

WV Board of Funeral Service Examiners
Board Meeting
179 Summers Street, Suite 319
Charleston, WV 25301

September 26, 2023
11:00 a.m.

Members, Staff & Attorney Present: Eugene Fahey, President, Robert Fields, Secretary, Rich Bishoff, Fred Kitchen, Bryan Nichols, Linda Lyter, Executive Director, Grady Bowyer, Office Manager and Adriana Marshall, Attorney

Members Absent: Ronald Waybright

Guests Present: Rob Kimes, Jacob Riley, James "Ritchie Holliday, Randy Parsons and Bret Rust.
Via Zoom: Diana Harrison & Matt Morris

Call meeting to order at 11:01 by president of the board - Quorum established. Introduction of guests attending.

A motion is made by Fred Kitchen to approve the amended meeting minutes for July 25, 2023 to remove inspector due to listed twice in the minutes. Seconded by Rich Bishoff. Motion approved. Work Session minutes for August 24, 2023 to be approved at next meeting.

Complaints review: Motion is made by Rich Bishoff to go into executive session. Seconded by Robert Fields. Motion approved.

Discussion of complaints # 2023-08, Gene Fahey recuses himself and leaves the room and returns to meeting upon end of discussion.

2023-11 Bryan Nichols recuses himself and leaves the room and returns upon end of discussion.

#2024-00 with recommendation to close this complaint. Also, recommended to open new board-initiated complaints.

A motion is made by Rich Bishoff to come out of executive session. Seconded by Fred Kitchen. Motion approved.

A motion is made by Fred Kitchen to approve the previously agreed upon consent decree. Gene Fahey abstains. Seconded by Bryan Nichols. Motion approved.

A motion is made by Fred Kitchen to amend terms of consent decree for complaint # 2023-11 to now include a \$500.00 fine and six-months' probation. Seconded by Robert Fields. Motion approved.

A motion is made by Fred Kitchen to close complaint # 2024-00 due to now being in compliance. Seconded by Bryan Nichols. This was a board-initiated complaint voted on at the July 25, 2023 meeting for non-renewal of facility license. Motion approved. Gene Fahey abstains.

A motion is made by Fred Kitchen to initiate complaint # 2024-01 for non-renewal of license while continuing to practice. Seconded by Bryan Nichols. Motion approved.

A motion is made by Bryan Nichols to initiate complaint # 2024-02 for non-renewal of license while continuing to practice. Seconded by Robert Fields. Motion approved.

A motion is made by Fred Kitchen to initiate complaint # 2024-03 for non-compliance of continuing education requirements for license renewal. Seconded by Fred Kitchen. Motion approved.

Complaint # 2024-04 send new complaint to licensee for response.

Pre-need and cremated remains item moved up on agenda to discuss Pre-need contracts with staff from Attorney General's Office, Diana Harrison and Matt Morris. Discussion and questions relating to pre-need agreements and right of disposition. Attorney will work with Diana and Matt on written declaration in relation to right of disposition.

Items of Interests moved up on the agenda in relation to back log of death certificates and office of the state medical examiner. Rob Kimes to present on this matter at the October legislative interim committee meeting.

Lyter presented finance report to the board for July and August. Motion made by Fred Kitchen to approve the finance report. Seconded by Robert Fields. Motion approved.

Lyter & Bowyer presented P-card report for July and August. Motion made by Rich Bishoff to approve the P-card report, Seconded by Robert Fields. Motion approved.

Lyter executive director report: provided information for the next annual Conference meeting to be held in Myrtle Beach end of February 2024 and the annual licensing board training on November 2, 2023. Bowyer and Lyter to attend.

Bowyer office manager report: provided information on CE audit that was conducted. Also, provided update on website, consistency with fine amounts in regards to consent agreements and matter relating to preceptor for apprenticeships. The board would like preceptor to attend next meeting to address this matter.

Discussion on cremated remains. Check the surrounding states; OH, VA and also NY and review for rules changes.

Apprenticeship supervision discussion. This matter to be voted on at next board meeting. Also, discussed apprenticeship requirements equivalent to a bachelors' degree.

Items of Interest/Board Member Concerns: Bret Rust, guest had questions relating to opening a crematory possibly in November and will be working with funeral homes for cremations. Board provided information on Crematory Operator training.

Bowyer provided information on dates and deadlines for 2024 for code updates, rules changes and emergency rules. Vote on emergency rules at next board meeting

Licenses signed by board members.

Next regular scheduled meeting to be held on November 9, 2023 at 11:00 a.m.

Motion made by Rich Bishoff to adjourn meeting. Seconded by Robert Fields. Motion approved.