

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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
CONDUCTED VIA TELECONFERENCE**

TIME: 10:42 A.M.

July 29, 2020

1 State Board of Funeral Directors

2 July 29, 2020

3 ***

4 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
5 9:00 a.m. the Board entered into Executive Session
6 with Jaime D. Black, Esquire, Board Counsel, to have
7 attorney-client consultations and for the purpose of
8 conducting quasi-judicial deliberations regarding the
9 matters on today's agenda. The Board returned to
10 public session at 10:30 a.m.]

11 ***

12 The regularly scheduled meeting of the State Board
13 of Funeral Directors was held Wednesday, July 29,
14 2020. William Harris, Chairman, Professional Member,
15 called the meeting to order at 10:42 a.m. The Pledge
16 of Allegiance was recited. Roll call was taken.

17 ***

18 [Jaime Black, Esquire noted the meeting was being
19 recorded and that presence in the meeting was giving
20 consent to being recorded.]

21 ***

22 Approval of Board Minutes of July 29, 2020

23 CHAIRMAN HARRIS:

24 Let's begin with approval of the Minutes of
25 the last meeting. Do I hear a motion to

1 Do I hear a motion as such?

2 MS. RODRIGUEZ:

3 So moved.

4 MR. CUSTEAD:

5 I'll second.

6 CHAIRMAN HARRIS:

7 We have a motion and a second. All in
8 favor signify by saying aye. Any
9 opposed?

10 [The motion carried unanimously.]

11 ***

12 MS. BLACK:

13 Again, based on discussions in Executive
14 Session, I believe the Board would
15 entertain a motion to reject the proposed
16 Consent Agreement at Agenda Item No. 3,
17 Case No. 16-48-01501.

18 CHAIRMAN HARRIS:

19 Do I hear a motion on Number Three?

20 MS. RODRIGUEZ:

21 So moved.

22 MR. KUKUCHKA:

23 Second.

24 CHAIRMAN HARRIS:

25 We have a motion and a second. All in

1 favor signify by saying aye? Any
2 opposed? If not, the motion carries.

3 [The motion carried unanimously.]

4 ***

5 MS. BLACK:

6 Number Four, I believe the Board would
7 entertain a motion to reject the proposed
8 Consent Agreement at Agenda Item No. 4,
9 Case Numbers 20-48-004898 and 20-48-
10 005132.

11 CHAIRMAN HARRIS:

12 Do I hear a motion on Number Four?

13 MS. KIRK:

14 So moved.

15 CHAIRMAN HARRIS:

16 Do we have a second?

17 MS. RODRIGUEZ:

18 Second.

19 CHAIRMAN HARRIS:

20 We have a motion and a second. All in
21 favor signify by saying aye? Any
22 opposed?

23 [The motion carried unanimously.]

24 ***

25 Report of Board Counsel

1 [Jaime Black, Esquire, Board Counsel, noted a proposed
2 Adjudication and Order for approval and two
3 Reinstatement requests.

4 MOTIONS (CONTINUED)

5 MS. BLACK:

6 Would the Board entertain a motion to
7 approve the proposed Adjudication and
8 substitute the Board's Order for Case No.
9 19-48-005629 and direct Board Counsel to
10 issue a A&O in due course?

11 CHAIRMAN HARRIS:

12 Do I hear a motion concerning Number
13 Five?

14 MR. KUKUCHKA:

15 I'm not happy with that fine which I
16 think it's going to be \$4,000. I mean,
17 basically, they're practicing in the
18 State of Pennsylvania without a Funeral
19 Director License and I think that should
20 go to the max.

21 MS. BLACK:

22 Right. Tom, we're just approving the
23 proposed Agreement and we're going to
24 substitute a Board Order for that.

25 CHAIRMAN HARRIS:

1 Tom, will you do that motion?

2 MR. KUKUCHKA:

3 Yes, I move.

4 CHAIRMAN HARRIS:

5 Do we have a second?

6 MS. RODRIGUEZ:

7 Second.

8 CHAIRMAN HARRIS:

9 We have a motion and a second. All in
10 favor signify by saying aye? Any
11 opposed?

12 [The motion carried unanimously.]

13 ***

14 MS. BLACK:

15 Number Six, would the Board entertain a
16 motion to approve the Adjudication and
17 Order of BPOA vs. Antonio M. Pitts and
18 Pitts Funeral Home and Cremation
19 Services?

20 CHAIRMAN HARRIS:

21 Do I have a motion pertaining to Number
22 Six?

23 MS. KIRK:

24 Move.

25 CHAIRMAN HARRIS:

1 Do we have a second?

2 MS. RODRIGUEZ:

3 Second.

4 CHAIRMAN HARRIS:

5 We have a motion and a second. All in
6 favor signify by saying aye? Any
7 opposed?

8 [The motion carried unanimously.]

9 ***

10 MS. BLACK:

11 Moving onto Item Number 7, will the Board
12 entertain a motion to approve the
13 Reinstatement of the License to Practice
14 as a Funeral Director of Carl C. Brown,
15 Jr., F.D., Case No. 20-48-03495?

16 CHAIRMAN HARRIS:

17 Do we have a motion on Number Seven?

18 MS. KIRK:

19 So moved.

20 MR. MCCUSKER:

21 Second.

22 CHAIRMAN HARRIS:

23 We have a motion and a second. All in
24 favor signify by saying aye? Any
25 opposed?

1 [The motion carried unanimously.]

2 ***

3 MS. BLACK:

4 Would the Board entertain a motion to
5 approve the Reinstatement of the License
6 to Practice as a Funeral Director of
7 Jeffrey Fierro, F.D., Case No. 20-48-
8 003543?

9 CHAIRMAN HARRIS:

10 Do I hear a motion pertaining to Number
11 Eight?

12 MS. KIRK:

13 So moved.

14 CHAIRMAN HARRIS:

15 Do we have a second?

16 MR. MCCUSKER:

17 Second

18 CHAIRMAN HARRIS:

19 We have a motion and a second. All in
20 favor signify by saying aye? Any
21 opposed?

22 [The motion carried unanimously.]

23 ***

24 Applications for Review

25 MS. BLACK:

1 Will the Board entertain a motion to
2 approve the Application for Supervisor of
3 David Videon?

4 CHAIRMAN HARRIS:

5 I'll make a motion to approve that.

6 MR. KUKUCHKA:

7 I'll second that.

8 CHAIRMAN HARRIS:

9 We have a motion and a second. All in
10 favor signify by saying aye? Any
11 opposed?

12 [The motion carried unanimously.]

13 ***

14 MS. BLACK:

15 Item No. 13, would the Board entertain a
16 motion to provisionally deny the
17 Application for Temporary Supervisor of
18 Stephen Polinski?

19 CHAIRMAN HARRIS:

20 Do we have a motion to provisionally deny
21 that?

22 MS. RODRIGUEZ:

23 So moved.

24 MS. KIRK:

25 Second.

1 addition of leaving a child with a sexually violent
2 predator and engaging the child in a form of
3 trafficking persons or sex trafficking. She stated
4 the definition of perpetrator was also added.

5 Ms. Montgomery explained 13.302 is the actual
6 requirement for mandated reporting which points out
7 that all funeral directors are considered mandated
8 reporters under the Child Protective Services Law and
9 noted that there are four criteria that need to be
10 met. She noted that reporting procedures have been
11 updated to incorporate the making of an electronic
12 report. Section 13.303 was amended to require that
13 any photographs, x-rays medical tests that might have
14 been done of the child must be submitted within 48
15 hours after an electronic report was made. Section
16 13.304 was amended to require the reporting of the
17 suspicion of a child that died as a result of child
18 abuse.

19 The section on Immunity from Liability had been
20 amended to conform to the changes to the Child
21 Protective Services Law. Ms. Montgomery explained
22 that Section 13.306 with regard to confidentiality
23 remains the same, and Section 13.307, Noncompliance,
24 reflects the most recent amendments to criminal
25 penalties for failure to report.

1 Ms. Montgomery had discussion regarding two
2 additional sections, 13.308 the mandatory training
3 requirements, and 13.309 which updates the
4 administrative process for child abuse course
5 approval.

6 She noted an amendment to Section 13.401, which is
7 the continuing education credit hour requirement which
8 includes the two hours of approved courses in child
9 abuse recognition and reporting.

10 Ms. Montgomery referred to the Preamble, which is
11 a summary of the proposal that gets published along
12 with the Annex in the Pennsylvania Bulletin for public
13 comment.

14 MOTIONS (CONTINUED)

15 MS. MONTGOMERY:

16 I would be seeking a vote from the Board
17 to approve the Proposed Rulemaking
18 authorizing her to promulgate it through
19 the regulatory review process.

20 MS. RODRIGUEZ:

21 I make a motion.

22 CHAIRMAN HARRIS:

23 Do we have a second?

24 MS. KIRK:

25 Second.

1 CHAIRMAN HARRIS:

2 We have a motion and a second. All in
3 favor signify by saying aye? Any
4 opposed?

5 [The motion carried unanimously.]

6 ***

7 [Thomas Kukuchka, Professional Member, exited the
8 meeting at 11:20 a.m.]

9 ***

10 [Ms. Black referred Board members to No. 10 on the
11 agenda, 16A-4826, Limited Liability Company proposed
12 rulemaking, for further discussion. She indicated
13 this was first drafted in 2016 and addresses licensing
14 of limited liability companies as funeral
15 establishments. She inquired if Board members were
16 still in agreement with the Annex as drafted or would
17 there be changes or updates that need to be made.
18 Chairman Harris indicated he hasn't heard any
19 objections regarding the matter and suggested it be
20 approved.

21 MS. BLACK:

22 Would the Board entertain a motion to
23 direct Board Counsel to proceed through
24 the regulatory process with this packet?

25 CHAIRMAN HARRIS:

1 I would make that motion. Do I hear a
2 second?

3 MS. RODRIGUEZ:

4 Second.

5 CHAIRMAN HARRIS:

6 We have a motion and a second. All in
7 favor signify by saying aye? Any
8 opposed?

9 [The motion carried unanimously.]

10 ***

11 [Ms. Black referred Board members to No. 11, the
12 Licensure by Endorsement regulation, for further
13 discussion. Ms. Black noted this legislation was
14 discussed last fall by the Board and related to
15 licensure by endorsement for the Board to determine
16 competency criteria of an applicant.

17 She noted that Board Counsel provided the Board
18 with the Annex at the December meeting. The examples
19 of competency criteria in the template annex includes
20 experience in the profession for at least two out of
21 five years immediately preceding the date of the
22 application, the completion of continuing education
23 and achieving a passing score in a Board or Commission
24 approved exam. Board members had questions regarding
25 the regulation.

1 Commissioner Johnson commented that the Board had
2 to consider the context in which the legislation was
3 intended. He stated competency was one's ability to
4 do the job at the level of professionalism that the
5 law requires and can be demonstrated by gainful
6 employment but that should not necessarily be the
7 deciding factor in determining whether one was
8 competent.

9 After further discussion Board members agreed that
10 the competency criteria would include the current
11 requirement for Pennsylvania funeral directors of six
12 continuing education credits every two years.
13 Additionally, the Board voted to also use 2 out of the
14 last 5 years of practicing in the profession as the
15 other competency criteria.

16 Mr. Dupree expressed concerns he had regarding
17 possible loopholes in the law with regard to the
18 regulation. There was further discussion regarding
19 the matter.

20 MS. BLACK:

21 Does the Board want to entertain a motion
22 to direct Board Counsel to draft an Annex
23 to include the competency criteria as
24 discussed, which is two of five years and
25 six CE credits within the 24 preceding

1 months?

2 CHAIRMAN HARRIS:

3 I want to move ahead with a motion to
4 approve. Do we have a second?

5 COMMISSIONER JOHNSON:

6 Second.

7 CHAIRMAN HARRIS:

8 We have a motion and a second. All in
9 favor signify by saying aye? Any
10 opposed?

11 [The motion carried unanimously.]

12 ***

13 Report of Commissioner

14 [K. Kalonji Johnson, Commissioner Bureau of
15 Professional and Occupational Affairs, thanked the
16 Board for its flexibility and patience as the
17 transition was made to conduct meetings virtually. He
18 acknowledged members of the Department of State policy
19 team and directors from the two oversight committees
20 who were present on the telephone, as well as staff
21 and the Board Administrator who continue to provide
22 administrative guidance for licensees and applicants.

23 Commissioner Johnson also congratulated the
24 Board's newest members.]

25 ***

1 Report of Board Chairman

2 [William Harris, Professional Member, Chairman,
3 thanked everyone for attending via telephone. He
4 noted the Vice Chair would be conducting the meeting
5 in September.]

6 ***

7 Report of Board Administrator

8 [Heidy Weirich, Board Administrator, thanked both
9 Commissioner Johnson and Chairman Harris for their
10 comments. She noted the staff was working very hard
11 to process applications in a timely manner.]

12 ***

13 Miscellaneous

14 Election of Officers

15 CHAIRMAN HARRIS:

16 I would entertain any motions to appoint
17 a new Secretary for the Board.

18 MS. RODRIGUEZ:

19 I would like to nominate Tom Kukuchka for
20 Secretary.

21 CHAIRMAN HARRIS:

22 Do we have a second?

23 MR. MCCUSKER:

24 I'll second that.

25 CHAIRMAN HARRIS:

1 ***

2 Continuing Education Report

3 CHAIRMAN HARRIS:

4 I would make a motion to approve the
5 applications for continuing education of
6 the Pennsylvania Funeral Directors
7 Association, Lester Venella and Matthews
8 International.

9 MS. RODRIGUEZ:

10 I second.

11 [There was further discussion. Chairman Harris stated
12 the Board had allowed virtual continuing education
13 since the start of the pandemic, and online continuing
14 education had been allowed for some time.

15 No vote was taken on the motion.]

16 ***

17 [Chairman Harris thanked Ernie Heffner of Heffner
18 Funeral Chapel and Crematory for attending the meeting
19 virtually.]

20 ***

21 Miscellaneous

22 Board Meeting Dates

23 2021 Meeting Dates

24 CHAIRMAN HARRIS:

25 I would make a motion to approve the 2021

1 Board meeting dates. Is there a second?

2 MS. RODRIGUEZ:

3 I second.

4 CHAIRMAN HARRIS:

5 There's a motion and a second. All in
6 favor signify by saying aye? Any
7 opposed?

8 [The motion carried unanimously.]

9 ***

10 Adjournment

11 [There being no further business, the State Board of
12 Funeral Directors Meeting concluded at 11:58 a.m.]

13 ***

14

15

16

17

18

19

20

21

22

23

24

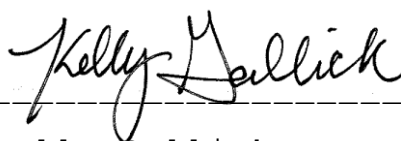
25

26

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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 by supervision, and that the minutes accurately summarize the substance of the State Board of Funeral Directors meeting.



Kelly Gallick,
Minute Clerk
Sargent's Court Reporting
Service, Inc.

STATE BOARD OF FUNERAL DIRECTORS
REFERENCE INDEX
July 29, 2020

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

TIME	AGENDA
9:00	Executive Session
10:30	Return to Open Session
10:42	Meeting called to order
10:42	Pledge of Allegiance
10:43	Roll Call
10:45	Approval of Minutes
10:45	Report Of Prosecutorial Division
10:53	Motions
11:20	Items for Discussion
11:40	Motions (Continued)
11:45	Report of Commissioner
11:48	Report of Board Chairman
11:49	Report of Board Administrator
11:50	Continuing Education Report
11:56	Miscellaneous
11:58	Adjournment