

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

**September 10, 2014**

**Attending:**

**Louis Charbonnet, III, President  
Patrick H. Sanders, Secretary  
Kelly Rush, Vice President  
Gerard Schoen, III, Treasurer  
Edward L. Muhleisen  
Margaret Shehee  
J. Steven Cox  
S.J. Brasseaux**

The meeting was called to order by Louis Charbonnet, III at 9:00 AM, in the Board's office located at 3500 North Causeway Blvd., Suite 1232, Metairie, Louisiana. Also present was Kim W. Michel, Executive Director, M. Jude Daigle, Inspector and Heidi Fontaine, Administrative Coordinator II. Mr. Dansby, Consumer Representative, was not present at today's meeting.

**PUBLIC COMMENTS:**

There were no members of the public present to make a comment.

**PRESENTATIONS:**

Devin George, State Registrar and Center Director from OPH/DHH Center for Records and Statistics was present with Robin Lewis, Vital Records Program Manager 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
- 84% 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

New Orleans Parish Coroner, Dr. Jeffrey Rouse, was present and introduced his Chief Investigator, Mr. Bryan Lapeyrolerie. Dr. Rouse discussed his goals and objectives as the new coroner, his budget in comparison with other neighboring parishes, and the importance of LEERS which he monitors daily.

Mr. Charbonnet proceeded with an introduction of the Board's interim General Counsel, Mr. S. Beaux Jones, Assistant Attorney General with the Louisiana Justice Department.

## **RULES, REGULATIONS and PROCEDURES**

Rule change proposals: internship, temporary license, and casket requirement;

Motion was made by Mr. Schoen, seconded by Mr. Brasseaux and unanimously passed to begin the necessary preparations to promulgate the rules as it relates to internships and temporary licenses.

A Discussion ensued with regard to the casket rule requirement: Louis Muhleisen, LFDA, Gene Pellerin, LFDA, Joseph Murray, LFDMA, Kenneth Griffin and Laura Semien were present to voice their concerns with the rule.

Motion was made by Ms. Shehee, seconded by Ms. Rush and unanimously passed to begin the necessary preparations to promulgate the rule as it is written in relation relates to the casket display.

## **BOARD/STAFF ISSUES**

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

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

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

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

## **MINUTES**

Motion was made by Ms. Rush, seconded by Mr. Cox and unanimously passed to accept the minutes of the meetings for May 20, 2014, July 8, 2014 and August 13, 2014.

## **FINANCIAL**

Financial Report, Budget update and Audit report for Fiscal 2013/2014

Motion was made by Ms. Shehee, seconded by Mr. Muhleisen and unanimously passed to accept the financial report, budget update for fiscal 2014/2015 and audit report for fiscal 2013/2014 as presented.

## **COMPLIANCE HEARING**

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

## **CORRESPONDENCE**

A. Request from Andrea Lawson regarding her internship and the review of same.

Mr. Charbonnet advised Ms. Lawson that the Board would review her request and any actions will be taken under advisement.

B. Temporary licensees requesting their LA license:

- a. Vincent Testa, WP 0457, who holds Mississippi license FS-9130, currently employed with Glenwood Funeral Home, Tallulah
- b. William Terry, WP 0459, who holds a Tennessee embalmer license 6463-6564, Currently employed with Mulhearn Funeral Home, Monroe
- c. Christopher M. Elzie, WP 0460, who holds Tennessee license funeral director and embalmer license nos. 5837-5838, currently employed with Mulhearn Funeral Home, West Monroe

Motion was made by Mr. Sanders, seconded by Ms. Shehee and unanimously passed to accept and issue LA licenses to Mr. Testa, Mr. Terry and Mr. Elzie.

C. Temporary license 0461, John Jamison; Mr. Jamison's Texas license lapsed during his temporary license period and had not been renewed.

A directive was issued by Mr. Charbonnet to draft a letter to Mr. Jamison advising him that he will need to reinstate his Texas license and reactivate his work permit or he may apply for an internship.

## **RESOLUTION REQUEST for an ATTORNEY GENERAL'S OPINION**

**BE IT KNOWN**, that during the meeting of the Louisiana State Board of Embalmers and Funeral Directors, Metairie, Louisiana, was held on the 10<sup>th</sup> day of September 2014, at 9:00 o'clock a.m. a quorum being present, the following resolution was introduced by Mr. Charbonnet, Motion to accept was made by Mr. Schoen and seconded by Mr. Muhleisen, to wit:

**WHEREAS**, The Louisiana State Board of Embalmers and Funeral Directors has previously met with and communicated with the Attorney General's Office regarding problems identified in AG Opinion 13-002;

**WHEREAS**, The Attorney General's Office requires an official resolution from a state board to request an opinion;

**WHEREAS**, this board is of the belief that AG Opinion 13-002, addressing the disposition of abandoned human remains, is insufficient and misapplies Louisiana law by not recognizing the situation where a person who initially claimed the remains and had them transferred to the funeral home, but fails to provide for the interment thereof;

**NOW THEREFORE, BE IT RESOLVED**, that the Louisiana State Board of Embalmers and Funeral Directors, Metairie, hereby requests a reconsideration of the AG Opinion 13-002 from the Louisiana Attorney General, James D. "Buddy" Caldwell concerning the disposition of abandoned human remains; in particular that Section 3 of the Opinion be supplement to recognize that previously claimed remains may become unclaimed and Louisiana law gives the coroner the duty and authority to inter the remains.

**BE IT FURTHER RESOLVED**, that the President of this Board, with the assistance of general counsel is hereby authorized to draft a letter officially requesting reconsideration of AG Opinion 13-002.

**The above and foregoing resolution was adopted by the Louisiana State Board of Embalmers and Funeral Directors of Metairie at its meeting on the 10<sup>th</sup> day of September 2014 at 9:00 o'clock a.m.**

**YEAS:** Mr. Sanders, Mr. Muhleisen, Mr. Brasseaux, Mr. Cox, Ms. Rush, Ms. Shehee, and Mr. Schoen

**NAYS:** None

**Absent:** Mr. Dansby

### **EXECUTIVE SESSION**

Motion was made by Ms. Shehee, seconded by Ms. Rush and unanimously passed to go into Executive Session at 2:45 p.m. for the following reasons:

for discussion in regard to the report, development, or course of action for legal strategies

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 of expense account for the Board's staff with regard to credit cards

for discussion of internet searches targeting local funeral home with alleged misleading advertising

Motion was made by Mr. Schoen, seconded by Mr. Sanders and unanimously passed to come out of Executive Session to take the following actions:

A directive was issued by Mr. Charbonnet for the Board's General 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 with regard to the complaint summaries and process of same to be followed as advised by General Counsel during Executive Session.

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

Motion was made by Mr. Sanders, seconded by Mr. Cox and unanimously passed to allow Mr. Daigle to apply for and use his credit card for his travel expenses in the course of his employment as the inspector, that the purchases must follow the regulations as provided by State Purchasing and Travel and an annual audit of the statements be performed by the auditor for compliance.

A directive was issued by Mr. Charbonnet to research the possibility of misleading advertising by internet companies.

Motion was made by Mr. Brasseaux, seconded by Mr. Schoen and unanimously passed that Ms. Lawson's internship is deemed completed and she may proceed with the next steps of the licensing process.

The Board maintains that it never received the required reports for the eight months in question. However, during the meeting Ms. Lawson presented the Board with testimony, documentation and a notarized affidavit from her supervisor, Kevin Ramsey (#E-2301), that she did in fact fulfill her requirements as an intern from August 15, 2013 to August 15, 2014. Ms. Lawson's evidence, coupled with the Board's inspector's testimony, that on unannounced visits he personally witnessed Ms. Lawson's internship and had opportunity to review her reports, convinced the Board to make an exception in this very limited scenario. The Board reiterates its regulation that "It shall be a requirement and responsibility of the intern...to have (the reports) in the office of the secretary," however, due to the unforeseen and unexplained mishaps in either the delivery or receipt of the uncertified mail in the scenario, the Board accepts Ms. Lawson's evidence as credible.

**Complaint Summary** – process and procedure

Pursuant to the advice of General Counsel during Executive Session, the Complaint Review Committee should consist of a Prosecuting Attorney, the President of the Board, the Executive Director and the investigation of the complaint. For informational purposes only, the Board members were presented with a numerical listing of all open matters remaining as of the end of fiscal 2013/2014, together with a numerical listing of the complaints filed for fiscal 2014/2015, to date.

**BOARD MEETING** dates (future tentative dates proposed)

A directive was issued by Mr. Charbonnet to reserve the Wednesday and Thursday of every second week of every month for tentatively scheduled meetings. Should the time scheduled be deemed unnecessary, then the monthly dates will be cancelled accordingly.

**NEW BUSINESS**

- A. A letter received from Hunter Jenkins requesting a refund of his work permit fee. Motion was made by Mr. Sanders, seconded by Mr. Muhleisen and unanimously passed that the request by Hunter Jenkins for a refund of his work permit be denied.
  
- B. A letter received from Scott Miller of Miller Funeral Home, Monroe, advising the Board that Our Christian Funeral Home has been evicted from a building owned by Miller Funeral Home due lease disagreements. A directive was issued by Mr. Charbonnet that Our Christian Funeral Home, Ruston, no longer has a location for their establishment due to the letter received by Mr. Miller regarding their disagreement concerning their lease, thus they have been evicted, and therefore Our Christian Funeral Home, Ruston, does not meet the minimum requirements as outlined within the regulations and are considered closed.

There being no further business to be addressed upon today's agenda, the meeting was then adjourned at 3:30 PM.

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Patrick Sanders, Secretary

Approved -

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Louis Charbonnet, III, President

