



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

BRAD LITTLE
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Board Meeting Minutes of 4/18/2024

Board Members Present: James R. Sommer - Chair
Brian T. McBride
Charles Grunig

Division Staff: Kent Absec, Executive Officer
John Price, Bureau Chief
Greg Loos, General Counsel
Skip Liddle, Investigations Unit Manager
Steve Hogue, Investigations Supervisor
José Mendoza, Licensing Specialist
Christian Runnalls, Board Support Specialist

Others Present: Eric Nelson, Board Prosecutor

The meeting was called to order at 2:00 PM by James R. Sommer.

Approval of Minutes

A motion was made and seconded to approve the 3/7/2024 minutes. The motion carried unanimously.

PUBLIC COMMENT

Clarixa Cruz Torres stated she would like to comment during the discussion on the definition of funeral services.

DIVISION BUSINESS

2024 Legislative Session Overview: Mr. Absec provided a legislative update on House Bill 502, House Bill 670, House Bill 705, House Bill 563, House Bill 767, House Bill 505, and Senate Bill 1429.

Financial Update: Mr. Absec presented the financial report. The Board discussed possible solutions to correct the downward trend of its cash balance.

DOPL Legal Consistency: Mr. Loos discussed the Board's role and summarized the policies for conflicts of interest, virtual meeting participation, and communication with the media.

Public Member Training: Mr. Loos gave a presentation on the role and importance of public members appointed to regulatory boards.

Open Meeting Law Training: Mr. Loos gave a presentation on the Open Meeting Law.

BOARD BUSINESS

Zero-Based Regulation: Mr. Loos went over the changes discussed during Zero-Based Regulation (ZBR) meetings in 2023. 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 410.06 – Special Exemption: The Board simplified the rule to give the Board discretion to exempt a licensee from continuing education requirements.

Rule 410.01. – Continuing Education (CE) Requirement: The Board changed the amount of required CE hours from eight (8) hours every 12 months to ten (10) hours every 24 months to match the surrounding states’ average requirements and to align with biennial renewal cycles.

Rule 450 – Funeral Establishment and Crematory Establishment: The Board struck language requiring a license for satellite and branch facilities to bring the rule into compliance with Idaho Codes §§ 54-1102(5)(14).

Rule 450.03 – Funeral Firm: The Board struck this as redundant to the Federal Trade Commission’s statutes.

Rule 452.02 – Delay Before Cremation: The Board struck redundant language in the rule.

Rule 453 – Receipt for Bodies to be Cremated: The Board discussed whether it is necessary to keep this requirement. After hearing public comment regarding the importance of retaining this rule to verify identification and authorization of transfer of bodies from a funeral establishment to a crematory establishment, no changes were made.

Rule 454.01.c – Content of Record: The Board added language that requires a refrigeration log or embalming report to provide a record of proper care of bodies.

Rule 455 – Responsibility, Inspection, and Confidentiality of Records: The Board combined this with Rule 454.

Rule 325.02.a – Funeral Director: The Board removed “State Board Examination” because the state does not administer the examination.

Conference Updates and Reports: Mr. Grunig gave a summary of topics discussed during his attendance at The Conference. He requested that the Division provide board member training similar to what he received at The Conference.

Terramation: The Board discussed allowing licensees to conduct terramation, concerns over the security of the remains, and ensuring the process takes place in a controlled environment. Mr. Loos will conduct a health and welfare prospectus on surrounding states, specifically Washington and Oregon, to present to the Board at the next regular meeting.

Digital Documentation/Rule455: Mr. Absec informed the Board that licensees may keep their records in digital format. He stated division inspectors have accepted digital records when conducting inspections.

Definition of Funeral Service: Clarixa Cruz Torres asked the Board if visitation services count toward the required number of funerals a resident trainee must assist in conducting to obtain a mortician or funeral director license. The Board discussed visitations and determined that they do count for the requirement but cannot be the prominent duty listed to meet licensure requirements.

Licensing Report: Mr. Absec presented the licensing report.

Executive Session

A motion was made and seconded to enter executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law, Idaho Code § 74-106(9). The purpose of the executive session was to discuss documents relating to the fitness of a licensee to obtain or retain a license or registration. The vote was: Mr. Grunig, aye; Mr. McBride, aye; and Mr. Sommer, aye. The motion carried unanimously.

A motion was made and seconded to exit executive session. The motion carried unanimously. No decisions were made in executive session.

Discipline

A motion was made and seconded to authorize the Board prosecutor to negotiate a Stipulation and Consent Order in case numbers I-MOR-2023-14; I-MOR-2024-2; I-MOR-2024-3; and I-MOR-2024-4 and to allow a Board designee to sign on behalf of the Board. The motion carried unanimously. Mr. Sommer was recused.

Applications

A motion was made and seconded to approve the rule waiver request for MRT-1640. The motion carried unanimously.

Adjourn

There being no further business, the meeting was adjourned at 5:54 PM.

The next meeting is on 7/18/2024.