



State of Idaho
Division of Occupational and Professional Licenses
Idaho Board of Morticians

BRAD LITTLE
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Board Meeting Minutes of 2/8/2024

Board Members	James R. Sommer - Chair	Division	John Price, Bureau Chief
Present:	Brian T. McBride Charles Grunig	Staff:	Kent Absec, Executive Officer Greg Loos, General Counsel Christian Runnalls, Board Support Specialist

The meeting was called to order at 2:06 PM by James R. Sommer.

DIVISION BUSINESS

Five-Year Projection of Cash Balance: Mr. Absec presented details of the Board's five-year cash balance projection and potential options to increase the balance.

BOARD BUSINESS

Zero-Based Regulation: Mr. Loos explained the purpose and process of Zero-Based Regulation (ZBR). The Board will review its administrative rules to eliminate duplicative or outdated requirements, remove unnecessary barriers, and increase the readability of the rules. Unless stated otherwise, the following changes are being contemplated, pending notice of intent to promulgate rulemaking, stakeholder input, and final votes by the Board:

Rule 250 – Resident Trainee: The Board discussed striking the opening paragraph in the rule as redundant of Idaho Code § 54-1112, but instead reworded the rule to reference the statute for ease of understanding.

Rule 250.02.d – Sponsoring Mortician: The Board struck language that references rules that no longer exist.

Rule 250.02.e – Sponsoring Mortician: The Board struck language that references rules that no longer exist.

Rule 250.03 – Eligibility to be Licensed: The Board struck the second sentence in the rule as duplicative of Idaho Code § 54-1112(4).

Rule 300 – Applications and Examination: The Board struck the rule as unnecessary because it is unnecessary to state that licensees must adhere to the statute.

Rule 325.01.b – Mortician Examination: The Board struck this due to being in conflict with Idaho Code § 67-9409(4) which does not allow a Board to require a jurisprudence exam.

Rule 325.02.b – Funeral Director: The Board struck this due to being in conflict with Idaho Code § 67-9409(4) which does not allow a Board to require a jurisprudence exam.

Rule 380.01 – Request for Inactive License: The Board discussed revising the language in the rule to be more concise. The Board will review proposed language at the next meeting. No changes were made.

Rule 380.02.a – Inactive License Status: The Board struck the rule as unnecessary because Certificates of Authority are not held by individuals, they are held by the funeral establishment.

Rule 380.03 – Return to Active License Status: The Board struck 380.03.c as unnecessary because Certificates of Authority are no longer held by individual licensees, they are held by funeral establishments.

Rule 410 – Continuing Education: The Board discussed the necessity of continuing education requirements. Mr. Loos cited studies that show that there is no correlation between mandated continuing education courses and improved outcomes. No changes were made, but the Board will continue discussing this topic at a future meeting.

Rule 410.05 – Failure to Fulfill the Continuing Education Requirements: The Board struck the rule as duplicative of Idaho Code § 54-1116(1)(l).

Rule 425 – Maintenance of Pre-Need Trust Account Fees: The Board struck the first sentence as duplicative of the rule title. The Board will seek input from stakeholders on whether changes should be made to the remainder of the rule.

Rule 450.01 – Change in Ownership or Location: The Board discussed if this rule is duplicative of Idaho Codes §§ 54-1102(14) or 54-1111(2). It was determined that the rule is not duplicative of the statute and the Board will revisit whether to update the language at a future meeting. No changes were made.

Rule 450.02 – Funeral Establishment: The Board discussed if this rule is duplicative of Idaho Codes §§ 54-1102(14) or 54-1111(2). It was determined that the rule is not duplicative of the statute and the Board will revisit whether to update the language at a future meeting. No changes were made.

Rule 450.04.a – Crematory Establishment: The Board discussed a possible conflict with composting laws. Mr. Loos will review any possible conflicts and present an analysis at the next meeting. No changes were made.

Rule 452.04 – Casket Not Necessary: The Board reworded this to “While caskets may be used in cremation, a crematorium may develop internal requirements allowing other containers for aesthetic or sanitary reasons.” This was reworded for clarity and to emphasize that cremation containers must be used to ensure a dignified retort placement, and that containers must also meet sanitary standards.

Rule 453 – Receipt For Bodies to be Cremated: The Board briefly discussed whether this rule should be updated to provide better direction to establishment owners and opted to revisit this rule at a future meeting.

Rule 454 – Records of Bodies: The Board discussed whether to update this rule to ensure that bodies are being properly maintained while in the care of a funeral establishment. The Board will revisit this rule at a future meeting. No changes were made.

Rule 501 – Discipline: The Board discussed the possible liability with this rule. No changes were made.

Adjourn

There being no further business, the meeting was adjourned at 3:47 PM.

The next meeting is on 3/7/2024.