funeral director or licensed embalmer. Prior to the inspection on October 30, 2022, the inspector received notification that a new manager had replaced the previous manager (the manager with expired license from June 30th – August 11th).

The current manager of Respondent establishment (new manager beginning October 30, 2022) replied on behalf of Respondent. Respondent stated they became aware of the first manager's licensure lapse the second week of August when that manager brought the new manager a letter indicating that the license had expired. Respondent stated at that time they realized they had not notified the Board of the manager change in his role as a Community Development Representative. Upon receiving the letter, Respondent contends that the original manager renewed his funeral director license and arrangements were made to update the change in manager for the Respondent establishment. The new manager states that their license was active during the time as acting manager (from June 30th – August 11th) and that at all times a licensed funeral director was operating as manager of the establishment. Legal confirmed that Respondent establishment had paid for a change of manager form that was submitted to the Department on August 12, 2022.

Based on the above, although it appears that Respondent did have a licensed manager in place at the time in question, Respondent still failed to notify the Board of a change in manager within 10 days as required by applicable rules.

Recommendation:

- \$250.00 civil penalty. Authorize via Consent Order and formal hearing if necessary.

A motion was made by Fred Berry to accept Counsel's recommendation.

Seconded by Christopher Lea

Adopted by Voice Vote

7. Case No.: 2022049241 – Funeral Establishment

During the course of a routine inspection conducted on November 4, 2022, the inspector determined that the preneed seller registration for the Respondent establishment was not renewed at the time of the inspection. Specifically, Respondent's preneed seller registration expired on September 30, 2022. During the time of invalid preneed seller registration, the Respondent establishment wrote eleven preneed funeral contracts with an invalid preneed seller registration.

Respondent re-registered their preneed seller registration on November 11, 2022.

Recommendation:

- \$500.00 civil penalty authorize via Consent Order and formal hearing if necessary.

A motion was made by Fred Berry to accept Counsel's recommendation.

Seconded by Pam Stephens

Adopted by Voice Vote

8. Case No.: 202208691 – Funeral Director

Two complaints were opened against Respondent alleging identical claims. Complainants alleged that Respondent, while an acting manager of a cemetery,

had taken funds without the cemetery owner's knowledge by writing himself unauthorized checks and failing to deposit full amounts of sales items.

Respondent replied stating that in June of 2019 the owner and operator of the cemetery announced that they were retiring and asked Respondent to assist to assist in the day-to-day activities as she would be moving out of town. Respondent stated it was apparent that they were going to be the primary caretaker of the cemetery after months of handling the cemetery. Respondent stated that in the fall of 2019 after meeting with the owner, the owner indicated that the cemetery could start paying Respondent for their work with the cemetery. Respondent stated that the owner added Respondent to the checking account and was instructed by the owner to pay everything out of that account. Respondent contends that in July of 2022, Respondent, "found out there had been a misunderstanding in the amount of compensation between myself and the owner of the cemetery." After discussing with the owner, Respondent stated they withdrew themselves from the daily activities of the cemetery and that Respondent repaid the funds to the owner that had been taken out of the cemetery operating fund.

This case was sent for investigation. The investigator spoke first to the cemetery owner who confirmed that she had spoken with Respondent about assisting her with the day-to-day operations of the cemetery as she was retiring and moving away. The owner indicated that Respondent agreed and that no financial arrangements were made between her and Respondent regarding compensation for Respondent's work. The owner stated they had some discussions with Respondent that financial compensation could be a possibility in the future, but no formal arrangements had ever been made. The owner added that Respondent's name was put on the bank account so that the Respondent could pay bills for the cemetery. The owner stated that while reviewing the bank statements for the cemetery in July of 2022, she discovered that Respondent had been writing himself checks out of the cemetery checking account. The Owner stated that the checks Respondent wrote to himself were not authorized and that Respondent did not have permission to write himself checks out of the cemetery account. The Owner stated that after reviewing the bank statements, it appeared that Respondent had taken somewhere between twenty-three thousand to thirty thousand from the cemetery over roughly three years. The owner arranged a meeting with Respondent. During the meeting, the owner contends that Respondent apologized for taking the money and that he wanted to make restitution for the money he had taken. On August 9, 2022 the owner met Respondent and an additional witness in the parking lot of the funeral home

where Respondent was employed. The owner received the files related to the cemetery that Respondent had in their possession and that Respondent issued a check to the owner for \$28,000.00 for the money that had been taken. The owner accepted this payment and took back control of the day-to-day operations of the cemetery.

Next, the investigator spoke to Respondent who reiterated much of what they had said in their response. Respondent again maintained that he and the owner had some discussion that the cemetery could begin paying him for his work with the cemetery, but again stated that no formal agreement or specific amount was ever discussed. Finally, the investigator attempted to contact both Complainants. However, the identifying information that was provided (name, email, address, etc.) all seemed to be incorrect as the addresses the investigator attempted to visit were either not accessible or were not the addresses of the Complainant(s), and the email addresses provided came back as an invalid email address.

Recommendation:

- Two-year license suspension (will specify that Respondent will not work for or be associated with any funeral home during this time) 10 hours of continuing education, five must be in person, three of 10 hours of CE must be in ethics, \$1,000.00 civil penalty plus costs of the investigation. Authorize via Consent Order and formal hearing if necessary.

A motion was made by Fred Berry for a six-month license suspension, 10 hours of continuing education, five must be in person, three of 10 hours of CE must be in ethics, \$1,000.00 civil penalty plus costs of the investigation. Authorize via Consent Order and formal hearing if necessary.

Seconded by Christopher Lea

Adopted by Voice Vote

Board Member(s) voting contrary to the conclusion: Pam Stephens

Later in the meeting, the board determined to withdraw the decisions made earlier regarding this complaint and reopen it for further discussion.

A motion was made by Fred Berry for further investigation to be conducted regarding information to be obtained from the cemetery owner.

Seconded by Pam Stephens

Adopted by Voice Vote

9. Case No.: 2022049081 – Funeral Establishment

Complainant, daughter of the deceased, alleged that Respondent had cremated their father without permission. Complainant stated that their father passed away on November 18, 2022 and was transported to Respondent establishment where he was supposed to be held until a meeting on November 19, 2022 to make the determination as to whether the family would decide to cremate or bury. Complainant contends that they did not sign any documents or pay for services. However, Complainant claims that her brother was called by Respondent requesting approval for an emergency cremation due to a bed bug infestation. Complainant contends that Respondent should not have been allowed to do a cremation without there being any documentation signed and approved by the person with authority to make the decision, who Complainant implied should have been them.

Respondent replied stating that the decedent passed away on November 18, 2022 and that the Respondent establishment contacted the son and father of the decedent regarding arrangements. Respondent stated that during this conversation, the father of the decedent requested a cremation for the decedent. Respondent also attached a recording of this conversation and Legal confirmed that the person Respondent spoke with did request a cremation. The family members informed Respondent which funeral home the decedent was at and requested that they transport him to the Respondent establishment. Upon contacting the funeral home, Respondent was informed that the Decedent had a bed bug issue as they saw several crawling on him and the sheets. During transport, they observed a “significant amount” of bed bugs on the decedent. After transporting decedent, Respondent requested an emergency cremation permit from the medical examiner’s office, but stated that they would need an authorization from the next of kin. Respondent reached out to the son of the decedent who they had spoken to earlier. Respondent stated they received a text message from the son granting permission (Respondent attached the text message to their response) and also received verbal authorization at 4:57 p.m. on November 18th which was noted on the Cremation Authorization form (which was also included as part of their response). Following this, the medical examiner issued the permit for the cremation. Respondent stated that on November 19, 2022 the son and father of the decedent arrived at Respondent establishment, paid in full, and at no point mentioned anything regarding a burial. The son of the decedent signed the contract for the cremation which Respondent included with

their response. Finally, Respondent stated that on November 22, 2022, four days after the decedent passed away, Respondent received a call from Complainant, the first time Complainant had contacted Respondent regarding the decedent. Likewise, Respondent stated the son and the father of the decedent never mentioned any other children of the decedent, thus this was also the first time Respondent were made aware of the decedent's other children. During this call, Complainant informed Respondent that she had preferred a burial and that she was upset regarding the cremation. Respondent stated that this was the first time any member of the decedent's family had ever mentioned a burial.

Complainant filed a rebuttal stating that the son should not have been regarded as the next of kin because she (Complainant) was the oldest sibling.

Based on the above, the Respondent was able to produce an audio recording of the son giving verbal permission for authorization, an authorization form to show the verbal permission, a text message from the son giving permission for the emergency cremation, and a signed contract from the son agreeing to the contract for cremation (signed after cremation had occurred). However, during the audio recording, and apparently at no time during the process, did Respondent inquire to the son or father of the decedent whether there were additional siblings, a spouse, or someone appointed with power of attorney. From the search of the decedent's obituary, there were four children in total.

Recommendation:

- \$250.00 civil penalty authorize via Consent Order and formal hearing if necessary.

A motion was made by Christopher Lea for \$250.00 civil penalty via Consent Order with instructions regarding cremations and formal hearing if necessary.

Seconded by Fred Berry

Adopted by Voice Vote

Board Member(s) voting contrary to the conclusion: Pam Stephens

10. Case No.: 2022051311 – Funeral Establishment

Complainant, son of the deceased, alleged unprofessional conduct against Respondent establishment. Specifically, Complainant provided that their father

had passed away on March 7, 2022 and that they had entered an agreement with Respondent two days later and signed a cremation authorization form. Complainant contends that since they were unable to have the necessary funds for a direct cremation, Respondent offered to take half to get the cremation process started. Complainant was unable to procure half until April 11, 2022. During this time, the decedent had remained in the custody of Respondent establishment. Complainant stated that they paid the remainder of the balance on April 21, 2022 and that they were given the cremains along with all the necessary paperwork. Complainant stated that after examining the provided paperwork, they noticed that their father had been cremated on March 19, 2022. Complainant also alleged he had yet to receive the death certificate for the decedent.

Respondent replied confirming the financial details as Complainant had described them. Respondent contends that after several unsuccessful attempts to contact Complainant by phone, due to the fact that the decedent was in an advanced state of decomposition when received, the decedent was cremated on March 19, 2022. Respondent next contends that Complainant stated he would be in on April 5, 2022 to pay for the cremation in full. However, on April 5, Complainant did not contact Respondent establishment, and Respondent was again unsuccessful in contacting Complainant. Finally, Respondent agreed that Complainant paid for the cremation in full on April 21, 2022 and confirmed that the cremains were released to Complainant the same day. Respondent provided that the delayed cause of death was updated in VRISM by the medical examiner on June 15, 2022. However, Respondent contends that they made several unsuccessful attempts to reach Complainant by phone to inform him of the finalized death certificate that was ready for Complainant to pick up, and adds that at no point has Complainant ever contacted anyone at the Respondent establishment regarding the status of the certificate.

Based on the above, it appears that Respondent did have the cremated remains of Complainant's father as early as mid-March. Respondent did not provide the cremated remains until April 21, 2022 when they had received full payment from Complainant. Further, Legal spoke with Respondent and confirmed that as of January 26, 2023, they had not provided the death certificate to the Complainant. Legal took steps to ensure that the death certificate would be received by the Complainant shortly after the conversation with Respondent.

Recommendation:

- \$500.00 civil penalty authorize via Consent Order and formal hearing if necessary.

A motion was made by Fred Berry to issue a Letter of Warning.

Seconded by Christopher Lea

Adopted by Voice Vote

Board Member(s) voting contrary to the conclusion: Anthony Harris

REPRESENT(S)

11. Case No.: 2021048911 – Funeral Establishment

Summary:

This is a consumer complaint alleging unprofessional conduct. Specifically, the consumer alleges the following:

- 1. The Respondent failed to provide price information on the telephone as required by the Funeral Rule.*
- 2. The Respondent failed to inform a son of deceased as how to obtain a certificate of death*
- 3. The Respondent failed to treat a member of the public in a respectful manner.*

The Respondent's attorney responded to the complaint and indicated that they are not obligated to provide copies of death certificates to persons other than the person whom the Respondent has a contractual relationship with. The Respondent indicates that they were not asked for a price list during their conversations.

The consumer provided a rebuttal indicating that the Respondent refused to provide a price list. The consumer further stated that the death certificate has false information on it and the individual who contracted with the Respondent lied about their relationship with the deceased.

Recommendation: *Authorization for a formal hearing. Authorization for a \$500.00 civil penalty via consent order.*

Board Decision: Approve

New Summary: Respondent provided additional information related to this complaint. First, the party that Respondent contracted with was the wife of the decedent. Counsel for Respondent stated that Complainant had alleged throughout that the wife of the decedent was not the lawful wife of the decedent, this is confirmed in Complainant's complaint where Complainant alleges that the wife was the "bigamous partner" of the decedent. Due to the tension in this situation, Respondent stated that the wife asked that Respondent not provide the Complainant with a copy of the death certificate or any other information related to the decedent's arrangements. Respondent stated that Complainant was not asking for a price list but asking for the price to purchase a death certificate. Due to the specific instructions of the wife, Respondent denied Complainant's request to provide information regarding a death certificate, but states that they did provide the Complainant information about how to obtain the death certificate from the Department of Health. To further prove this, Respondent attached a letter that they had sent to Complainant containing the contact information for the Office of Vital Records and how to procure a death certificate. Respondent also attached a letter from the wife who confirmed that she was the designated next of kin and the only person who made the funeral arrangements and paid for the services. In the letter, the wife confirmed that she requested that Respondent not release any information to Complainant, including the death certificate.

Based on the above, it appears that the crux of the complaint is a family dispute. The wife of the decedent, who Respondent had directly contracted with, specifically requested that Respondent not provide a death certificate to the Complainant. Respondent followed this request and provided an alternate method that Complainant could obtain a death certificate.

New Recommendation:

- Closure

A motion was made by Pam Stephens to accept the new recommendation.

Seconded by Fred Berry

Adopted by Voice Vote

BOARD RULES EFFECTIVE FEBRUARY 2, 2023:

Troy Bryant, Associate General Counsel, stated that the Joint Committee for Government Operations Rule Review held their review hearing on January 30, 2023, and approved the Board Rules for an effective date of February 2, 2023.

ADMINISTRATIVE MATTERS:
ROBERT B. GRIBBLE, EXECUTIVE DIRECTOR

LEGISLATIVE UPDATE:

HB0939/SB0934 – Funeral Directors and Embalmers

Reduces from 180 days to 90 days, the amount of time in which an operator of a crematory facility must wait from the date of cremation before interring, entombing, or inurning unclaimed cremated human remains.

HB0074/SB0255 – Education

Updates the terms “general education development credential,” “high school equivalency test,” and variations of the terms to “high school equivalency credential.”

HB1173/SB1197 – Insurance Companies, Agents, Brokers, Policies

Requires an insurer to provide the names of the beneficiaries of the decedent's life insurance policy, the benefit amount under the policy, and other information requested by a funeral director or funeral establishment that contacts the insurer on behalf of the decedent's family.

HB0242/SB0307 – Anatomical Gifts

Requires the individual that signs the death certificate of a decedent, or an agent of the individual, to ask whether the family or other appropriate person wants to make an anatomical gift of the decedent's body or part; prohibits a procurement organization from contacting the family or other appropriate person if the family or other appropriate person refused to make an anatomical gift of the decedent's body or part.

HB1094/SB1114 – Anatomical Gifts

Requires a procurement organization or such organization's designee, that contacts an individual following the death of the decedent for purposes of allowing the individual to make an anatomical gift to explain to the individual that the individual can designate the decedent's whole body or a part; the process of making an anatomical gift and the condition the decedent's body will be in after the completion of the process, and that the decedent's body may be in a condition that necessitates cremation of the remains.

HB0023/SB0027 – Open Meetings

Requires governing bodies to make agendas of meetings and supplemental meeting documents available to the public at least 48 hours prior to the meeting.

Website for Legislative Bill Searches:

<http://wapp.capitol.tn.gov/apps/billsearch/BillSearchAdvanced.aspx>

FINANCIAL INFORMATION:

The Executive Director informed the Board of recent salary increases, affecting mostly front-line employees, and how those changes will impact the Board’s expenses for the fiscal year not only for staff but also for cost-backs charged to the Board from administration, legal, customer service center, and centralized complaints.

LICENSEE REPORT:

REPORT OF LICENSES ADMINISTRATIVELY APPROVED BY EXECUTIVE DIRECTOR PURSUANT TO BOARD AUTHORITY FOR THE PERIOD OF DECEMBER 10, 2022 – FEBRUARY 10, 2023

| <u>Establishment(s)</u> | <u>Type of Action(s)/Change(s)</u> |
|--|---|
| Bates-Love Funeral and Cremation Waynesboro, TN | Initial Establishment |
| Hatch & Flemmings Funeral Home Nashville, TN | Initial Establishment |
| Lawrence-Sorensen Funeral Home Jackson, TN | Change of Ownership |
| Lumen Cremation Nashville, TN | Change of Ownership |
| Pikeville Funeral Home Pikeville, TN | Change of Ownership |
| Bilbrey Funeral Home and Cremation Service Crossville, TN | Change of Name |
| <u>Individuals)</u> | <u>Type of License(s)</u> |
| Tiffany Ann Bowman Cleveland, TN | Funeral Director and Embalmer |
| Dylan Eugene Karnes Knoxville, TN | Funeral Director and Embalmer |

| | |
|--|---|
| Aiden McDonough Knoxville, TN | Funeral Director and Embalmer |
| Robert David Peterson Chuckey, TN | Funeral Director and Embalmer |
| Sophia Aundraya Rodriguez Clarksville, TN | Funeral Director and Embalmer |
| Jacob Terry Smith Cookeville, TN | Funeral Director and Embalmer |
| Benez La-Tish Holmes Somerville, TN | Funeral Director and Embalmer Reciprocity – Georgia |
| Kim Kliftyne Lester Sweetwater, TN | Funeral Director and Embalmer Reciprocity – Arkansas |
| Jordan Fitzgerald Barnes South Fulton, TN | Funeral Director and Embalmer Reapplication |
| Wendell Lyle Boshears Jacksboro, TN | Funeral Director |
| A'riel Janai Butler Brownsville, TN | Funeral Director |
| Angela Lynn Slagle Rutledge, TN | Funeral Director |
| Raymond John Visotski Nashville, TN | Funeral Director Reciprocity – South Carolina |
| John Taylor Saul Lenoir City, TN | Embalmer |
| Sara Marie Powers Bluff City, TN | Embalmer |

CLOSED ESTABLISHMENT REPORT:

Two (2) establishments have reported closing since the last board meeting:

- One Click Cremation & Funeral Care, 1332 Rosa L. Parks Boulevard, Nashville, TN, and

- Tennessee Cremation and Mortuary Service, 2558 Highway 41 South, Greenbrier, TN

DISCIPLINARY ACTION REPORT:

These are Consent Orders that have been administratively accepted / approved by the Executive Director pursuant to Board authority and as reported on the November 2022 and December 2022 Regulatory Board Disciplinary Action Reports

Respondent: Birchette Mortuary & Cremation Service, Johnson City, TN
Violation: Permitted an individual to serve as a manager of the funeral establishment with an expired funeral director license
Action: \$250 Civil Penalty

Respondent: Clark Funeral Chapel and Cremation Services, Inc., Kingsport, TN
Violation: Permitted an individual to serve as a manager of the funeral establishment with an expired funeral license
Action: \$250 Civil Penalty

Respondent: Mitchell L. Clark, Bristol, VA
Violation: Engaged in funeral directing and acted as a manager of three funeral establishments with an expired funeral director license
Action: \$250 Civil Penalty

Respondent: Fike-Randolph & Son Funeral Home & Cremation Services, Cleveland, TN
Violation: Failed to submit a change of the funeral establishment manager within the time limits required by law
Action: \$250 Civil Penalty

Respondent: Hall Funeral Home, LLC, Celina, TN
Violation: Unprofessional conduct for failure to respond to a complaint within the time specified in the notice
Action: \$1,000 Civil Penalty

Respondent: R. S. Lewis & Sons Funeral Home, Memphis, TN
Violation: Failed to treat a member of the public in a respectful manner
Action: \$250 Civil Penalty

OPEN COMPLAINT REPORT:

As of February 14, 2023, there were 25 open complaints.

A motion was made by Fred Berry to accept the Executive Director's Report.

Seconded by Christopher Lea

Adopted by Voice Vote

ESTABLISHMENT APPLICATION(S):

**THE CREMATION COMPANY
ATTN: RAYMOND JOHN VISOTSKI, MGR.
700 CRAIGHEAD STREET, SUITE 110
NASHVILLE, TN 37204-2254**

New Establishment

Ownership: Corporation

**Owner(s): Mortuary Associates, Inc., 2714 Grandview Avenue, Nashville,
TN 37211-2225**

Upon motion by Christopher Lea and seconded by Tonya Scales Haynes, based on the application record, this establishment application was approved for licensure contingent on the Board's receipt and Executive Director's approval of a revised General Price List from the establishment.

Adopted by Voice Vote

Board member(s) voting contrary to the conclusion: Anthony Harris

ADJOURN:

A motion was made by Fred Berry to adjourn.

Seconded by Christopher Lea

Adopted by Voice Vote

The meeting was adjourned by President Anthony Harris at 11:53 a.m.

Respectfully submitted,

Robert B. Gribble

Robert B. Gribble, CPM, CFSP
Executive Director