

# Louisiana State Board of Embalmers And Funeral Directors

## Minutes of the Meeting

For

October 20, 2022

### Board Members present:

Rodney McFarland , President

Willie P. Davis, Jr. , Vice President

Terry Luneau , Secretary

Stephen Boudreaux

Louis Charbonnet

Juan Joseph

The meeting was called to order by the Board's President, Mr. McFarland, at 9:00 AM, at the Board's office, located at 3500 N. Causeway Blvd. Ste. 1232, Metairie, Louisiana. Also, present was Kim W. Michel, Executive Director, Heidi L. Penouilh, Executive Assistant, Marybeth Harrington, Inspector, R. Demale Bowden, Jr., Inspector, and Christopher Lento, AAG, General Counsel. Mr. Dixon, Mr. McKneely and Mr. Southall was not present for today's meeting.

Mr. McFarland noted that;

According to LA R.S. 37:832, the Louisiana State Board of Embalmers and Funeral Directors purpose is for regulating funeral establishments, crematories, embalmer and funeral directors, funeral directors, retort operators and individuals engaged in the care and disposition of the deceased and to handle consumer complaints.

### PUBLIC COMMENTS:

Nicholas Barber commented that he is not content with the inspections; he is upset that the board member's contact information is not available upon the website;

Ms. Michel stated that she would check about the contact information.

*Mr. Joseph, board member, presented his Affirmations; "The opinions expressed in the public comment are strictly those of myself, Juan M. Joseph, and in no way shape or form representative of the position of the Louisiana State Board of Embalmers and Funeral Directors nor its individual members. As Funeral Service Professionals, CERTAINLY, we are not strangers to difficult conversations by the sheer nature of our primary function and capacity in our respective communities and almost certainly there are a few life events that possess more gravity than loss of life and moreover facilitating and celebrating that life individually and collectively as a community. Indeed, the eyes of our communities, regions and state are ultimately on us as we go about our "commission." In my estimation our industry, its licensed establishments, licensees and human assets are on the precipice of an extraordinary opportunity. It is my humble opinion that future generations may well ask how this board left "better than it was found." I would suggest or intimate that "better" would be grounded in PUBLIC diplomacy, exemplary behavior, and respect for differences. Though this board is comprised of working professionals...Licensees, Owners, business persons, politically appointed, it is non the less a regulatory board with sworn oath to provide human (spirit) application of its charged mandate of administration of black and white laws, rules and regulations of our great state by "legal citation"; however arcane, for respective constituency. While not exercising capacity as "professional politicians" there are inherent human complexities of POLITICS consistent with that of the prosecution of life on an interpersonal level. While traditional/status quo vehicles of, by, and for individuals, groups and consumers mediation should be the priority and remain emphasis. The task mutually and reciprocally should be of building coalition that produces influence and*

*goodwill that is enduring as opposed to inflicting pain and inundation. It is imperative that we maintain, promote, and create continually transforming culture of our profession/industry where ideally, we should have no enemies, only friends and those with the potential for becoming friends. Politics and posturing of vengeance and moral pitfalls of focus on shortcomings that that focus on the barriers of limited relationships rather than the POTENTIAL for a fresh start. We should be able to negotiate without compromise of values. Should there be ethical boundaries on our diplomacy???* YES!!! *It would be the synergy consistent with what we are called to do. An interest in not simply what is "MY" best interest but what is right. There is a natural mistrust of the intentions of established power in any relationship, however, it would behoove us to trust for the sake of serving the larger public good. In that vein, if we diminish the preciousness and sacredness of life when we denigrate, disrespect and otherwise parody the humanity of others it handicaps our capacity for true servant leadership and the ability to remain connected to those served and ultimately inhibit the leadership to follow. We must be mindful that our interaction should not be "TRANSACTIONAL", especially if it is to be transformational. True and honest intent should not be couched in a plethora of issues and inundation. To do so would satisfy conscience and accomplish nothing for constituents. Rather, to mediate and engage in compromise in order to achieve a larger public good while comprehending the imperfections of our humanity as well as its potential would be a proponent of "better". Eminent psychiatrist Scott Peck wrote, "we build community out of crisis and we build community by accident, but we do not know how to build community by design." While that may be true it is possible for us to change our practices while maintaining respect for our community. Change is fleeting, transformation is legacy. BETTER!" JMJ*

#### **BOARD OFFICE UPDATE**

With regard to the August 9, 2022 meeting; although the meeting was not closed to the public, the agenda presented the impression to be closed to the public with the Zoom link being placed before the meeting agenda items, therefore the following items that were voted upon at the August 9, 2022 meeting will be ratified by today's meeting;

The Executive Director's report, new licenses, and internships registered.

Motion was made by Mr. Luneau, with a second by Mr. Joseph and unanimously passed to accept the report as presented.

The minutes of the May and June 2022 meetings were presented for approval.

Motion was made by Mr. Charbonnet, with a second by Mr. Joseph and unanimously passed to accept the minutes as presented.

The financial report as well as budget for FY 21/22 and projected FY 22/23 was presented.

Motion was made by Mr. Charbonnet, with a second by Mr. Luneau and unanimously passed to accept the report as presented.

#### **PRESENTATIONS**

There were no presentations for today's meeting.

Nicholas Barber requested that he be given access to the Louisiana Rules and Regulations (LRR) examination questions and the number of questions available for a study guide.

Ms. Michel advised Nicholas Barber to contact the Conference with regard to his request.

Michael Bass inquired about the funeral records, manual or electronic, as stated upon the inspection report.

Michael Bass was referred to *Title 46, Part XXXVII, 1107.D. Each funeral establishment licensed by the board shall keep a set of books or records showing the name of each body prepared for burial, the name of the licensed embalmer who did*

*the embalming, the dates connected with death and burial, and other necessary information required by law. If and when a "trade embalmer" or outside embalmer is called in or performs embalming, it is required that a record of his services be kept showing his name and time when he was at the funeral establishment.*

This references the option for the "set of books or records" to be maintained in a manual or electronic format.

Ms. Michel presented the board with ACT 486, for information and review, which references the issuance of occupational licenses regarding criminal history records.

A resolution for the addition of Heidi L. Penouilh to the Complaint Review Committee was presented to the Board for review and approval. Ms. Michel explained that this would be for educational training only and to benefit Ms. Penouilh as well as the board based upon the future need for replacement of Ms. Michel once she reaches her retirement goal.

Motion was made by Mr. Boudreaux, with a second by Mr. Charbonnet and unanimously passed by a vote to table the resolution at this time.

An email was sent to Ms. Penouilh on October 10, 2022 from Joe Eagan stating that H.C. Alexander Funeral Home, Norco, was destroyed by fire in January 2022 and that the operations of H.C. Alexander Funeral Home has been operating out of Leitz Eagan, Metairie, since the fire. Mr. Eagan was inquiring as to how to proceed with the renewal for H.C. Alexander Funeral Home, Norco. Ms. Michel placed the matter before the board for direction and due to the office not receiving notification about the fire.

Huey Campbell was present on behalf of H.C. Alexander Funeral Home, Norco and to discuss the destruction by fire in January 2022. Mr. Campbell wanted to know how to proceed with the renewal for the establishment. Mr. Campbell stated that he had communicated with the inspector at that time for direction, but did not communicate with the office and Ms. Michel was unaware of the incident.

Mr. Campbell stated that the funeral establishment will be relocating and that renovations of the location has started.

Motion was made by Mr. Charbonnet, with a second by Mr. Davis and unanimously accepted, by vote, that H.C. Alexander Funeral Home, Norco, be allowed to continue to operate through Leitz Eagan Funeral Home, Metairie, and once the establishment's new location has been completed, that they immediately notify the board for further instruction and to arrange for an inspection.

Discussion ensued with regard to closed funeral establishments that do not remove the signs within the fifteen days as outlined within the regulations.

As directed by General Counsel, the board may issue a demand letter regarding the sign to be removed. If the sign continues to remain, the board may move forward with legal action.

For informational purposes only, Ms. Michel presented the board with an OSHA News Release regarding the U.S. Dept. of Labor announcing changes to OSHA's violator enforcement program to strengthen enforcement and improve compliance. The news release can be found on OSHA's website dated September 15, 2022.

#### **BOARD OFFICE UPDATE**

Executive Director's report;

Ms. Michel noted that she, Heidi, Marybeth, Demale, Mr. McFarland and Mr. Luneau were invited to Monroe a few weeks back for the North District LFDA meeting. A presentation was prepped for the event and

provided a two-hour presentation for the attendees. The information that was provided dismissed a lot of misinformation as well as correct answers given to the many questions that were posed.

With regard to the new inspection v the previous inspection forms, both versions reference the differences with various items; kitchen, plumbing, sanitary, and to note that eye wash and shower, caskets, casket pricing, funeral records and purchase agreements were all a part of previous inspection reports that were being used. Also noting that now the inspection reports will be prepared in PDF format and emailed directly.

Renewal 2023 is open for FH, EFD and FD. We are available to guide licensees through the Certemy process. Hard copy paperwork, can be completed electronically in Certemy and then simply mail the payments.

Ms. Michel stated that between October – December, new and/or ownership changes for funeral establishments are not and will not be required to add a renewal fee; the application fee is all that will be required during the renewal session each year. There was a funeral home that began the application in Certemy and before the app was deleted, due to the 30 day expiration/hold, the funeral establishment stated that they were waiting until after Jan. 1 so that they did not have to pay a renewal fee with the app. It was explained that there would be no renewal fee during this time. They were ready to open but were waiting.

### **Funeral Establishments - new issue**

Jackson Family Funeral Services 2981

### **Establishment Ownership/Location/Name Change**

Washington's & Smith's Paradise Funeral Home 2984

### **Crematory Establishment - new issue**

### **Embalmer and Funeral Director License - new issue**

	E-		
Holly Lucke	2951		

### **Funeral Director License - new issue**

	U-		U-
Cortney Burleagh	1772	Charleston Demby	1775
	U-		U-
Shannon O'Brien	1773	Cameron Smith	1776
	U-		U-
Kevin Harris	1774	Roderick Hampton	1777

### **Retort Operator License - new issue**

Jacob Coyne	442	Donavin Boyd	446
Kynlie Fremin	443	Jonathan Breaux	447
Ashley Rose	444	Jeffrey Johnson	448
Linear Brooks Boyd	445		

## **Internships Registered**

Richard Williams, Jr.	0688	Susan Ford	0694
Gabrielle Coussan	0689	Romondon Watson	0695
Kynlie Fremin	0690	Heather Griffin	0696
Malik Gibson	0691	Hailey Russo	0697
Megan Knabel	0692	Molly Henderson	0698
Andrew Hill	0693	James Fergerson	0699

Motion was made by Mr. Davis, with a second by Mr. Luneau and unanimously passed to accept the Executive Director's report as presented.

Marybeth Harrington – Inspection report

The month of August and September have been very productive month as far as inspections. Since our last meeting in September I have had the pleasure of meeting colleagues at 41 firms and crematories around this great state. This includes firms in Districts A, B, C & D. Thank you to each firm for your full cooperation during the inspection process.

Respectfully Submitted

Motion was made by Mr. Luneau, with a second by Mr. Davis and unanimously passed to accept the inspection report from Ms. Harrington.

R. DeMale Bowden, Jr., CFSP, CCSP - Inspector report

As of today, I have performed and completed a total of 56 inspections which include inspecting: 43 funeral home establishments, 9 crematories, and 4 new funeral home and/or crematory establishments since my last report to you on last month. These inspections have been in the districts of: A, B, C, & D from the dates of September 8, 2022, to October 14, 2022.

as of October 18, 2022, the mileage on the 2022 Chevrolet Malibu is 7,537 miles.

License: E-2646 Retort Operator#: 431

Motion was made by Mr. Boudreaux, seconded by Mr. Davis and unanimously passed to accept the inspection report from Mr. Bowden.

The financial report to include the budget FY 21/22 and FY 22/23 was presented to the Board.

Motion was made by Mr. Charbonnet, with a second by Mr. Joseph and unanimously passed to accept the financial report as presented.

The financial report and budget for FY 22/23, was presented for review and consideration.

Ms. Michel noted that the board operates, financially, by the licensing and permit fees only, that this board is considered "self-funded" and that the State of Louisiana does not provide funding of any source, there are no state tax or taxpayer funds or appropriations extended to this agency.

## **Accounting Summary**

* Chase - MM	\$ 100,020.62
Liberty	\$ 54,106.52
First Bank & Trust	\$ 159,297.03
Liberty Bank	\$ 61,079.60
Chase check account	
* (1030)	\$ 21,582.34
Total	\$ 396,086.11

- \* October - December = dependent funds received are renewals = establishments, embalmers & funeral directors
- \* March - May = dependent funds received are renewals = crematories & retort operators

Three investment accounts are not calculated into the budget.

Oct-Dec / Mar-May renewals only are calculated into the budget.

The Complaint Review Committee's report was presented to the Board by Ms. Michel.

Ms. Michel reiterated that the complaints are presented anonymously in numerical format to the Board with the Complaint Review Committee's decision based upon the information presented at the time of review. The numbered complaints presented in an open meeting remain anonymous while a complaint is pending further investigation and/or until such time as the complaint file has been closed.

It was noted that five complaints were reviewed with one complaint recommended for a formal hearing, two complaints were withdrawn by the complainant and two complaints were recommended as no apparent violation, all as per the recommendations of the Complaint Review Committee.

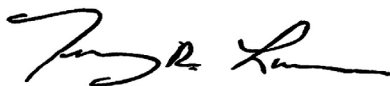
Motion was made by Mr. Luneau, with a second by Mr. Boudreaux and unanimously passed that the complaint report be accepted as presented per the recommendations of the Complaint Review Committee.

Mr. Luneau, Chair of the Laws & Rules Committee, is planning a meeting to include the LFDMA and LFDA with regard to the current laws and rules in order to update and clarify the language. That meeting is tentatively scheduled for November 3, 2022 in Baton Rouge, pending time and place. The committee includes Mr. Charbonnet and Mr. Davis.

#### NEW BUSINESS

The next scheduled meeting of the board will be on Tuesday, October 20, 2022.

There being no further business, the meeting was concluded.



Terry Luneau, Secretary




Rodney McFarland, Sr., President

