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COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

**F I N A L M I N U T E S**

MEETING OF:

**STATE BOARD OF FUNERAL DIRECTORS  
VIA VIDEOCONFERENCE**

TIME: 10:30 A.M.

PENNSYLVANIA DEPARTMENT OF STATE

March 31, 2021

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State Board of Funeral Directors  
March 31, 2021

BOARD MEMBERS:

- William G. Harris, Chairman, Professional Member
- Milian E. Rodriguez, Vice Chairperson, Professional Member
- Carmella M. Imburgia, Secretary, Professional Member
- Theodore Stauffer, Executive Secretary, Bureau of Professional and Occupational Affairs, on behalf of K. Kalonji Johnson, Commissioner, Bureau of Professional and Occupational Affairs
- Scott Custead, Public Member
- Kenneth C. DuPree, Professional Member
- Thomas G. Kukuchka, CFSP, Professional Member - Absent
- Jennifer Jane Kirk, Esquire, Senior Deputy Attorney General, Antitrust Section, Office of Attorney General
- Francis McCusker, Public Member

BUREAU PERSONNEL:

- Jaime D. Black, Esquire, Board Counsel
- Ray Michalowski, Esquire, Senior Board Prosecutor
- Timothy A. Fritsch, Esquire, Board Prosecution Liaison
- David N. Smith, Esquire, Board Prosecutor
- Glenn P. Masser, Esquire, Board Prosecutor
- Kristel Hennessy Hemler, Acting Board Administrator
- Theodore Stauffer, Executive Secretary, Bureau of Professional and Occupational Affairs

ALSO PRESENT:

- James Eirkson, Pennsylvania Funeral Directors Association
- Ernie Heffner, President, Heffner Funeral Chapel & Crematory, Inc.

1 \*\*\*

2 State Board of Funeral Directors

3 March 31, 2021

4 \*\*\*

5 [Pursuant to Section 708(a)(5) of the Sunshine Act, at  
6 9:00 a.m. the Board entered into Executive Session  
7 with Jaime D. Black, Esquire, Board Counsel, to have  
8 attorney-client consultation and for the purpose of  
9 conducting quasi-judicial deliberations on the items  
10 on the agenda that are currently pending before the  
11 Board and to receive advice of counsel. The Board  
12 entered into public session at 10:30 a.m.]

13 \*\*\*

14 The regularly scheduled meeting of the State  
15 Board of Funeral Directors was held on Wednesday,  
16 March 31, 2021. William G. Harris, Chairman,  
17 Professional Member, called the meeting to order at  
18 10:30 a.m.

19 \*\*\*

20 [Pledge of Allegiance]

21 [Chairman Harris requested the Pledge of Allegiance be  
22 recited.]

23 \*\*\*

24 Roll Call

25 [Chairman Harris requested a roll call of Board

1 members.]

2

\*\*\*

3 [Jaime D. Black, Esquire, Board Counsel, announced  
4 that the Board met in Executive Session prior to  
5 public session. She also noted the meeting is being  
6 recorded, and those who remain in the meeting are  
7 consenting to being recorded.]

8

\*\*\*

9 Approval of minutes of the February 18, 2021

10 CHAIRMAN HARRIS:

11 We need to approve the minutes of the  
12 last meeting on February 18, 2021.

13 If you have had a chance to look at  
14 it, I need to ask if there are any  
15 changes or updates in those minutes.

16 If not, I would make a motion to  
17 approve those minutes. Do we have a  
18 second?

19 MS. RODRIGUEZ:

20 I second.

21 CHAIRMAN HARRIS:

22 We have a motion and a second. All in  
23 favor, signify by saying aye. We have  
24 no opposition so that carries.

25 [The motion carried unanimously.]

1 \*\*\*

2 Report of Prosecutorial Division

3 [Timothy A. Fritsch, Esquire, Board Prosecution

4 Liaison, noted prosecution had nothing new to present

5 today but offered to answer questions from the Board.]

6 \*\*\*

7 Report of Board Counsel

8 [Jaime D. Black, Esquire, Board Counsel, noted the

9 Board discussed items 7 and 8 in Executive Session.]

10 \*\*\*

11 Miscellaneous

12 MS. BLACK:

13 With regard to item 7, correspondence  
14 from Mr. James Eley, I believe the Board  
15 would entertain a motion to deny Mr.  
16 Eley's request for an exemption from  
17 licensure.

18 MR. DUPREE:

19 I move to deny the request.

20 CHAIRMAN HARRIS:

21 Kenneth DuPree made a motion to deny  
22 that. Is there a second on that motion?

23 MS. IMBURGIA:

24 I'll second.

25 CHAIRMAN HARRIS:



\*\*\*

1 Report of Board Counsel (Continued)

2 [Jaime D. Black, Esquire, Board Counsel, updated the  
3 Board on the proposed rulemaking to amend § 13.11,  
4 § 13.231, § 13.301-13.307, and § 13.401, and add  
5 § 13.308 and § 13.309 relating to child abuse  
6 recognition and reporting concerning mandatory  
7 training requirements, child abuse recognition, and  
8 the reporting course approval process.  
9

10 Ms. Black noted the regulation was published in  
11 the *PA Bulletin* on March 13, 2021, and comments  
12 received will be brought to the Board at the May  
13 meeting for discussion.

14 Ms. Black addressed Act 116 of 2020 that would  
15 permit carryover of continuing education credits from  
16 one biennial period to the next for only one renewal  
17 period. She noted the need for Board discussion of  
18 whether to amend its regulations to implement the  
19 carryover provision or reject it. She mentioned one  
20 Board that currently has the provision in its  
21 regulations and decided to amend its regulations to  
22 get rid of the carryover provision due to challenges  
23 in its implementation and auditing the continuing  
24 education (CE). She suggested the Board consider the  
25 effect of stockpiling CEs when the goal is to be

1 current with up-to-date information.

2 Mr. DuPree questioned whether there is a limit on  
3 the number of continuing education units (CEUs)  
4 carried over. Ms. Black explained that Act 116 does  
5 not put a limit on the number of CEs that could be  
6 stockpiled but could only be carried over for one  
7 renewal period.

8 Ms. Black noted that child abuse credits would  
9 not be part of the carryover. She stated the Board  
10 needs to consider whether or not this would help the  
11 profession or make an impact at all, as well as to  
12 take into consideration the Board administration's  
13 ability to effectively implement this and process the  
14 audit.

15 Chairman Harris requested input from Board  
16 members. He mentioned being against the carryover,  
17 noting it to be burdensome on Board administration.

18 Ms. Hemler provided information regarding the  
19 application and audit process and time-consuming staff  
20 responsibilities to manually download the CE to  
21 validate whether individuals comply, noting there was  
22 no general system and the confirmation was performed  
23 manually by the Board staff.

24 Ms. Kirk requested information regarding the  
25 consequences of not providing accurate information.



1 Ms. Black noted that the licensee could obtain  
2 credit for CEs that are not eligible for carryover.

3 Ms. Black addressed the self-reporting violation,  
4 stating there were no accurate numbers because most of  
5 the professional boards do not have the provision.  
6 She stated it would be difficult to give a number if  
7 it were implemented.

8 Ms. Imburgia commented that there was an abundant  
9 amount of new information for people to learn,  
10 especially with COVID, and a wide variety of education  
11 regarding how funerals were changing.

12 Mr. Michalowski mentioned that he is responsible  
13 for eight different boards, seven of which have  
14 continuing education requirements, including one that  
15 has the ability to carryover. He stated one of the  
16 differences between the Board's system and the system  
17 that the disciplinary board uses for attorneys is  
18 attorneys renew annually, not biennially, where the  
19 Board could carry credits over for 4 years.

20 Mr. Michalowski commented that the Board's number  
21 of credits is fairly low and makes it easier to comply  
22 compared to other boards.

23 Mr. Michalowski stated the disciplinary board for  
24 the attorneys do not conduct an audit every year and  
25 was 100% in compliance. Issues are reported

1 electronically by the providers, not with licensee  
2 renewals. He noted that the provider is required to  
3 provide documentation electronically with records  
4 going back years and flags a shortage immediately.

5 Mr. Michalowski mentioned that the only other way  
6 to do the carryover other than Board staff would be  
7 every time a licensee is short is to send their  
8 information to prosecution to investigate whether the  
9 licensee actually did those hours or used them. He  
10 stated that carryover makes sense for some boards, but  
11 there were not many enforcement cases on continuing  
12 education for the funeral profession. The population  
13 is very compliant.]

14 MS. BLACK:

15 We should do a vote on whether or not to  
16 implement it or to reject it. Do you  
17 want to do a roll call to see if there  
18 is a majority?

19 CHAIRMAN HARRIS:

20 Let's do a roll call.

21 MS. BLACK:

22 Bill Harris, reject; Milian Rodriguez,  
23 reject; Carmella Imburgia, reject; Ted  
24 Stauffer, abstain; Scott Custead,  
25 reject; Kenneth DuPree, implement;

1 Jennifer Kirk, reject; Francis McCusker,  
2 reject.

3 [The motion carried. Theodore Stauffer abstained from  
4 voting on the motion. The Board voted to reject.]

5 \*\*\*

6 [Jaime D. Black, Esquire, Board Counsel, addressed  
7 regulatory packets drafted in 2016 and previously  
8 approved by the Board. She referred to 16A-4828  
9 regarding regulations concerning a supervisor, noting  
10 the promulgated regulations previously approved by the  
11 Board concerning the supervisor were somewhat  
12 outdated.

13 Ms. Black stated the regulatory packet as  
14 proposed would amend this regulation to address  
15 professional responsibility of a supervisor in the  
16 process of registering a supervisor, as well as to  
17 better organize the relative regulations concerning a  
18 supervisor, noting the annex had been provided for the  
19 Board's review.

20 Mr. DuPree informed the Board that he had not  
21 been able to see the packet because of technical  
22 difficulties.

23 Chairman Harris explained that the Board already  
24 approved updating the language to be more  
25 understandable and current with the intent to approve

1 the language for other regulations and move it  
2 forward.

3 Ms. Black stated the annex had gone through the  
4 process with the Board regarding drafting and  
5 revisions but questioned whether there was the need  
6 for any revisions or if the Board wanted to move  
7 forward.

8 Chairman Harris suggested tabling the regulation  
9 until the next meeting for Mr. DuPree's review and to  
10 make sure all Board members approved the new language.  
11 He commented that it had not changed anything legally  
12 and just provided a clarification of the supervisor's  
13 responsibilities.

14 Ms. Black informed the Board that 16A-4828 and  
15 16A-4830 would be combined since they are smaller  
16 packets so that they could go through the regulatory  
17 approval process at the same time.

18 Ms. Black addressed 16A-4830 regarding  
19 establishment renewal and reactivation. She referred  
20 to Section 8 of the Act, which generally permits  
21 entities of various types, subject to appropriate  
22 qualifications, to be licensed to operate a funeral  
23 establishment. She noted section 10(a) of the Act  
24 provides that all funeral directors' licenses expire  
25 on February 1 of each even year, and the Board may

1 later renew or reactivate a license that was not  
2 timely renewed.

3 Ms. Black explained that the Board's regulations  
4 at § 13.231 direct the renewal and reactivation of an  
5 individual funeral director license, but the Board's  
6 regulations do not specifically address renewal or  
7 reactivation of an establishment license. She stated  
8 16A-4823 proposes to amend regulations to address the  
9 renewal and reactivation of a funeral establishment  
10 license and is why the packet was being combined with  
11 the other packet.

12 Ms. Black mentioned that it would be appropriate  
13 for the Board to table it to review the annexes again  
14 and address it at the next Board meeting.]

15 MS. BLACK:

16 Would the Board entertain a motion to  
17 table regulatory items at item 4 to  
18 discuss at a later meeting?

19 CHAIRMAN HARRIS:

20 Do I hear a motion?

21 MS. KIRK:

22 So moved.

23 CHAIRMAN HARRIS:

24 Jennifer so moved. We need a second?

25 MR. DUPREE:

1                   Second.

2 CHAIRMAN HARRIS:

3                   We have a motion and a second. All in  
4 favor, signify by saying aye. Does  
5 anybody oppose?

6 [The motion carried unanimously.]

7   \*\*\*

8 MS. BLACK:

9                   I want to go back to item 3. We did the  
10 roll call vote, but I think we need to  
11 do a formal vote with a motion and a  
12 second.

13                   I believe the Board would entertain  
14 a motion to reject the implementation of  
15 Act 116 of 2020.

16 CHAIRMAN HARRIS:

17                   I'll make that motion. Is there a  
18 second?

19 MS. RODRIGUEZ:

20                   I second.

21 CHAIRMAN HARRIS:

22                   We have a motion and a second. All in  
23 favor, signify by saying aye. Opposed?

24 [The motion carried. Kenneth DuPree opposed the  
25 motion.]

1 \*\*\*

2 Miscellaneous

3 [Jaime D. Black, Esquire, Board Counsel, addressed  
4 correspondence from the Pennsylvania Funeral Directors  
5 Association (PFDA) requesting the Board discuss  
6 amending Board regulation § 13.201 regarding  
7 professional responsibilities to allow an individual  
8 to sign their own authorization for cremation.

9 Ms. Black referred to § 13.201(7), where the  
10 responsibilities and duties of a licensed funeral  
11 director in connection with a funeral includes  
12 obtaining and maintaining written authorization from  
13 the family of a deceased who is to be cremated.

14 Ms. Black stated the PFDA believes that amending  
15 of this language to allow individuals to authorize  
16 their own cremation would streamline the process at  
17 the time of death and eliminate the need for a funeral  
18 director to locate family members.

19 Mr. DuPree questioned whether allowing an  
20 individual to authorize their own cremation would  
21 require a witness who could attest to their  
22 competency.

23 Ms. Black stated the Board would have the  
24 discretion to amend the regulations with the addition  
25 of that requirement.

1           Mr. DuPree questioned whether that would restrict  
2 the surviving family from having a service prior to  
3 cremation. He also questioned whether a funeral  
4 director could simply remove the person, do the  
5 necessary paperwork, and just take them to the  
6 crematory without the consent of the family if a  
7 person signed their own cremation authorization.

8           Ms. Black offered to research the matter further.

9           Ms. Kirk commented that it was typical of a  
10 Living Will to give authorization to declare the  
11 individual's wishes when they can no longer make that  
12 decision. It would make sense for an individual to be  
13 able to make the decision of what happens to their  
14 body.

15           Ms. Black commented that if the Board was  
16 interested in amending the regulations to allow for  
17 this that she would work on drafting the amendments  
18 and proceed with the next step in the regulatory  
19 process.

20           Mr. DuPree expressed a concern for legal  
21 ramifications, where somebody signs their  
22 authorization to be cremated and the family says the  
23 person had beginning stages of Alzheimer's when  
24 signed, so now you have a cremated body and a family  
25 with an attorney.



1 Ms. Black questioned whether the Board wanted to  
2 conduct some research and not make a decision to amend  
3 but to see review options. She also questioned  
4 whether the Board would want to create an  
5 authorization form that adds to the process.]

6 MS. BLACK:

7 I believe the Board would entertain a  
8 motion to conduct research regarding a  
9 possible amendment to the Board  
10 regulation § 13.201 and have further  
11 discussions at a future meeting.

12 MS. RODRIGUEZ:

13 I make the motion.

14 MS. KIRK:

15 I second.

16 CHAIRMAN HARRIS:

17 We have a motion and a second. All in  
18 favor, signify by saying aye. Is there  
19 anybody opposed?

20 [The motion carried unanimously.]

21 \*\*\*

22 Report of Board Chairman

23 MS. BLACK:

24 I believe the Board would entertain a  
25 motion to ratify the approval of the

1 Temporary Supervisor Extension requested  
2 by Donald Jones.

3 CHAIRMAN HARRIS:

4 Let's vote to ratify. Do I have a  
5 motion?

6 MS. KIRK:

7 So moved.

8 CHAIRMAN HARRIS:

9 Do I have a second?

10 MS. RODRIGUEZ:

11 I second.

12 CHAIRMAN HARRIS:

13 We have a motion and a second. All in  
14 favor to ratify, signify by saying aye.  
15 Anybody opposed?

16 [The motion carried unanimously.]

17 \*\*\*

18 Report of Commissioner - No Report

19 [Theodore Stauffer, Executive Secretary, Bureau of  
20 Professional and Occupational Affairs, on behalf of K.  
21 Kalonji Johnson, Commissioner, did not have an  
22 official report but offered to take any questions or  
23 concerns to the Commissioner.]

24 \*\*\*

25 [William G. Harris, Chairman, Professional Member,

1 thanked everyone for their cooperation and commended  
2 Ms. Black and Ms. Hemler.]

3

\*\*\*

4 Report of Acting Board Administrator

5 [Kristel Hennessy Hemler, Acting Board Administrator,  
6 informed the Board of an issue with the Pennsylvania  
7 Licensing System (PALS) regarding the funeral director  
8 licensure fee.

9 Ms. Hemler stated the funeral director by  
10 examination and funeral director by out-of-state  
11 application fee was changed from \$20 to \$25 in 2002,  
12 but the change was not applied to PALS. She noted  
13 PALS was updated on March 8, 2021, to reflect the  
14 correct fee amount of \$25 as set forth in the  
15 regulation.]

16

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17 Public Comment

18 [James Eirkson, Pennsylvania Funeral Directors  
19 Association, mentioned receiving several inquiries  
20 regarding fictitious names and requested an overview  
21 of the requirements and the process.

22 Ms. Black commented that licensees should be  
23 reaching out to the Bureau of Corporations to ensure  
24 the documentation was filed correctly, which could  
25 then be provided to the Board for notice of the "doing

1 business as" (DBA) name. She would provide her email  
2 address to Mr. Erikson for additional questions.

3 Ernie Heffner, President, Heffner Funeral Chapel  
4 & Crematory, Inc., suggested the Board look at trust  
5 and fiduciary statutes for allegation of contrary  
6 intent with regard to giving authority to authorize  
7 one's own cremation. He noted the document authorizes  
8 either cremation or burial and eliminates the chain of  
9 command and next of kin and allows an individual to  
10 assign anybody they want to serve as their legal next  
11 of kin.

12 Mr. Heffner offered to email the document to the  
13 Board. He has been providing the document to people  
14 for years and pretty much insists on any  
15 prearrangement for cremations that one of those  
16 documents be executed.]

17 \*\*\*

18 [William G. Harris, Chairman, Professional Member,  
19 noted the next Board meeting date is May 12, 2021.]

20 \*\*\*

21 Adjournment

22 CHAIRMAN HARRIS:

23 I make a motion to adjourn. Is there a  
24 second?

25 MS. RODRIGUEZ:

1 I second.

2 CHAIRMAN HARRIS:

3 We have a motion and a second. All in  
4 favor to adjourn, say aye.

5 [The motion carried unanimously.]

6 \*\*\*

7 [There being no further business, the State Board of  
8 Funeral Directors Meeting adjourned at 11:29 a.m.]

9 \*\*\*

10

11 CERTIFICATE

12

13 I hereby certify that the foregoing summary  
14 minutes of the State Board of Funeral Directors  
15 meeting, was reduced to writing by me or under my  
16 supervision, and that the minutes accurately summarize  
17 the substance of the State Board of Funeral Directors  
18 meeting.

19

20

21



22

Derek Richmond,

23

Minute Clerk

24

Sargent's Court Reporting

25

Service, Inc.

STATE BOARD OF FUNERAL DIRECTORS  
REFERENCE INDEX

March 31, 2021

|    | TIME  | AGENDA                               |
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| 5  |       |                                      |
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| 7  |       |                                      |
| 8  |       |                                      |
| 9  | 9:00  | Executive Session                    |
| 10 | 10:30 | Return to Open Session               |
| 11 |       |                                      |
| 12 | 10:30 | Official Call to Order               |
| 13 |       |                                      |
| 14 | 10:30 | Pledge of Allegiance                 |
| 15 |       |                                      |
| 16 | 10:31 | Roll Call                            |
| 17 |       |                                      |
| 18 | 10:33 | Approval of Minutes                  |
| 19 |       |                                      |
| 20 | 10:33 | Report of Prosecutorial Division     |
| 21 |       |                                      |
| 22 | 10:34 | Report of Board Counsel              |
| 23 |       |                                      |
| 24 | 10:35 | Miscellaneous                        |
| 25 |       |                                      |
| 26 | 10:37 | Report of Board Counsel (Continued)  |
| 27 |       |                                      |
| 28 | 11:08 | Miscellaneous (Continued)            |
| 29 |       |                                      |
| 30 | 11:20 | Report of Board Chair                |
| 31 |       |                                      |
| 32 | 11:21 | Report of Acting Board Administrator |
| 33 |       |                                      |
| 34 | 11:22 | Public Comment                       |
| 35 |       |                                      |
| 36 | 11:29 | Adjournment                          |
| 37 |       |                                      |
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