



Board of Funeral Service

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DRAFT BOARD MINUTES FOR MAY 10, 2023 BOARD MEETING/TELECONFERENCE

Members Present:

Randy Brennick, President
James Jones, Vice-President
Chad Osthus, Secretary/Treasurer
Michael Carlsen, Member
Shawna Flax, Dept. of Health (Non-voting member)

Members Absent:

Bart Fredericksen, Member
Sharel Delzer, Lay Member

Others Present:

Carol Tellinghuisen, Executive Secretary
Brooke Tellinghuisen Geddes, Executive Assistant
Megan Borchert, Attorney General's Office
Jacob Dempsy, Attorney General's Office, joined at 2:14 p.m.
CDT
Jasper Diegel, SDFDA
Michael Sharkey, SDFDA
Kelly Hyke, SDFDA
Mitch Steinhoff, SDFDA
Shauna Kjos-Miotke, SDFDA
Tim Bachman, Miller Funeral Home
Brad Walker, NFDA

Call to Order/Welcome and Introductions: President Brennick called the meeting to order at 1:00 p.m. CDT.

Roll Call: Brennick asked Tellinghuisen Geddes to call the roll. Jones, yes; Osthus, yes; Carlsen, yes; Delzer, absent; Flax, yes; Fredericksen, absent. A quorum was present.

Corrections or additions to the agenda: None

Approval of the agenda: Osthus made a motion to approve the agenda. Carlsen seconded the motion. **MOTION PASSED** by unanimous voice vote.

Public Comment: None.

Approval of the minutes from November 17, 2022: Carlsen made a motion to approve the minutes from November 17, 2022. Osthus seconded the motion. **MOTION PASSED** by unanimous voice vote.

FY Financial Update: Tellinghuisen Geddes reported fiscal year-to-date figures as of March 31, 2023: revenue of \$70,936.53; expenditures of \$71,680.65 and a cash balance of \$120,374.14.

Legislative Updates: Tellinghuisen Geddes informed the Board that HB 1015, which updates the funeral practice act, passed and will go into effect July 1, 2023. Diegel advised that SB 141 which updates the cremation laws also passed and will go into effect July 1, 2023. Tellinghuisen Geddes noted that an important licensure change on SB 141 is that it will require all crematories to identify their Certified Crematory Operators by July 1, 2023 to be in compliance with the law. Borchert mentioned SB 162 and SB 76. SB 162 updates the public meeting requirements and SB 76 is an expansion of SDCL 36-1D that provides for licensure by endorsement and already impacted the Funeral Board.

Administrative Rules- ARSD 20:45 (Funeral Service) and ARSD 20:45:05 (Crematories and Cremations): Carlsen made a motion to approve the administrative rules as presented with changes proposed. Jones seconded the motion. **MOTION PASSED** by unanimous voice vote.

Election of Officers: Carlsen made a motion to keep the current slate of officers with Brennick as president, Jones as Vice-President and Osthus as Secretary/Treasurer. Osthus seconded the motion. **MOTION PASSED** by unanimous voice vote.

ICFSEB Annual Conference Update- Brennick: Brennick provided a brief update of his experience at the ICFSEB annual conference and advised that he has prepared a report of his experiences that they can read through at their convenience.

SDFDA FY25 Contract for Speaker (Vote): Osthus made a motion to approve the FY25 contract with SDFDA for \$2,000 to contribute to a speaker for the Annual Convention. Jones seconded the motion. **MOTION PASSED** by unanimous voice vote.

Crematory Operator Program/Adopt Approved Courses: SDFDA recommended three crematory operator programs: NFDA, CANA and ICCFA. The board discussed these three options as well as The Matthews School of Cremation Crematory Operator Certification and other programs that may meet suggested program requirements. The Board decided to approve the four programs but also allow licensees to submit courses (at the discretion of the Board) that meet the following requirements and topics: Cremation equipment and maintenance, overview of the cremation process, combustion and incineration, shipping, receiving, tracking, and handling of remains, cremation safety and compliance, identification procedures and due diligence, record keeping, risks of liability, environmental laws and regulations and occupational safety and health administration laws and regulations. Carlsen made a motion to accept NFDA, CANA, ICCFA and Mathews School of Cremation Crematory Operator Certification as approved courses but also allow licensees to submit other courses that may meet the program requirements discussed. Jones seconded the motion. **MOTION PASSED** by unanimous voice vote.

Annual Inspections: Carlsen and Jones will be doing inspections. The law changes July 1st and will only require that one-third of establishments be inspected each year. Jones and Carlsen will split up the establishments appropriately.

Pre-Arranged Funeral Trust Reporting Discussion: The Board questioned the necessity of SDCL 55-11-9 which requires each licensed funeral establishment to report prearranged funeral trust contracts they have entered into the preceding calendar year. Borchert advised that the law also states the records are confidential. Therefore, the board questions the purpose of the reports. Tellinghuisen Geddes asked the SDFDA to pose the question to their membership as potential legislation of the association as it is more of a practice issue. Diegel stated she will bring the topic to the membership.

Schedule Next Meeting: The next meeting is scheduled for August 16, 2023.

Carlsen made a motion to enter executive session at 2:14 p.m. CDT. Osthus seconded the motion. **MOTION PASSED** by unanimous voice vote.

The Board exited executive session at 2:43 p.m. CDT.

Executive Secretary Contract Renewal: Osthus made a motion to approve the Executive Contract Renewal with Professional Licensing with a 4% cost-of-living increase. Carlsen seconded the motion. **MOTION PASSED** by unanimous voice vote.

Application #2023-1: Jones made a motion to deny applicant 2023-1 for licensure. Osthus seconded the motion. **MOTION PASSED** by unanimous voice vote.

Complaints/Investigations:

Jones made a motion to accept the Agreed Disposition and Order as presented that suspends Alex Nurnberg's funeral license (#1604) from May 11, 2023 to June 9, 2023. Osthus seconded the motion. **MOTION PASSED** by unanimous voice vote with Carlsen abstaining.

Complaint #170 is pending.

Any other business coming in between date of mailing and date of meeting: None.

Osthus made a motion to adjourn the meeting at 2:53 p.m. CDT. Carlsen seconded the motion. **MOTION PASSED** by unanimous voice vote.

Respectfully submitted,



Carol Tellinghuisen
Executive Secretary

1-27-1.17. Draft minutes of public meeting to be available--Exceptions--Violation as misdemeanor. The unapproved, draft minutes of any public meeting held pursuant to § 1-25-1 that are required to be kept by law shall be available for inspection by any person within ten business days after the meeting. However, this section does not apply if an audio or video recording of the meeting is available to the public on the governing body's website within

five business days after the meeting. A violation of this section is a Class 2 misdemeanor. However, the provisions of this section do not apply to draft minutes of contested case proceedings held in accordance with the provisions of chapter 1-26.

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