

Georgia State Board of Funeral Service Minutes
May 8, 2007

Public Hearing:

A public hearing was held at 9:30 a.m. on May 8, 2007, at the office of the Professional Licensing Boards Division, 237 Coliseum Drive, Macon, GA. The purpose of the public hearing was to provide opportunity to interested parties to present verbal or written comments on the proposed amendments to Rule 250-6-.06. Verbal comments were presented by representatives of the Georgia Funeral Service Practitioners Association (GFSPA), which included Thomas F. Cuffie, attorney for the GFSPA, and Willie Mays. Comments made were favorable to the adoption of the proposed rule amendment.

After hearing all comments, the hearing was closed at 9:55 a.m., and the scheduled Board meeting was convened.

A meeting of The Georgia State Board of Funeral Service was held on May 8, 2007 at 237 Coliseum Drive, Macon, Georgia. Draper Watson, Chairman, called the meeting to order at 10:00 a.m.

A quorum was established with members present being: Draper Watson, Chairman, David Roach, Thelon Hamby, Linda Ware, Nancy Kennedy, Lauren McDonald, and Terri Daviston.

Others present were as follows: Steve Lindsey, Executive Director, JoAnn Lyde, Application Specialist, Reagan Dean, Assistant Attorney General, John Massey, Inspector, Maria Stephenson, Investigative Assistant, and Laurie Elander, Board Secretary.

Approval of Minutes:

Mr. Daviston moved, Mr. McDonald seconded, and the Board approved the minutes of the April 10, 2007 meeting.

Proposed Rule Amendment:

Mr. Hamby moved, Mr. Roach seconded, and the Board voted that the formulation and adoption of this proposed rule amendment does not impose excessive regulatory costs on any licensee or entity and that any cost to comply with the proposed rule amendment cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. §§ 43-1-19, 43-1-24, 43-1-25, 43-18-2, 43-18-23, 43-18-46, 43-18-70, 43-18-71, 43-18-75, 43-18-76.

Mr. Hamby moved, Mr. Roach seconded, and the Board voted that it is not legal or feasible in meeting the objectives of O.C.G.A. §§ 43-1-19, 43-1-24, 43-1-25, 43-18-2, 43-18-23, 43-18-46, 43-18-70, 43-18-71, 43-18-75, 43-18-76 to adopt or implement differing actions for businesses as listed at O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D), and that the formulation and adoption of this proposed rule amendment will impact every licensee in the same manner when small businesses are independently owned and operated and not dominant in the field of funeral service.

Mr. Hamby moved, Mr. Roach seconded, and the Board voted to adopt the proposed amendment to Board Rule 250-6-.06:

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250-6-.06 Funeral Establishment Inspections; Fines.

(1) A representative of the Board shall regularly inspect establishments between the hours of 9:00 A.M. and 4:30 P.M., Monday through Friday, with the exception of State government-mandated holidays. Although the funeral director in full and continuous charge need not be present for the inspections, the establishment must be available during these hours for inspection. Upon finding a funeral establishment unavailable during an inspection attempt, the Board representative shall contact the establishment at the telephone number of record with the Board, or an alternative telephone number conspicuously posted at the establishment. If the establishment is not made available for an inspection by an establishment employee within sixty minutes of the telephone contact, or if telephone contact is unsuccessful, the Board representative shall issue a written warning notifying that an inspection attempt was made. Any funeral establishment not inspected during a calendar year may have the establishment license suspended, revoked, or put on probation, or fines may be imposed by the Board.

(2) Any violation under this section shall be deemed a violation of minimum standards and threat to the health, safety, and welfare of the public. A funeral establishment licensed by the Board shall be required to pay a fine to the Board for each violation of this section. At the time of inspection, a citation shall be issued by an inspector or representative of the Board which shall list each violation. Following the issuance of the citation, the licensee shall either remit the amount of the fine to the Board or submit a written request for an appearance before the Board. A request for an appearance before the Board must be received by the Board within thirty (30) days after issuance of the citation. Failure to either pay the fine or request an appearance before the Board within (30) days from the issuance of the citation shall cause further disciplinary proceedings to be instituted against the licensee. The requirements for inspections and the fines for violations under this section are as follows:

(a) All outside openings must be screened where left open for ventilation. The fine for a violation of this subsection shall be \$50.00.

(b) All embalming rooms shall be equipped with the following:

1. hot and cold running water; the fine for a violation under this subsection shall be \$200.00.

2. non-absorbent sanitary floor and walls; the fine for a violation under this subsection shall be \$200.00.

3. permanently installed ventilation; the fine for a violation under this subsection shall be \$200.00.

4. a non-absorbent preparation table; the fine for a violation of this subsection shall be \$200.00.

5. a sink with drain opening and non porous sanitary cover into a sewerage or septic tank; the fine for a violation under this subsection shall be \$200.00.

(c) In addition each embalming room shall be equipped with a separate sink for disinfecting of hands and instruments. The fine for a violation under this subsection shall be \$50.00.

(d) Each embalming room, including all instruments and tables, shall be kept in a sanitary and clean condition at all times. The fine for a violation of this subsection shall be \$200.00.

(e) Each embalming room shall contain instruments and supplies for the separation and embalming of dead bodies. Instruments and equipment must consist of the following:

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1. at least one scalpel; the fine for a violation of this subsection shall be \$50.00.
 2. at least two aneurysm needles; the fine for a violation of this subsection shall be \$50.00.
 3. at least two canulas; the fine for a violation of this subsection shall be \$50.00.
 4. embalming machine, or gravity bottle or bulb or hand pump; the fine for a violation of this subsection shall be \$50.00.
 5. 24 bottles arterial fluid and 24 bottles cavity fluid; the fine for a violation of this subsection shall be \$50.00.
 6. suture; the fine for a violation of this subsection shall be \$50.00.
 7. 1 suture needle; the fine for a violation of this subsection shall be \$50.00.
 8. trocar; the fine for a violation of this subsection shall be \$50.00.
 9. hydro aspirator or electric aspirator; the fine for a violation of this subsection shall be \$50.00.
 10. a permanently installed back flow preventer for the hydro aspirator; the fine for a violation of this subsection shall be \$50.00.
- (f) The embalming room of an establishment shall be used only for the purpose of embalming of dead human bodies. The fine for a violation of this subsection shall be \$200.00.
- (g) An establishment must maintain on the premises a display room containing a minimum of 8 adult caskets. The fine for a violation under this subsection shall be \$100.00 per casket short of the minimum.
- (h) Seating for at least 30 persons shall be maintained in the room where funeral services are conducted in the establishment. The fine for a violation under this subsection shall be \$100.00.
- (i) One operable motor hearse and/or combination hearse/ambulance with current Georgia registration for the transportation of casketed human remains which must be maintained at each establishment. The fine for a violation under this subsection shall be \$100.00.
- (j) One church truck. The fine for a violation of this subsection shall be \$50.00.
- (k) A funeral establishment shall not be located in the same facility as public cafes, restaurants or any place where food is prepared and sold for public consumption. The fine for a violation of this subsection shall be \$500.00.
- (l) A funeral establishment whose funeral director resides in the funeral establishment in order to satisfy the requirements of funeral director in full and continuous charge must include in his or her living quarters furnished sleeping quarters, cooking, refrigerating, and bathing facilities. The fine for a violation of this subsection shall be \$200.00.
- (m) An establishment must have at least one sanitary rest room facility. The fine for a violation of this subsection shall be \$200.00.
- (n) A new establishment must submit proof of having met zoning requirements and public health standards of its local municipalities.
- (o) An establishment must be maintained in a state of clean, sound, safe, and acceptable repair and condition at all times.
- (p) A funeral home shall have a card or brochure in each casket stating the price of the casket. When the client has decided on the type of service desired, the funeral director must provide, at the time such arrangements are completed and prior to the time of rendering the service or providing the merchandise, a written statement that has been signed and certified by a licensed funeral director showing:

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1. The price of the service that the person or persons has selected and what is included therein;
 2. the price of each of the supplemental items of service and merchandise requested;
 3. the amount involved for each of the items for which the funeral home will advance monies as an accommodation to the family.
- (i) The fine for failure to comply fully with the requirements of this subsection shall be \$200.00.
- (q) A current biennial renewal license for the establishment, embalmer, funeral director and any apprentices must be conspicuously displayed.
- (r) For purposes of identification of the body or remains of a deceased person for tagging purposes as required by OCGA 43-18-8, tags and/or labels must be attached to the deceased human body in the funeral establishment at the time the body is dressed and/or placed in the casket &/or shipping container, or prior to leaving the funeral establishment to go to the crematory. The fine for failure to comply fully with the requirements of this subsection shall be \$100 per occurrence.

Wanda Jackson of the Exam Development & Testing Unit provided the Board with the yearly report of the Board's Laws & Rules Examination.

Update on legislation: Draper Watson presented information to the Board regarding House Bill 90. House Bill 90 was amended to include the Board's proposed bill to allow licensure by endorsement. The bill is awaiting the Governor's signature. Board representation was requested for the signing. Representative Chuck Sims also sponsored a bill which established a study committee to recommend changes to the Board's law. Mr. Hamby suggested Mrs. Kennedy be on the committee to represent the Board.

Executive Session:

Mr. Hamby moved to enter into Executive Session to deliberate on applications, complaints, and investigations, as authorized by OCGA §§ 43-1-2 (k) and 43-1-19 (h). Mr. Roach seconded the motion. The motion was carried by Ms. Ware, Mr. McDonald, Mrs. Kennedy, Mr. Daviston, and Mr. Watson. The Board concluded Executive Session in order to vote on the matters discussed and to continue with the public session.

Mr. Roach moved, Mrs. Kennedy seconded, and the Board approved the funeral establishment and crematory licenses for Robertson's Heritage Chapel, LLC, with Marvin Randolph Robertson as FDFCC. Mr. Hamby recused himself from discussion and abstained from the vote. Poteet Funeral Home was unable to attend the meeting as scheduled.

The Board voted to table the appeal for LMK.

Mr. Hamby moved, Mrs. Ware seconded, and the Board approved the funeral establishment for Fischer Funeral Care, LLC. Mr. McDonald recused himself from discussion and abstained from the vote.

Mr. Daviston moved, Mr. McDonald seconded, and the Board voted to deny the appeal request for Algin Merritt.

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Mr. Roach moved, Mr. McDonald seconded, and the Board approved James Jenkins as FDFCC of Williams & Williams Funeral Home of Savannah, GA.

Mr. Hamby moved, Mrs. Ware seconded, and the Board voted to approve Eric V. Glover as FDFCC of Southview Mortuary Inc. of Adel, GA.

Mr. Hamby moved, Mrs. Kennedy seconded, and the Board Voted to approve the change of name of the following funeral establishments:

Goddard Funeral Home
New name: Goddard-McLeighton Funeral Home
Reynolds, GA

Goddard Funeral Home
New name: Goddard-McLeighton Funeral Home
Roberta, GA

Edwards Funeral Home
New name: Edwards-McLeighton Funeral Home
Butler, GA

Morrison Funeral Home
New name: Flanders Morrison Funeral Home, Inc.
Pembroke, GA

J. Collins Funeral Home
New name: J. Collins Funeral Home & Cremation Service
Villa Rica, GA

Applications:

Mr. McDonald moved, Ms. Ware seconded, and the Board voted to ratify the licenses issued since the April 10, 2007 meeting for funeral directors, embalmers, and apprentices. Applications issued and ratified by the Board were:

License	Name	License Type
EMB004511	Baker, Karen Beth	Embalmer
EMB004512	Chapman, James Kelly	Embalmer
EMB004513	Phillips, Donald Monroe, Jr.	Embalmer
EMB004514	Moore, James William	Embalmer
EMB004515	Rumph, Michael Allen	Embalmer
EMB004516	Murray-McCray, Zenia Aliandro	Embalmer
EMB004517	Cooley, Eric Lavon	Embalmer
FD004922	Baker, Karen Beth	Funeral Director
FD004923	Chapman, James Kelly	Funeral Director
FD004924	Phillips, Donald Monroe, Jr.	Funeral Director
FD004925	Moore, James William	Funeral Director

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FD004926	Rumph, Michael Allen	Funeral Director
FD004927	Murray-McCray, Zenia Aliandro	Funeral Director
FD004928	Cooley, Eric Lavon	Funeral Director
FSA004753	Taylor, James Dexter	Funeral Service Apprentice
FSA004754	Scales, Dreeleon Bernard	Funeral Service Apprentice
FSA004755	Foster, Johnny Jobo	Funeral Service Apprentice
FSA004756	Tatum, Kennon Trent	Funeral Service Apprentice
FSA004757	Bradley, James Michael	Funeral Service Apprentice
FSA004758	Howard, LaShonda Trinette	Funeral Service Apprentice
FSA004759	Burrell, Kameron Mills	Funeral Service Apprentice
FSA004760	Berry, James Ryan	Funeral Service Apprentice
FSA004761	Ridley, Ralph Edgebert, III	Funeral Service Apprentice
FSA004762	Waldrip, Dustin Blake	Funeral Service Apprentice

Mr. Roach moved, Mrs. Kennedy seconded, and the Board approved the application for reinstatement of apprentice license for Michael Wayne Caldwell.

Mr. Daviston moved, Mr. Roach seconded, and the Board denied the application for Funeral Director and Embalmer licenses for Robert Franklin. Mr. Hamby recused himself from discussion and abstained from the vote.

Mr. Hamby moved, Mrs. Kennedy seconded, and the Board denied the application for Funeral Apprentice license for Gregory Herl.

Mr. Daviston moved, Mr. McDonald seconded, and the Board denied the application for Funeral Director and Embalmer licenses for Lisa High.

The Board tabled decision for the application Funeral Director and Embalmer license for LK.

The Board tabled decision for the application Funeral Director and Embalmer license for TK.

Mrs. Ware moved, Mr. Daviston seconded, and the Board denied the application for Funeral Director and Embalmer licenses for Joshua Chad Pendley. Mr. Roach recused himself from discussion and abstained from the vote.

Mr. Hamby moved, Mrs. Ware seconded, and the Board denied the reinstatement for Funeral Director and Embalmer licenses for Bryan Melton.

Mr. McDonald moved, Mrs. Ware seconded, and the Board denied the application for Funeral Apprentice license for Kerey Weatherspoon.

Attorney General Report:

FUN030017: Mr. Hamby moved, Mr. McDonald seconded, and the Board voted to close the case.

FUN040047: Mr. Hamby moved, Mr. Daviston seconded, and the Board voted to close the case.

Ms. Ware moved and Mr. McDonald seconded to accept a Consent Order for Registration as a Funeral Service Apprentice for Kisha Nevada Germany. The motion failed, with Ms. Ware voting in favor of the motion, and Mr. Watson, Mr. Roach, Mr. Daviston, Mr. McDonald, Mr. Hamby, Mrs. Kennedy voting against the motion.

Mr. Hamby moved, Mrs. Ware seconded, and the Board voted to accept the Consent Order from Frederick Stafford.

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Mr. Hamby moved, Mr. McDonald seconded, and the Board voted to accept the Consent Order from Nathaniel Payne upon receipt of the original signed Consent Order.

FUN050018 & FUN040079: Mrs. Kennedy moved, Mr. McDonald seconded, and the Board voted to close the cases.

Investigation Reports:

FUN060156: Mr. Hamby moved, Mrs. Kennedy seconded, and the Board voted to close the case.

FUN070022: Mr. McDonald moved, Mr. Hamby seconded, and the Board voted to accept the Cease and Desist Order and refer to the Attorney General's Office for monitoring.

FUN070041: Mr. Hamby moved, Mrs. Ware seconded, and the Board voted to table decision pending receipt of the outcome of the criminal investigation.

FUN070052: Mr. Hamby moved, Mr. Daviston seconded, and the Board voted to close the case.

FUN070053: Mr. Hamby moved, Mr. Daviston seconded, and the Board voted to close the case.

FUN070056: Mr. Hamby moved, Mr. Daviston seconded, and the Board voted to close the case.

FUN070060: Mr. Hamby moved, Mr. McDonald seconded, and the Board voted to refer the case to Attorney General's Office for revocation of establishment license and FDFCC's license.

FUN070061: Mr. McDonald moved, Mrs. Ware seconded, and the Board voted to refer the case to the Attorney General's Office to join other cases already with the Attorney General's Office for revocation of funeral director and embalmer licenses of respondent, and to refer the case to the Coroner's Office, and to the GBI for investigation of cemetery.

Inspector report:

FUN070054: Mr. Hamby moved, Mr. McDonald seconded, and the Board voted to refer the case to the Attorney General's Office for advice on disciplinary actions available to the board.

Complaints:

FUN050014: Mr. Hamby moved, Mrs. Kennedy seconded, and the Board voted to close with no action.

FUN070058: Mr. Roach moved, Mrs. Kennedy seconded, and the Board voted to close with letter of concern to the respondent and to the assisting funeral home's FDFCC.

FUN070059: Mr. Hamby moved, Mr. McDonald seconded, and the Board voted to refer to inspections.

FUN070065: Mr. Hamby moved, Mr. McDonald seconded, and the Board voted to refer to inspections.

FUN070066: Mr. Hamby moved, Mr. McDonald seconded, and the Board voted to refer to Investigations and forward to the coroner and GBI.

FUN070063: Ms. Ware moved, Mr. McDonald seconded, and the Board voted to refer the case to the Attorney General's Office to draft a consent order.

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Continuing Education:

Mr. Daviston moved, Mr. Roach seconded, and the Board voted as follows on the following continuing education courses presented:

Provider	Course Name	Hours Requested	
Funeral Review.Com, LLC	What Matters Most	6 hrs	Tabled
International Cemetery and Funeral Association	ICCFA University, College of Sales & Marketing	24.5 hrs	Denied
International Cemetery and Funeral Association	ICCFA University, College of Land Management & Grounds Operations	24.5 hrs	Denied
International Cemetery and Funeral Association	ICCFA University, College of Funeral Home Management	24.5 hrs	Approved
International Cemetery and Funeral Association	ICCFA University, College of Administration & Management	24.5 hrs	Denied
International Cemetery and Funeral Association	ICCFA University, College of Cremation Services	24.5 hrs	Approved
Georgia Funeral Directors Association	1.) The State of Funeral Profession in America 2.) Legislative Interaction for the Funeral Profession in Georgia	4 hrs	Approved
Georgia Funeral Directors Association	1.) Garden Planting Time(Work in the Vineyard) 2.) "This is a Funeral Home"	4 hrs	Approved
Georgia Funeral Directors Association	1.) Explanation of Organ and Tissue Donation (Process) 2.) How LifeLink is improving their communication and follow up to funeral directors so that the funeral directors can better serve their families. 3.) Update on laws that affect hospitals, funeral homes and organ/tissue procurement agencies	4 hrs	Approved

Other Business:

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The Board reviewed written notices of changes of ownership for the following Funeral Homes:

Frazier and Son Funeral Home, Rochelle, GA
Jennings Funeral Home-Heritage Chapel, Rome, GA
Parnick Jenning Funeral Home, Cartersville, GA
Jennings Funeral Home-Oaknoll Chapel, Rome, GA
Shepard Funeral Home, Folkston, GA
Harrell-Faircloth Funeral Home, Moultrie, GA
Morrison Funeral Home, Pembroke, GA
Lowe's Funeral Home, Helena, GA

Mr. McDonald moved, Mr. Hamby seconded, and the Board voted to accept the Order Accepting Fine Money for Myers Funeral Home in Woodbine, GA.

Mr. McDonald moved, Mr. Hamby seconded, and the Board voted to accept the Order Accepting Fine Money for Southeast Funeral Service in College Park, GA.

Mr. McDonald moved, Mr. Hamby seconded, and the Board voted to accept the Order Accepting Fine Money for West Georgia Mortuary in LaGrange, GA.

Mr. McDonald moved, Mr. Hamby seconded, and the Board voted to accept the Order Accepting Fine Money for Terry's Funeral Home in Sylvester, GA.

There being no further business, the meeting adjourned at 5:50 p.m.

Minutes were approved at the June 12, 2007 meeting