

GEORGIA BOARD OF FUNERAL SERVICE
Board Meeting Minutes – October 4, 2022
Professional Licensing Boards Division of the Secretary of State
237 Coliseum Drive, Macon, Georgia 31217

Members Present:

- Bryant Hightower, President
- Joe Westbury
- Tommy Davis
- W.T. Edmondson *

Members Absent:

- Jake Futch, Vice President
- Felicia Wimberly
- Nancy Kennedy

Others Present:

- Brad Coman, Executive Director
- Melanie Foster, Licensing Supervisor
- Kristin Mitchell, Board Support Specialist
- Karen Coates, Licensing Analyst
- Tommy McNulty, Assistant Attorney General *
- Alison Spencer, Senior Assistant Attorney General *

* *via teleconference*

Note: Visitors are excused during Executive Session unless scheduled for a personal appearance.

Bryant Hightower, President noted that a quorum was present, called the meeting to order at 10:11 a.m., and declared the meeting to be “open” pursuant to the Open and Public Meeting Act, O.C.G.A. §§50-14-1 et seq.

OPEN SESSION

Agenda

Joe Westbury moved, Tommy Davis seconded, and the Board voted to approve the October 4, 2022 agenda.

Minutes

Joe Westbury moved, Tommy Davis seconded, and the Board voted to approve the September 13, 2022 Open Session minutes and Executive Session minutes.

Ratification List

Licenses Issued 9/9/2022 through 9/28/2022 (Total – 18): Joe Westbury moved, Tommy Davis seconded, and the Board voted to ratify the licenses issued between meetings by application and reinstatement in accordance with Board Rules and Policies.

License #	Licensee	License #	Licensee
EMB005397	Tripp Austin Hardee	FSA006926	Lisa Alva Bynes Reid
EMB005398	DeLeon Tatiana Mosely	FSA006927	Terence Maurice Jackson
EMB005399	Johanna Lynn Locke	FSA006928	Joshua Lee Merck
FD005798	Tripp Austin Hardee	FSA006929	Katherine Louise Hill
FD005799	DeLeon Tatiana Mosely	FSA006930	Stephanie Mychal Land
FD005800	Johanna Lynn Locke	FSA006931	Stacy Ann Burnsed
FSA006923	Dwayne Phillip Southerland	FSA006932	Patricia Carina Torres
FSA006924	Samuel Lamar Hill	FSA006933	Elliott Justin Wallace
FSA006925	Alec Spencer Greimel	FSA006934	Jason Wesley Owens

Rules Hearing

Bryant Hightower called the rule adoption hearing to order at 10:17 a.m. and noted that the hearing was being recorded. Executive Director, Brad Coman noted that there were no visitors to offer comments but noted that the Board did receive written comments regarding the proposed rules, which the Board members were provided for review prior to the hearing.

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The Board received written comment from Ted Bearden of Bearden Funeral Home with concerns about staff's potential difficulty in obtaining continuing education hours under this amendment due to workload. The Board also received written comment from Wendy Eidson with Phoenix Funeral Services, Inc. regarding the quality of continuing education courses and asking that the Board consider a better vetting process for continuing education courses.

The Board discussed these comments and noted that while they are sensitive to the staffing issues that many facilities in this and other industries have experienced recently, this proposed rule amendment does not change the hourly requirement, but simply requires that half of the required continuing education hours be completed via live webinar or in-person, and it specifies the practice related subject areas that continuing education may be obtained in to ensure the relevance of the material. These changes were requested by state associations and other stakeholders in the industry to ensure the competency of licensed funeral directors and embalmers.

BOARD RULE CHAPTER 250-5 PERSONAL LICENSURE

The Board believes it is necessary to amend Rule 250-5-.12 to clarify the subject areas for continuing education to be completed to maintain a license and to add the requirement that half of the required continuing education be completed in-person or via live webinar. The Board believes that this amendment is necessary to ensure competent practitioners that are current with the latest developments, skills, and technologies required in the field. The Board has considered multiple variations of this rule amendment and has determined this to be the most succinct wording while adhering to requirements in the statute.

Joe Westbury moved that the formulation and adoption of these rules does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rules cannot be reduced by a less expensive alternative that fully accomplishes the objectives of the applicable laws as required by O.C.G.A. § 50-13-4. Tommy Davis seconded the motion and it carried unanimously.

Joe Westbury moved to adopt Rule 250-5-.12. W.T. Edmondson seconded the motion and it carried unanimously.

CHAPTER 250-5 PERSONAL LICENSURE

Rule 250-5-.12 Continuing Education Requirements; Provider Approval

(1) Ten (10) hours of continuing education are required biennially (every two (2) years) to renew an embalmer or funeral director license. At the time of renewal, each licensee shall submit an Application for License Renewal and a report in writing, under oath, noting the number of hours of continuing education completed during the two (2) years preceding the renewal. At least five (5) hours of the total ten (10) hours required must be obtained in-person or via live webinar that is instructor led with student interaction, where student participation is monitored and verified.

(a) Continuing education shall be in any or all of the following subject areas:

1. FTC Funeral Rule Compliance
 2. Embalming and Restorative Arts
 3. Leadership and Development
 4. Crematory/Alkaline Hydrolysis
 5. OSHA Requirements
 6. Advertising/Social Media/Technology
 7. Funeral Directing/Aftercare
- (2) All licensees must obtain ten (10) hours whether they hold one or two licenses.
- (3) Funeral directors or embalmers who are licensed by the Board within the second year of the renewal cycle (after April 1 of the odd numbered year) will not be required to submit continuing education hours for their first license renewal.

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- (4) Hardship, Disability and Age Requirement. The continuing education requirement shall be waived for persons who hold an Inactive Status license or for licensed individuals age 65 or older; and
- (a) The Board may waive the continuing education requirement in cases of hardship, disability, illness, or under such circumstances as the Board deems appropriate. The waiver must be requested in writing to the Board and must be accompanied by acceptable documentation.
- (5) The Board shall be authorized to approve courses offered by educational institutions, specialty societies, professional or other organizations, or government agencies upon submission of an application and non-refundable fee. For the purpose of this rule, 'government agencies' means federal, state or local government agencies, public school systems and licensed hospitals.
- (6) The Board may, in its discretion, accept continuing education hours that are approved in another state. The Board may require the licensee to submit information concerning the course(s), and proof of successful completion.
- (7) Board Approved Providers. Continuing education hours may be obtained by participating in activities sponsored by Board-Approved Providers. Board-Approved Providers shall offer programs only in the topic areas for which they have been approved. The provider shall certify the number of clock hours of educational content in each continuing education activity.
- (a) To qualify for initial approval, to renew approval or to qualify for approval in additional topic areas, a provider must submit to the Board:
1. a Funeral Service Board-Approved Continuing Education Provider Application and non-refundable fee (See fee schedule); and
 2. a description of the topic areas in which the provider plans to sponsor continuing education activities; and
 3. the names of all instructors currently offering continuing education activities, a description of the topic areas in which the instructor is qualified to teach along with a resume or other evidence demonstrating that each instructor is qualified in the identified topic area; and
 4. program outlines, including instructors, objectives, schedules and instructional material.
- (b) Board-Approved Provider status shall expire March 31 of even numbered years. The Provider must submit a new application and non-refundable application fee for the next renewal cycle. The Board retains the right to monitor continuing education programs sponsored by Board-Approved Providers and will withdraw approval from providers who do not maintain Board standard.
- (8) Board Approved Instructors. Continuing Education Instructors must meet minimum qualifications for instructor certification.
- (a) In order to qualify for initial Board approval or to renew Board approval, a provider must submit the following to the Board:
1. a Funeral Service Board Approved Instructor Application and non-refundable fee (see fee schedule); and
 2. a description of the topic areas in which the instructor is qualified to teach along with a resume or other evidence demonstrating that each instructor is qualified in the identified topic area; and
 3. evidence of a minimum of five (5) years supervisory experience in the Funeral Service Profession; or
 4. evidence of any other experience or education which may qualify applicant for certification upon the discretion of the Board.
- (b) Board-approved instructor status shall expire March 31 of even-numbered years. The instructor must submit a new application and non-refundable fee for the next renewal cycle.
- (9) Reporting and Documentation. Each licensee shall maintain documentation of their continuing education activities.
- (a) Each licensee shall attest, on the biennial license renewal application, that the licensee has satisfied the continuing education requirements. Documentation of these activities shall be retained for three (3) years by the licensee and shall be provided to the Board only upon the Board's request. False attestation of satisfaction of the continuing education requirements on a renewal application may subject the licensee to disciplinary action, including license revocation; and

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- (b) The Board will audit a fixed percentage of the renewal applications. Licensees whose applications are audited will be required to provide documentation of having met the continuing education requirements; and
- (c) An audited licensee who fails to provide the Board with acceptable documentation of the hours attested to in the renewal application shall not have their license renewed. In the event the person seeks a new license, the Board may in its discretion review and take into consideration all files, including investigative files and/or reports, related to the person and/or establishment.

Authority: O.C.G.A. §§ 43-1-25, 43-18-23, 43-18-43, 43-18-55, and 43-18-56.

The rules adoption hearing was adjourned at 10:23 a.m.

EXECUTIVE SESSION

Joe Westbury moved, Tommy Davis seconded, and the Board voted to enter Executive Session at 10:25 a.m. in accordance with O.C.G.A. §§ 43-1-19(h) and 43-18, for the purpose of conducting applicant interviews, discussing and reviewing applications and complaints, and to hear the Attorney General's report.

At the conclusion of Executive Session, Bryant Hightower, President, declared the meeting to be "open" pursuant to the Open and Public Meeting Act, O.C.G.A. §§ 50-14-1 et seq., at 1:04 p.m. No votes were taken during Executive Session.

OPEN SESSION

Joe Westbury moved, Tommy Davis seconded, and the motion was carried by the Board to ratify the following recommendations made during the Executive Session:

Appointments

Appearance # 3041388 – Neptune Management Corp. dba Neptune Society – Change of Location with Gregory Martin continuing as FDFCC – Approved.

Appearance # 3045679 – Whitfield Funeral Home North Chapel – Change of FDFCC from Roy Kelley to John Whitfield - Approved.

Appearance # 3046632 – Towns Funeral Home Inc. – Change of FDFCC from Janice Towns to Lisa Hardy – Approved.

Appearance # 3046653 – Wainwright and Parlor Funeral Home – Change of FDFCC from Larry Parlor to Janice Towns – Approved.

Applications

Application # 3044537 / 3044542 – Bruce Anthony Johnson, Jr. – Embalmer and Funeral Director by Endorsement / Reciprocity – Approved by Endorsement.

Application # 3031133 / 3031136 – Sylvain Funeral Home and Cremation Services – Change of name for Funeral Establishment from Sylvain Funeral Home to Sylvain Funeral Home and Cremation Services – Approved. Sylvain Funeral Home and Cremation Services – New Establishment – Approve pending receipt of crematory operator certification from a course approved by the Board within 60 days.

Application # 3043277 / 3043281 – H.N.J. – Embalmer and Funeral Director by Endorsement / Reciprocity – Deny – Does not qualify for endorsement and is not eligible for reciprocity.

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Application # 3043817 / 3043820 – Caleb Aaron Roberts – Embalmer and Funeral Director by Endorsement / Reciprocity – Approve by Endorsement.

Complaints

FUN220161 – Table – For additional information from complainant.

FUN220017 – Close – With a Letter of Concern to FDFCC and owner regarding failure to fulfill the terms of the funeral service contract.

FUN220033 – Table – Refer to Investigations to obtain additional information.

FUN230032 – Table – For additional information from complainant. Once information is received schedule cognizant interview.

FUN230018 – Table – Refer to Inspections to obtain a statement and additional information from respondent.

Attorney General’s Report

The Board reviewed and accepted the Attorney General’s report, which included information on any cases referred for action and requests for advice. The Board made the recommendation to release the Attorney General’s Memorandum of Authority for Amendments to Rule 250-5-.12.

The Board reviewed the Memorandum of Authority for Amendments to Rule 250-6-.08 and made the recommendation to release the Memorandum of Authority and post the amendments.

OTHER BUSINESS

Docketed Orders – Joe Westbury moved, Tommy Davis seconded, and the Board voted to accept the docketed orders as presented:

Type	Licensee	License #	Docket #	City
Consent Order	Daughtry Benjamin Melton, III	FD0039007	2022-1459	Tifton
Consent Order	Tara Garden Chapel	FEST001776	2022-1458	Jonesboro

Correspondence

The Board received correspondence from an attorney regarding the procedure to close a Funeral Establishment or Crematory in Georgia. The Board noted that the Board, nor their staff, can provide business or legal advice or interpret laws or rules for someone, but noted that there are a number of laws and rules that apply to inspections generally, and it is the Board’s policy to require closing inspections of licensed facilities that are planning to close or have closed to ensure the health and safety of the public. The Board encouraged the questioner to review the Board’s laws and rules in their entirety, which can be found on the Board’s website. With respect to the disposition of outstanding preneed contracts for licensed facilities that are planning to close or have closed, the Board noted that pursuant to O.C.G.A. § 10-14-3.1 the Secretary of State has sole authority over matters relating to the regulation of funds, trust funds, and escrow accounts and accounting and investigations concerning such matters.

Executive Director’s Report

The Board reviewed the Executive Director’s report, which provided the Board with statistical data relevant to the processing of applications and complaints/compliance matters.

There being no further business, Bryant Hightower, President, declared the meeting adjourned at 1:10 p.m.

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The next meeting of the Georgia Board of Funeral Service will be held Tuesday, November 8, 2022, at 10:00 a.m. at 237 Coliseum Drive, Macon, Georgia.

Minutes recorded by: Kristin Mitchell, Board Support Specialist
Minutes reviewed and edited by: Brad Coman, Executive Director
Minutes approved on: November 8, 2022.


Bryant Hightower, President


Brad Coman, Executive Director