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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: 10:32 A.M.

PENNSYLVANIA DEPARTMENT OF STATE

May 12, 2021

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State Board of Funeral Directors
May 12, 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
Kenneth C. DuPree, Professional Member
Thomas G. Kukuchka, CFSP, Professional Member
Scott Custead, Public Member - Absent
Francis McCusker, Public Member
Jennifer Jane Kirk, Esquire, Senior Deputy Attorney General, Antitrust Section, Office of Attorney General - Absent

BUREAU PERSONNEL:

Jaime D. Black, Esquire, Board Counsel
Timothy A. Fritsch, Esquire, Board Prosecution Liaison
Glenn P. Masser, Esquire, Board Prosecutor
Kristel Hennessy Hemler, Acting Board Administrator

ALSO PRESENT:

Kathleen K. Ryan, Esquire, Pennsylvania Funeral Directors Association

1 ***

2 State Board of Funeral Directors

3 May 12, 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 today's agenda that are currently pending before
11 the Board and to receive advice of counsel. The Board
12 entered into public session at 10:30 a.m.]

13 ***

14 [Theodore Stauffer, Executive Secretary, Bureau of
15 Professional and Occupational Affairs, reminded
16 everyone that the meeting was being recorded, and
17 those who remained on the line were giving their
18 consent to be recorded.]

19 ***

20 The regularly scheduled meeting of the State
21 Board of Funeral Directors was held on Wednesday, May
22 12, 2021. William G. Harris, Chairman, Professional
23 Member, called the meeting to order at 10:32 a.m.

24 ***

25 Pledge of Allegiance

1 [Chairman Harris requested the Pledge of Allegiance be
2 recited.]

3 ***

4 Roll Call

5 [Chairman Harris requested a roll call of Board
6 members.]

7 ***

8 Approval of minutes of the March 31, 2021 meeting

9 CHAIRMAN HARRIS:

10 We need to approve the minutes of the
11 March 31, 2021 meeting.

12 If you had a chance to read that,
13 and there are no corrections or updates,
14 I would entertain a motion to accept
15 those minutes.

16 MR. DUPREE:

17 I move that the minutes from March 31,
18 2021 be approved with any necessary
19 corrections.

20 CHAIR HARRIS:

21 Do we have a second?

22 MS. RODRIGUEZ:

23 I second.

24 CHAIRMAN HARRIS:

25 All in favor, signify by saying aye.

1 [The motion carried unanimously.]

2 ***

3 Report of Prosecutorial Division

4 [Glenn P. Masser, Esquire, Board Prosecutor, presented
5 the Consent Agreements for Case No. 20-48-010622 and
6 Case No. 19-48-009249.]

7 ***

8 MOTIONS

9 MS. BLACK:

10 Pursuant to Section 708(a)(5) of the
11 Sunshine Act, the Board entered into
12 Executive Session for the purpose of
13 conducting quasi-judicial deliberations
14 on the items of the agenda that are
15 before the Board to receive the advice
16 of counsel.

17 Regarding item 2, I believe the
18 Board would entertain a motion to accept
19 the Consent Agreement and Order at Case
20 No. 20-48-010622.

21 CHAIRMAN HARRIS:

22 Do I have a motion on issue 2?

23 MS. RODRIGUEZ:

24 So moved.

25 MS. IMBURGIA:

1 ***

2 MS. BLACK:

3 Moving on to item 5, I believe the Board
4 would entertain a motion to grant the
5 Motion to Deem Facts Admitted and Enter
6 Default and direct Board Counsel to
7 draft an Adjudication and Order in due
8 course for agenda item 5, BPOA v. Brian
9 Garris, Case No. 17-48-13837.

10 CHAIRMAN HARRIS:

11 Do we have a motion to accept that?

12 MS. IMBURGIA:

13 I motion.

14 CHAIRMAN HARRIS:

15 Do we have a second? Anybody second?

16 MR. STAUFFER:

17 I'll second.

18 CHAIRMAN HARRIS:

19 All in favor, signify by saying aye.

20 Anybody opposed?

21 [The motion carried unanimously. Kenneth DuPree
22 recused himself from deliberations and voting on the
23 motion.]

24 ***

25 MS. BLACK:

1 Moving on to item 6, I believe the Board
2 would entertain a motion to ratify the
3 approval for a Funeral Intern Extension
4 of Sergei Sankin.

5 CHAIRMAN HARRIS:

6 Do we have a motion to accept that
7 extension?

8 MS. RODRIGUEZ:

9 So moved.

10 CHAIRMAN HARRIS:

11 Do we have a second?

12 MR. DUPREE:

13 Second.

14 CHAIRMAN HARRIS:

15 We have a motion and a second. All in
16 favor, signify by saying aye. Anybody
17 opposed?

18 [The motion carried unanimously.]

19 ***

20 Items for Discussion

21 [Jaime D. Black, Esquire, Board Counsel, noted the
22 Board was tabling item 9 to discuss at a later time.]

23 ***

24 Requests for Review

25 MS. BLACK:

1 Second.

2 CHAIRMAN HARRIS:

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

6 [The motion carried unanimously.]

7 ***

8 MS. BLACK:

9 I believe the Board would entertain a
10 motion granting the request of Carrie
11 Stewart to Work at Multiple Funeral
12 Homes at item 12.

13 CHAIRMAN HARRIS:

14 Do we have a motion to accept that?

15 MS. IMBURGIA:

16 I motion.

17 MS. RODRIGUEZ:

18 Second.

19 CHAIRMAN HARRIS:

20 We have a motion and a second. All in
21 favor, signify by saying aye. Anybody
22 oppose?

23 [The motion carried unanimously.]

24 ***

25 Report of Board Counsel

1 [Jaime D. Black, Esquire, Board Counsel, addressed
2 16A-4830 regarding establishment reactivation and 16A-
3 4828 regarding supervisor regulations. She noted the
4 packets were first drafted and reviewed in 2016 when
5 the Board voted to move forward and questioned whether
6 the Board wanted to move forward or make revisions.

7 Ms. Black provided an overview of 16A-4828
8 regarding supervisors, noting the package proposes to
9 delete §§ 13.118, 13.123, 13.153, and 13.156-157;
10 amend §§ 13.1, 13.113, 13.122, 13.144, 13.155, 13.161,
11 13.193-194; and add §§ 13.87, 13.135a, and 13.166-167.

12 Ms. Black noted § 13.166(a) would require the
13 funeral entity to apply for registration of the
14 supervisor for the funeral establishment paying the
15 required fee. She mentioned that the only standard
16 for registration would be that the supervisor holds a
17 current unrestricted and non-probationary license as a
18 funeral director.

19 Ms. Black noted § 13.166(c) would prohibit a
20 supervisor from acting as such in more than one
21 establishment and an approved application for
22 supervisor would cause any other supervisor
23 registration to be transferred to that establishment.

24 She noted § 13.166(d) would prohibit a supervisor
25 from operating a sole proprietorship or acting as a

1 partner in a partnership. She commented that the sole
2 proprietor would appoint another funeral director as
3 supervisor at either a principal or branch location
4 and operate the other location and a partner could
5 supervise a location of the partnership.

6 Ms. Black noted § 13.166(b) would prohibit a
7 funeral entity that is required to have a supervisor
8 from engaging in the profession at the establishment
9 unless it has a supervisor registered with the Board.

10 Ms. Black noted § 13.167(a) would require the
11 entity to apply for approval of a temporary supervisor
12 within 30 days of the death, incapacity, or
13 resignation of the supervisor consistent with current
14 practice and would operate for up to six months with a
15 temporary supervisor.

16 Ms. Black noted § 13.167(b) would propose that
17 the temporary supervisor not be required to cease any
18 other practice as a funeral director.

19 Mr. DuPree questioned whether a supervisor at one
20 funeral home could be a temporary supervisor at
21 another.

22 Ms. Black explained the regulation proposes to
23 allow that for a limited time period.

24 Ms. Black addressed 16A-4830, which proposes to
25 amend § 13.231 relating to biennial registration,

1 unregistered status and inactive status, and failure
2 to renew and add § 13.233 relating to biennial
3 registration and reactivation of a funeral
4 establishment license.

5 Ms. Black noted § 13.231(a) would require each
6 funeral establishment to register each biennial period
7 to retain the right to practice. He stated initial
8 registration would occur automatically with issuance
9 of the establishment license and all establishment
10 licenses would expire February 1 of even years.

11 Ms. Black noted § 13.233(b) would require
12 application for establishment renewal to be made on
13 forms provided by the Board and submitted with the
14 required fee prior to the expiration of the current
15 registration. She mentioned it is the licensee's
16 obligation to timely renew and the failure of the
17 Board to send or the funeral entity to receive a
18 renewal application form would not relieve the
19 licensee of its renewal responsibility.

20 Ms. Black noted proposed § 13.231(c) would permit
21 a funeral establishment license to be reactivated
22 after lapse for failure to renew. She mentioned that
23 § 13.233(c) would require a funeral establishment that
24 has not passed inspection in the preceding 18 months
25 pay the reinspection fee and pass an inspection before

1 its license is reactivated.

2 Ms. Black stated the Board also proposes to amend
3 the existing § 13.231(a), where a funeral director's
4 license would not be renewed unless the license of the
5 establishment at which the funeral director would
6 practice had been renewed or was being renewed
7 contemporaneously.

8 Mr. DuPree questioned how that would play into
9 the administrative backlog at the state Board level.

10 Ms. Black stated the regulatory packet aims to
11 update the regulations to provide for the renewals,
12 and while it may increase administrative concerns, the
13 Board needs to determine whether it is necessary and
14 weigh that against administrative concerns.

15 Ms. Hemler had not gone through the renewals yet
16 and was working on those with the application
17 developer. She did not think it would be a problem
18 administratively but did mention the only concern
19 would be the inspections. She noted they would have
20 to make sure the funeral home had an inspection within
21 the last 18 months and coordinate that if they did not
22 to get the funeral home inspected.

23 Mr. Fritsch commented that prosecution generally
24 gives a period of time after a licensee expires before
25 they would actually prosecute, and a licensee would

1 not have to worry about being subject to prosecution
2 if there was simply an administrative delay.

3 Mr. DuPree requested more clarity regarding
4 whether a funeral home cannot be renewed if they have
5 not been inspected within the last 18 months or
6 whether they cannot be inspected if they failed an
7 inspection within the last 18 months and have not been
8 reinspected.

9 Ms. Black believed they have to be inspected, but
10 the actual language did not say a passed inspection
11 and may be something the Board would want to clarify
12 before promulgating it through the regulatory process.

13 Mr. DuPree expressed a concern with inspector
14 turnover, where it could be 18 months before an
15 inspection.

16 Mr. Fritsch noted that the bureau has inspectors
17 come in from other regions if necessary for new
18 business inspections. He stated the bureau would be
19 able to provide an inspector for issuance or renewal
20 of a license, even though the inspector might not be
21 the normal inspector for that region. He mentioned
22 that a decision would have to be made on whether those
23 inspections would take priority over a normal routine
24 inspections if that regulation were to go through.

25 Theodore Stauffer, Executive Secretary, Bureau of

1 Professional and Occupational Affairs, on behalf of K.
2 Kalonji Johnson, Commissioner, noted the bureau's
3 appreciation of the Board taking into account the
4 administrative burden of regulations but suggested the
5 Board not make it a tipping point for their
6 decisions.]

7 MS. BLACK:

8 I believe the Board would entertain a
9 motion to approve the proposed
10 rulemaking at 16A-4828 and 16A-4830 and
11 direct Board counsel to promulgate it
12 through the regulatory review process.

13 MS. RODRIGUEZ:

14 So moved.

15 CHAIRMAN HARRIS:

16 Do we have a second?

17 MS. IMBURGIA:

18 I'll second.

19 CHAIRMAN HARRIS:

20 We have a motion and a second. All in
21 favor, signify by saying aye. Are there
22 any opposed to this?

23 [The motion carried unanimously.]

24 ***

25 Report of Board Counsel - Miscellaneous

1 [Jaime D. Black, Esquire, Board Counsel, informed the
2 Board that the Bureau of Professional and Occupational
3 Affairs has received reports that persons pretending
4 to be from one of the health-related boards are
5 contacting licensees by phone and mail about the
6 status of their licenses. She stated the scammers are
7 altering their information that shows on the caller ID
8 to appear to be from the Commonwealth of Pennsylvania.

9 Ms. Black provided reminders from the Bureau of
10 Professional and Occupational Affairs (BPOA)
11 concerning contact and personal information.

12 Ms. Black mentioned that those who are the
13 subject of an investigation or disciplinary action
14 would receive notice by certified mail and/or personal
15 service and provided with a contact name and phone
16 number. She informed everyone to contact their local
17 police department or the state police if they have
18 become a victim of the scam. She noted a link on the
19 Department of State's website under professional
20 licensing to view the scam alert.]

21

22 Report of Commissioner - No Report

23 [Theodore Stauffer, Executive Secretary, Bureau of
24 Professional and Occupational Affairs, on behalf of K.
25 Kalonji Johnson, Commissioner, had no official report

1 but offered to take any questions or concerns to the
2 Commissioner.]

3 ***

4 Report of Board Chairperson - No Report

5 [William G. Harris, Chairman, Professional Member,
6 thanked everyone for their support and help.]

7 ***

8 Report of Acting Board Administrator

9 [Kristel Hennessy Hemler, Acting Board Administrator,
10 informed Board members that the December 8, 2021
11 meeting date was changed to November 23, 2021, due to
12 a scheduling conflict.

13 Ms. Hemler noted the 2022 Board meeting dates
14 would soon be posted on the Department of State's
15 website.]

16 ***

17 Public Comment

18 [Kathleen K. Ryan, Esquire, Pennsylvania Funeral
19 Directors Association, requested Board Counsel to
20 share copies of the proposed regulations.

21 Ms. Black offered to provide a copy of the
22 proposed regulations, noting there would also be a
23 public comment period.

24 Ms. Ryan questioned whether any progress was
25 being made with regard to updating the regulation to

1 have people sign their own cremation authorization.

2 Ms. Black explained that the Board was currently
3 looking into a form submission that would essentially
4 satisfy that need but no formal progress had been
5 made.]

6 ***

7 Adjournment

8 CHAIRMAN HARRIS:

9 Is there a motion to close the meeting?

10 MR. DUPREE:

11 So moved.

12 CHAIRMAN HARRIS:

13 I second that. The meeting is closed.

14 [The motion carried unanimously.]

15 ***

16 [There being no further business, the State Board of
17 Funeral Directors Meeting adjourned at 11:06 a.m.]

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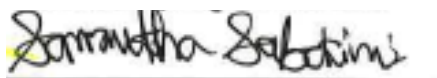
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CERTIFICATE

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



Samantha Sabatini,
Minute Clerk
Sargent's Court Reporting
Service, Inc.

STATE BOARD OF FUNERAL DIRECTORS
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TIME	AGENDA
9:00	Executive Session
10:30	Return to Open Session
10:32	Official Call to Order
10:32	Pledge of Allegiance
10:33	Roll Call
10:34	Approval of Minutes
10:35	Report of Prosecutorial Division
10:38	Motions
10:44	Report of Board Counsel
11:01	Report of Board Chair
11:02	Report of Acting Board Administrator
11:03	Public Comment
11:06	Adjournment