

**Minutes for the Meeting of the  
Louisiana State Board of Embalmers  
And Funeral Directors**

**December 5, 2014**

**Attending:**

**Louis Charbonnet, III, President**

**Kelly Rush, Vice President**

**Gerard Schoen, III, Treasurer**

**Edward L. Muhleisen**

**J. Steven Cox**

**S. J. Brasseaux**

**John Dansby, Consumer Representative**

The meeting was called to order by the Board's President, Louis Charbonnet, III at 9:00 AM, at the Holiday Inn Express in the St. Denis meeting room located at 5137 University Pkwy, Natchitoches, Louisiana. Also present was S. Beaux Jones, interim General Counsel, Kim W. Michel, Executive Director and M. Jude Daigle, Inspector. Mr. Sanders, Ms. Shehee and Ms. Penouilh did not attend today's meeting.

**PUBLIC COMMENTS:**

No one was present to speak during this time.

**PRESENTATIONS:**

Devin George, State Registrar and Center Director from OPH/DHH Center for Records and Statistics was present with Omar Khalid, Vital Records Program to discuss the following:

Since LEERS Death Module implementation in July 2012:

- Average Days Between Death and Registration – Pre LEERS: 59 Days - Current: 19 Days (Deaths Occurring in 2014)
- 55.9% Registered Within 15 Days
- 82.9% Registered Within 30 Days
- 90.1% Registered Within 39 Days
- 88% of death records currently completely electronic
- 93.6% of records have SSN verified using the online verification tool
- Over 3,200 medical certifiers enrolled in LEERS

Our work is not finished... some things we have done since January

- Established LEERS Support Unit
- Laid Groundwork for future collaboration plans with Email Management System
- Built Partnerships with corporate hospitals - Ochsner, Tulane, LSU-HSD, WK, Touro, WJGH, OLOL

Some things that are currently in the works:

Re-Structuring to form a VR Quality Management Unit

1 of 5 states awarded funds by CDC with overall goal of improving physician participation with state electronic death registration systems (LEERS). Overall objectives:

- Increase the percentage of death records registered completely electronic
- Increase percentage of death records that are submitted to CDC/NCHS within 10 days of the death
- Alert State Epidemiologist of deaths related to specified causes within 1 day of certification

Strategies include: Face-to-Face Trainings, Additional Corporate Hospital Partnerships, Statewide and Regional Conferences, Direct Mailings, LEERS Upgrades

Future Initiatives in the near future include:

- Possible LEERS Update: electronic Corrections for Funeral Directors, Physicians and Coroners
- Possible LEERS Update: Ordering certified copies of records through LEERS using credit cards (overnight, priority mail, pick up)
- VIEWS
- Working with physicians and coroners to educate them regarding the importance of death records along with specificity and completeness of cause of death info

Additional things WE all need to work together on:

- Working with physicians already on LEERS to ensure they remain users
- Strengthening relationships with LSBME, LSMS, LCA

Caddo Parish Coroner, Dr. Todd Thoma, was present and introduced his Chief Investigator, Mr. Joe Johnson. Dr. Thoma discussed his goals and objectives as coroner. Dr. Thoma is currently the President of the LA State Coroners Association, [www.louisianasca.org](http://www.louisianasca.org). He stated that although there is an association, it is not a regulatory association and that there is no higher authority for governing the coroners in the state other than the Legislature. Dr. Thoma advised that the LA Board of Ethics can handle any complaints regarding coroners as well as the LA Department of Justice. Dr. Thoma noted that there are sixty four parishes in Louisiana and seven of those parishes have coroners who are not doctors. Dr. Thoma also stated that there is not one coroner designated as the "statewide" coroner. Dr. Thoma talked about the handling of death certificates through the coroner's offices and "proof of death" letters during the interim while a family is awaiting an official certified death certificate. He stated that there are helpful links on the website for the LA Coroners Association and invited anyone to view the site for assistance through those links.

## **REGULATIONS, RULES AND PROCEDURES**

Ms. Michel advised the Board that the new rules regarding internships and casket display should be published in the December 20, 2014 Louisiana State Register.

## **BOARD/STAFF ISSUES**

### **A. Executive Director's report by Kim W. Michel**

Motion was made by Mr. Schoen, seconded by Mr. Brasseaux and unanimously passed to accept the Executive Director's report as presented.

### **B. Inspector's report by M. Jude Daigle**

Motion was made by Mr. Schoen, seconded by Mr. Muhleisen and unanimously passed to accept the Inspector's report as presented.

During Mr. Daigle's report, he advised that on October 23, 2014, he inspected Divine Crematory in New Orleans owned by Malcolm Gibson. Mr. Charbonnet expressed the importance of the new crematory in that it is the first African American crematory to open in Louisiana, a historical mark to be noted.

Mr. Charbonnet requested a motion from the Board Members in order to include the following additional items to the current agenda for discussion; 1) discussion of contractual issues as it relates to the Attorneys for the Board; (2) In the Matter of Coy Gremillion and Magnolia Funeral Home and Crematory; (3) the current development In the Matter of the St. Joseph's Abbey case.

Motion was made by Ms. Rush, seconded by Mr. Schoen and unanimously passed to add the items for discussion.

With regard to the current officers of the Board and the election of same, Mr. Schoen requested that the Board's officers remain as they are presently.

Motion was made by Ms. Rush, seconded by Mr. Cox and unanimously passed to accept Mr. Schoen's request for the Board to continue operating under the current officers for the next year.

Mr. Schoen also requested that Mr. Charbonnet designate another member to Chair the Laws and Rules Committee.

After a brief discussion regarding the Laws and Rules Committee, Mr. Charbonnet directed that this matter be tabled until the next scheduled meeting of the Board

### **MINUTES**

Motion was made by Mr. Cox, seconded by Mr. Dansby and unanimously passed to accept the minutes of the meetings for October 8, 2014.

It was noted by Mr. Charbonnet and Ms. Rush that they were very pleased with the new style and format of the minutes of the meetings.

### **FINANCIAL**

Financial Report and Budget update Fiscal 2014/2015

Motion was made by Mr. Muhleisen, seconded by Ms. Rush and unanimously passed to accept the financial report and budget update for fiscal 2014/2015.

### **COMPLIANCE HEARING**

The hearing entitled, In the Matter of Professional Funeral Services and Malcolm Gibson, New Orleans, was continued.

### **CORRESPONDENCE**

A. Temporary licensees requesting their LA license:

- a. Lucas Arthur, T/L 0462, who holds Mississippi license FS1136, currently employed with Myers Colonial Funeral Home, Inc., Deridder, T/L ended on September 7, 2014.
- b. John Jamison, T/L 0461, who holds a Texas emb/fd license 111676, currently employed with Seale Funeral Home, Denham Springs, T/L to end on December 19, 2014.
- c. Kevin Haynes, T/L 0466, who holds Texas fd license 11900, currently employed with Beckwith Golden Gate Funeral Home, Tallulah, T/L to end on December 12, 2014.

Motion was made by Ms. Rush, seconded by Mr. Cox and unanimously passed to accept the requests and issue LA licenses to Mr. Arthur immediately, Mr. Jamison on December 19, 2014 and Mr. Haynes on December 12, 2014.

B. A letter of request was once again received from Wilbur Purvis requesting that the Board allow him to move into a temporary location for his business operations while his current establishment is being renovated. The temporary location requested is currently a church that was previously a funeral establishment.

A directive was issued by Mr. Charbonnet that this matter be tabled until Mr. Purvis is able to find a suitable location for his operations.

### **EXECUTIVE SESSION**

Motion was made by Ms. Rush, seconded by Mr. Schoen and unanimously passed to go into Executive Session at 12:20 p.m. for the following reasons:

for discussion in regard to the report, development, or course of action for legal strategies In the Matter Coy Gremillion and Magnolia Funeral Home and Crematory, Alexandria

for discussion in regard to the report, development, or course of action for legal strategies In the Matter of the St. Joseph's Abbey case

for investigative proceedings regarding allegations of misconduct, or any other matter provided for or as may be provided for by the legislature.

to discuss the unclassified staff salaries and review of same

for discussion in regard to the current contracts for legal counsel and renewal of same

Motion was made by Mr. Schoen, seconded by Mr. Cox and unanimously passed that the Executive Session be concluded at 1:15 pm to take the following actions:

Upon the advice of the Board's General Counsel, a directive was issued by Mr. Charbonnet for Counsel to follow up regarding the appeal filed by Brian Thompson, Attorney, for Coy Gremillion, as it relates to the Matter of the Bruins Family against Coy Gremillion, Magnolia Funeral Home and Alexandria Crematory.

A directive was issued by Mr. Charbonnet to cease and desist filing any further appeals with regard to the fees in the Matter of the St. Joseph's Abbey case.

A directive was issued by Mr. Charbonnet to postpone the unclassified salary review at this time.

With regard to the contracts for General Counsel, Prosecuting Attorney and Counsel provided by the LA Department of Justice;

Motion was made by Mr. Cox, seconded by Mr. Dansby and unanimously passed that Mr. Charbonnet and Ms. Rush renegotiate the current contract with the LA Department of Justice for continued legal counsel until June 30, 2015, and the current contract for legal counsel and services of Michael Rasch be continued for the term of his contract as a "special counsel" on an at need basis and to renegotiate a new contract with Dianne T. Alexander, currently contracted as the Prosecuting Attorney for the Board.

Mr. Charbonnet, once again, advised the members of the Board that the Complaint Review Committee consisting of Ms. Alexander, Mr. Charbonnet, Ms. Michel and any investigation reports by Mr. Daigle or by other investigative means are being reviewed and processed promptly.

### **Complaint Summary**

For informational purposes only, the Board members were presented with a numerical listing of all open matters remaining at the end of fiscal 2013/2014, together with a numerical listing of the complaints filed for fiscal 2014/2015, to date.

### **MEETING DATE INFORMATION**

A 2015 calendar noting the dates throughout the year for tentative meetings was presented to the Board Members. The next meeting is scheduled for January 14, 2014 at the Board's office in Metairie. There will not be a meeting in February due to the Mardi Gras holiday. Meeting dates will be listed on the website under the calendar of events noting the times and places where the meetings will be held. The website address is [www.lsbefd.state.la.us](http://www.lsbefd.state.la.us).

### **STATE BOARD LAW EXAMINATION**

The test is in production with PearsonVue and The Conference will be in charge of administering the exam. The live testing date has not been determined yet as the test is currently being constructed. The live date will be advised upon notification from The Conference.

### **RESOLUTION(S)**

THE LOUISIANA STATE BOARD OF EMBALMERS AND FUNERAL DIRECTORS

RESOLUTION

The following Motion and Resolution was offered by Mr. Cox who moved for its adoption, and seconded by Mr. Dansby at the December 5, 2014, meeting of the Louisiana State Board of Embalmers and Funeral Directors (the "Board"):

WHEREAS, the Board wishes to retain the legal services of the Dianne T. Alexander, Prosecuting Attorney at \$145 per hour, contract term until June 30, 2016, not to exceed a maximum amount of \$90,000; and

WHEREAS, this resolution shall take effect immediately.

BE IT RESOLVED that the Louisiana State Board of Embalmers and Funeral Directors pursuant to La. R.S. 42:262 does hereby retain and employ Dianne T. Alexander, as Prosecuting Attorney; and

BE IT FURTHER RESOLVED, that this Resolution be submitted to the Attorney General for the State of Louisiana for approval.

The resolution having been submitted to a vote, the vote thereon was as follows:

YEAS: 7

NAYS: 0

ABSENT: 2

NOT VOTING: 0

Whereupon the Resolution was declared adopted by the Louisiana State Board of Embalmers and Funeral Directors on the 5<sup>th</sup> day of December, 2014.

I, Louis Charbonnet, President/Chairman of The Louisiana State Board of Embalmers and Funeral Directors, hereby certify the above and foregoing to be a true and exact copy of a resolution adopted by the said Board at its meeting held December 5, 2014, at which a quorum was present, and the same has not been revoked, rescinded or altered in any manner, and is in full force and effect.

## **THE LOUISIANA STATE BOARD OF EMBALMERS AND FUNERAL DIRECTORS**

### **RESOLUTION**

The following Motion and Resolution was offered by Mr. Cox who moved for its adoption, and seconded by Mr. Dansby at the December 5, 2014, meeting of the Louisiana State Board of Embalmers and Funeral Directors (the "Board"):

WHEREAS, the Board's long serving general counsel has been required to take an extended leave of absence for medical reasons and the Board is currently operating without a general counsel; and

WHEREAS, the Board is in need of an interim counsel until such time that previous counsel is able to return or until the Board decides on new counsel; and

WHEREAS, the Board wishes to retain the interim legal services of the Office of the Attorney General at:

- \$175 per hour- Ten or more years of service
- \$150 per hour - Five to Ten years of service
- \$125 per hour - Three to Five years of service
- \$100 per hour - Less than Three years of service
- \$ 75 per hour - Investigators
- \$ 45 per hour - Paralegals
- \$ 25 per hour - Law Clerks

The total of all sums payable under this agreement including fees and reimbursement of expenses shall not exceed \$30,000.

WHEREAS, this resolution shall take effect immediately.

BE IT RESOLVED that the Louisiana State Board of Embalmers and Funeral Directors pursuant to La. R.S. 42:262 does hereby retain and employ the Office of the Attorney General as interim general counsel; and

BE IT FURTHER RESOLVED, that this Resolution be submitted to the Attorney General for the State of Louisiana for approval.

The resolution having been submitted to a vote, the vote thereon was as follows:

YEAS: 7

NAYS: 0

ABSENT: 2

NOT VOTING: 0

Whereupon the Resolution was declared adopted by the Louisiana State Board of Embalmers and Funeral Directors on the 5<sup>th</sup> day of December, 2014.

I, Louis Charbonnet, III, President/Chairman of The Louisiana State Board of Embalmers and Funeral Directors, hereby certify the above and foregoing to be a true and exact copy of a resolution adopted by the said Board at its meeting held December 5, 2014, at which a quorum was present, and the same has not been revoked, rescinded or altered in any manner, and is in full force and effect.

### **NEW BUSINESS**

There was no new business to be discussed.

There being no further business to be addressed upon today's agenda, the meeting was then adjourned at 1:15 PM.

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Patrick Sanders, Secretary

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Louis Charbonnet, III - President Approved