



Board of Funeral Service

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OFFICIAL BOARD MINUTES FOR SEPTEMBER 9, 2021 BOARD MEETING TELECONFERENCE

Members Present: Randy Brennick, President
James Jones, Vice-President
Chad Osthus, Secretary/Treasurer
Bart Fredericksen, Member
Michael Carlsen, Member (joined meeting at 3:17 p.m.)
Sharel Delzer, Lay Member
Tony Farmen, Lay Member
Mariah Pokorny, Dept. of Health (Non-voting member)

Members Absent: None

Others Present: Carol Tellinghuisen, Executive Secret
Abby Rehorst, Executive Assistant
Megan Borchert, DOH Legal Counsel
Myron Nohava - SDFDA
Tammy Kerr, Executive Director – SDFDA
Terry Gilbertson – District 5 Rep. – SDFDA
Bob Ellsworth – Policy Board Rep. – SDFDA
Jessica Lind – Secretary and Treasurer – SDFDA
Kelly Hyke – Vice President – SDFDA
Josh Fiedler – President – SDFDA
Jason Glodt

Call to Order/Welcome and Introductions: President Brennick called the meeting to order at 3:04 PM MDT.

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

Corrections or additions to the agenda: None

Approval of the agenda: Osthus moved to approve the Agenda. Jones seconded the motion.
MOTION PASSED.

Public Comment: Brennick called for any comments from the public. Ellsworth commented that his main concern with the proposed bill is the removal of the sixty (60) hours of additional education. He stated that he wants to improve reciprocity with other States and the licensure process but he is very much against removing education requirements. No other public comments were made.

Approval of the minutes from May 12, 2021: Delzer made a motion to approve the minutes from May 12, 2021. Osthus seconded the motion. **MOTION PASSED.**

FY Financial Update: Rehorst reported figures as of July 31, 2021: monthly revenue of \$25.00; monthly expenditures of \$9,812.17 and cash balance of \$115,277.31.

Update on Executive Orders-Annual Inspections: Carlsen, Jones and Frederickson are acting as inspectors on behalf of the Board. Jones stated that between himself and Frederickson, most of east river will be covered. Carlsen is inspecting most of the west river homes and crematories.

Tellinghuisen asked if Borchert could provide a legislative update on the endorsement bill as Justin Williams, general board counsel, could not be present for this meeting. Borchert stated that until further direction is given from the Department of Health, the Board should err on the side of protecting the public and continue with the procedures the Board has in place.

Vote on revised SDCL 36-19: Pokorny provided a synopsis of the revisions made to SDCL 36-19 including updating language, terms, powers of the board, disciplinary hearings, removing the requirement for sixty (60) additional semester hours for licensure over and above the required associate's degree in mortuary science, removing the state exam requirement in favor of just requiring the national exam, raising the fee cap for renewals, and revising annual inspections to now be every three years. Pokorny further stated that these changes were as part of a red tape review by the Department of Health and to remove barriers to licensure. She stated that herself, Tellinghuisen, Tellinghuisen Geddes, Brennick, Susan Sporrer (Dept. of Health) and Nohava were on the committee. Pokorny stated that the Board reached out to the president of the association to have a member be on the committee. Nohava was recommended to join. Due to scheduling conflicts, Nohava could not attend the meetings and he reiterated that he was aware of the committee meetings after questions from Kerr.

Ellsworth communicated his concern at the removal of the additional sixty (60) hours of education. Jones stated that he strongly believes in education and that we need the additional semester hours to ensure that we are licensing professionals. Pokorny reiterated that the committee researched other state requirements and that states are all over the board when it comes to education requirements but that it has been an issue with licensing in South Dakota. Tellinghuisen agreed and stated that it has been an issue extending years and is a barrier to licensure for many applicants. Fiedler stated that many mortuary science programs already require prerequisites before being admitted.

Kerr questioned why the state exam requirement would be removed. Tellinghuisen stated that State's are going away from state exams in favor of just requiring the national exam and that requiring a state exam is another barrier to licensure. Borchert stated that the Board of Optometry uses an attestation clause for this reason where the licensee attests to the fact that they know and understand the governing statutes and rules in South Dakota. Borchert further stated that this change may be done when it is time to revise the administrative rules. Brennick stated that the state exam seems unnecessary as most learning regarding South Dakota rules and regulations takes place during the apprenticeship.

Nohava exited the meeting at 3:35 p.m. Kerr questioned why the U.S. citizenship requirement would be removed. Pokorny stated that this was changed to be consistent with other

boards and it further limits licensure from other qualified applicants. Brennick stated that he was in favor of leaving the U.S. citizenship requirement in statute. Pokorny stated that the applicant would still need to be authorized to work in the U.S. with proof of a valid visa.

Delzer exited the meeting at 4:05 p.m. Kerr questioned why the district requirement for board members would be removed. Pokorny stated that this was removed in order to have a larger pool to draw from for potential board members. She further stated that this is how various other boards handle their potential board appointments. Kerr stated that it may be wise to divide board appointments between East and West river. Pokorny stated that we should err on the position that other boards take and any board appointments are ultimately up to the Governor.

Tellinghuisen questioned if the Board could move forward with the revisions to the bill, with the understanding that it may be changed. Pokorny stated that the Department of Health still needs to review so nothing is set in stone. Jones stated that biggest issue is the removal of the sixty (60) additional semester hours. The Board agreed. Brennick asked for a motion to push the bill forward, making note that some revisions are still needed regarding certain statutory provisions. The Board stated that they are committed to reaching out to all funeral directors and the association to work through and go forward with consensus. Jones motioned and Farmen seconded. **MOTION PASSED** by unanimous voice vote.

The Board entered Executive Session at 4:25 p.m. to discuss complaint #166 and #167.

The Board exited executive session at 4:35 p.m.

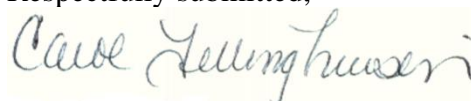
Jones made the recommendation to dismiss complaint #166 with a letter of concern. Carlsen made a motion to accept Jones' recommendation. Osthus seconded the motion. **MOTION PASSED** by unanimous voice vote.

ICFSEB Annual Conference-February 23 & 24, 2022-Houston, TX: Brennick stated that he is still willing to go the Conference. Rehorst stated that registration is supposed to open sometime in September.

Any other business coming in between date of mailing and date of meeting: There was no other business.

Jones made a motion to adjourn at 4:45 p.m. 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.