



Board of Funeral Service

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OFFICIAL BOARD MINUTES FOR May 12, 2021
BOARD MEETING
Best Western PLUS Ramkota Hotel
Sioux Falls, SD

Members Present: Randy Brennick, President
James Jones, Vice-President
Chad Osthus, Secretary/Treasurer (via teleconference)
Bart Fredericksen, Member
Michael Carlsen, Member
Sharel Delzer, Lay Member (via teleconference)
Mariah Pokorny, Dept. of Health (Non-voting member)

Members Absent: Tony Farmen, Lay Member

Others Present: Carol Tellinghuisen, Executive Secretary
Jill Lesselyoung, Executive Assistant
Brooke Tellinghuisen Geddes, Executive Assistant
Justin Williams, DOH Legal Counsel (via teleconference)
Myron Nohava

Call to Order/Welcome and Introductions: President Brennick called the meeting to order at 12:02 PM MDT.

Roll Call: Brennick asked Lesselyoung to call the roll. Brennick, yes; Jones, yes; Osthus, yes; Fredericksen, yes; Carlsen, yes; Delzer, yes; Pokorny, yes. A quorum was present.

Corrections or additions to the agenda: None

Public Comment: Brennick called for any comments from the public. There were no public comments.

Approval of the agenda: Delzer moved to approve the agenda. Carlsen seconded the motion.
MOTION PASSED.

Approval of the minutes from March 9, 2021: Delzer made a motion to approve the minutes from March 9, 2021. Osthus seconded the motion. **MOTION PASSED.**

FY Financial Update: Lesselyoung reported fiscal year-to-date figures as of March 31, 2021: revenue of \$72,434.95; expenditures of \$49,763.20 and cash balance of \$138,547.99. The Board reviewed revenues and expenditures for the last 4 fiscal years. There were 2 years in which the expenditures exceeded the revenues mainly due to the cost of annual inspections of establishments and crematories.

SD Funeral Director's Association Contract: The Board discussed and agreed contributing to the funding of a technical speaker was in alignment with the Board's purpose of protection of the public. Osthus made a motion to approve the contract at \$1500.00. Jones seconded the motion. **MOTION PASSED.**

Update on Executive Orders-Annual Inspections: The Board discussed the necessity of an annual inspection as there have been so few infractions over the years and they have been of a minor nature. Carlsen suggested perhaps they could move to a 2-year inspection. Tellinghuisen advised the Board office had researched and other states vary in the frequency of inspections. She questioned if it was prudent use of the Board's money when the inspections are by appointment rather than surprise. She deferred to the Board to decide if it was worth it or not. Brennick advised if there were a complaint it would be brought to the attention of the Board at which time an inspection could be done. Following discussion, the Board agreed to proceed with legislation to move to a 3-year inspection with one-third of the homes to be inspected each year. Carlsen made the motion to initiate legislation to conduct the inspections every third year. Fredericksen seconded the motion. **MOTION PASSED.**

Legislative Update: Williams advised HB 1014, an act to establish uniform complaint and declaratory ruling procedures for agencies regulating certain professions and occupations passed and becomes effective July 1, 2021. The bill changed the complaint procedure, so all Boards follow the same process. The bill streamlines and standardizes the complaint procedure for all Boards. He advised HB 1077 addressed those licensees coming from another state. If they are licensed in another state with substantially similar requirements, they can become licensed in South Dakota. The bill was meant for those moving more regularly to become licensed here fairly quickly. Carlsen indicated it is hard to find help and the additional sixty hours of coursework is holding up the licensure process for those that have extensive experience. He questioned if there could be a waive of the sixty hours for those with years of experience coming from another state. Tellinghuisen agreed the sixty hours can be a barrier and it is the Governor's goal to eliminate barriers to licensure. Williams advised the 60 hours of coursework is defined in rules. Nohava questioned why an applicant's coursework that was from a school that was not accredited could not be counted toward the additional 60 required hours. Williams advised without the accreditation; it puts the Board in a position of making a judgment call on education. The Board relies on the accrediting body to determine the education is legitimate. Following discussion, the Board agreed the 60 hours as determined by the current rules could be a barrier to licensure and will plan to pursue a rules change in the future. Williams advised the Board should come up with proposals, draft the language and send to the Association for feedback so all are in agreement.

There was no need to enter Executive Session. Complaint #166 is being investigated by Jones and is pending. Lesselyoung advised the Board office received one complaint that was determined to be non-jurisdictional by an attorney for the State.

ICFSEB Annual Conference-February 23 & 24, 2022-Houston, TX: Tellinghuisen advised that John Strohman had attended in the past and there is always good information brought back. In the past, the Board has agreed to send a Board and or staff member. Brennick advised he could attend unless someone else would like to go. Jones made a motion to send Brennick. Carlsen seconded the motion. **MOTION PASSED.**

Any other business coming in between date of mailing and date of meeting: There was no other business. The next meeting is set for September 9, 2021. The Board office and attorney, Justin Williams will plan to have draft legislation for change of frequency for the inspections ready to present to the Board.

Jones made a motion to adjourn at 1:15PM MDT. Carlsen seconded the motion. **MOTION PASSED.**

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.