

MINUTES
BOARD OF FUNERAL SERVICE
May 15, 2024
Hybrid Meeting

CONVENED: 9:00 a.m.

ADJOURNED: 10:57 a.m.

Bureau Manager:
Board Secretary:

Tracy Taylor
Katie Corak

Board Members Present:

Rob Larkin, Chairperson
Jeffrey A. Zealley
Roger Hullinger
Amy Cottam
Barbara J. Trites
Alec Anderson
Tom Beard

DOPL Staff Present:

Mike Julian, Investigator
Bernice Palama, Compliance Specialist

Guests:

Cole Houghton
Eric Benson
Nathan Hess
Jordan James Stephenson

TOPICS FOR DISCUSSION

ADMINISTRATIVE BUSINESS:

Approve Minutes:

DECISIONS AND RECOMMENDATIONS

Mr. Hullinger made a motion to approve the minutes from the February 21, 2024 board meeting. Mr. Zealley seconded the motion. The motion passed unanimously.

Compliance Report:

Ms. Palama provided the Board with a compliance report. Item noted with no action taken.

Investigations Report:

DOPL Investigator Mr. Julian provided the Board with an investigations report. Item noted with no action taken.

APPOINTMENTS:

Jordan James Stephenson
Extension of Funeral
Service Intern License:

Mr. Stephenson attended his meeting with the Board. Mr. Stephenson answered questions from the Board regarding why he needs a two-year extension. Because Mr. Stephenson had already scheduled his board exams and is very close to obtaining licensure as a Funeral Service Director, Mr. Beard made a motion to extend Mr. Stephenson's Funeral Service Intern license for one year. Ms. Trites seconded the motion. The motion passed 6-

0 with Mr. Zealley abstaining due to a prior professional association with Mr. Stephenson.

Cole Houghton:
Renewal Review:

Mr. Houghton and his attorney, Eric Benson, met with the Board to review his renewal application for his Funeral Service Director license including pending criminal charges. Mr. Benson provided an overview of the procedural status of the pending case and answered questions from the Board on behalf of Mr. Houghton. After some discussion on how to proceed given that the charges have not been adjudicated yet, Mr. Zealley made a motion to approve Mr. Houghton's renewal on a conditional basis pending adjudication of the criminal charges. Mr. Beard seconded the motion. The motion passed unanimously. Ms. Taylor will monitor the criminal case and conditionally renew the license until the criminal charges are adjudicated.

Nathan Hess:
Reinstatement

Mr. Hess met with the Board to request reinstatement of his Funeral Service Director license. Mr. Hess answered questions from the Board related to his yes answers on the qualifying questionnaire portion of the application and why he wants to return to the Funeral Service profession at this time. Mr. Zealley made a motion to reinstate Mr. Hess's Funeral Service Director license. Ms. Cottam seconded the motion. The motion passed unanimously.

DISCUSSION and ACTION ITEMS:
Review of Executive Boards:

As part of a new legislative mandate, The Division is required to provide a review of all executive boards and committees every even year. Each board and committee will provide feedback the Division and that will be compiled into a report that is sent to the Governor's Office. Today, the Board needs to answer two questions as part of that review. Does this board need any statutory, rule, or other changes to make this board/committee more effective? And should this board continue to exist? The Board all agreed that this board should continue to exist with multiple board members citing a disturbing case from 2023 where a Colorado funeral home was discovered to be improperly storing hundreds of bodies and the State of Colorado's inability to take any action against the funeral home due to the state having little to no regulation over the funeral service industry in Colorado. As for proposed changes, Mr. Hullinger suggested changing the renewal schedule so Funeral Service Directors renewal on their birthdate in even years to alleviate the burden on the Division. Ms. Taylor explained that because the Division

staggers renewal dates across all professions there is no burden on the Division when it comes to processing renewals. Mr. Hullinger also suggested setting up some sort of repository for licensees to report their continuing education rather than having licensees keep their own records and provide them if audited. Mr. Beard suggested it could be something similar to the third-party service the Utah Department of Insurance uses to track continuing education for licensed insurance agents. Mr. Beard also stated it would be useful if the Utah Department of Insurance and the Division could share data regarding continuing education data because if a Funeral Service Director also has an insurance agent license, some of the continuing education can count for both licenses. Ms. Taylor stated that while there are a lot of moving parts to something like this, the Division can definitely look into a third-party reporting system as well as the possibility of sharing continuing education data with the Department of Insurance. It would also require a rule change that requires licensees to use the reporting system and potentially requiring licensees to pay an additional fee for using and maintaining the system. Continuing this discussion, Mr. Zealley recommended that new Funeral Service Establishment applicants undergo an inspection of their equipment and facilities prior to receiving their establishment license. Mr. Zealley stated this inspection is in the interest of public safety. Currently, the Division performs random inspections on establishments after they are licensed. Ms. Taylor is currently in discussion with the Division's investigations team about establishing a random inspection schedule for all establishments, ensuring that each establishment is inspected at least once every two years. Because the Division already has the authority to inspect Funeral Service Establishments, requiring an inspection prior to issuing the initial license would be a procedural change and no rule change would be required. Mr. Hullinger made a motion to have DOPL inspect any new Funeral Service Establishments for compliance with DOPL rules and regulations prior to issuing their establishment license. Mr. Anderson seconded the motion. The motion passed unanimously. Mr. Beard made a motion to require DOPL to inspect every currently licensed Funeral Service Establishment at least once every two years to ensure compliance with DOPL rules and regulations. Mr. Zealley seconded the motion. The motion passed unanimously. The Division's communication's team will send an email to all currently licensed establishments and the Utah Funeral Directors Association (UFDA) announcing the new inspection schedule. Lastly, Mr. Beard raised the possibility of sunseting continuing education requirements for licensed Funeral Service Directors who are older and have been

licensed for a significant amount of time. Mr. Larkin and Mr. Anderson will reach out to the UFDA for their thoughts on this matter and provide more information during the discussion of this topic at the August board meeting.

Legislative Update:

The Board reviewed an update on two pieces of legislation from the most recent legislative session. H.B. 216 which eliminates the minimum time requirement that a Funeral Service Intern have to complete the experience hours and required number of embalmings passed and went into effect on May 01, 2024. S.B. 102 which would have allowed for Natural Organic Reduction in the Funeral Service industry did not pass. Item noted with no action taken.

**Report on the Conference
Annual Meeting:**


Mr. Hullinger provided a report on the Conference of Funeral Service Examining Boards Annual Meeting that took place in February 2024. Overall, Mr. Hullinger found the meeting very informative, especially the regulatory training seminar for first time attendees. Mr. Hullinger reviewed several topics of discussions at the annual meeting that were of interest, including changes to the FTC's funeral rules and pending federal legislation to regulate the donation of bodies to science and research institutions. Currently, when a donation occurs, the body becomes a commodity and there is no regulation in this arena. If passed, the legislation would require registration of the brokers, inspection of the facilities that use the bodies, establish a clear chain of custody for the bodies, require labeling and packaging of body parts, and final disposition of the body. Mr. Hullinger also answered questions from other board members about the meeting and various topics. Item noted with no action taken.

ADJOURN:

Adjourned at 10:57 a.m.

Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.

Date: 08/14/2024

X 
Robert Larkin (Aug 14, 2024 11:00 MDT)

Chairperson, Utah Board of Funeral Service

Date: 08/14/2024

X 

Bureau Manager, Division of
Professional Licensing