

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

November 9, 2023
11:00 a.m.

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

Members Absent: Fred Kitchen

Guests Present: Rob Kimes, Randy Parsons and Morgan Mayfield.

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

A motion is made by Rich Bishoff to approve the work session minutes for August 24, 2023 and the meeting minutes for September 26, 2023. Seconded by Bob Fields. Motion approved.

Agenda item moved up on agenda to reflect preceptor supervision concerns, Morgan Mayfield. Mayfield stated he has hired a new funeral director at Kingwood location. Also, stated that he no longer works out of the Clarksburg location. No action taken.

Complaints review: Motion is made by Bob Fields to go into executive session. Seconded by Ron Waybright. Motion approved.

Discussion of complaints # 2023-08, Gene Fahey recuses himself and leaves the room and returns to meeting upon end of discussion. Recommended to follow-up since no response.

2023-11 Bryan Nichols recuses himself and leaves the room and returns upon end of discussion. Recommended to close with modified consent agreement.

#2024-00 Complaint was closed at the September board meeting.

2024-01 Recommend consent agreement.

2024-02 Recommend consent agreement.

2024-03 Recommend sending board complaint along with consent agreement.

2024-04 Recommend consent agreement.

A motion is made by Bob Fields to come out of executive session. Seconded by Bryan Nichols. Motion approved.

2023-08 Follow up with licensee regarding consent agreement.

2023-11 A motion is made by Rich Bishoff to close the complaint due to negotiated consent agreement. Seconded by Bob Fields. Motion approved. Bryan Nichols recuses himself.

2024-01 A motion is made by Bryan Nichols to issue a consent agreement to include a fine of \$2,500.00 and \$500.00 for administrative costs in relation to non-renewal of license while continuing to practice. Seconded by Bryan Nichols. Motion approved.

2024-02 A motion is made by Bryan Nichols to issue a consent agreement to include a fine of \$2,500.00 and \$500.00 for administrative costs in relation to non-renewal of license while continuing to practice. Seconded by Robert Fields. Motion approved.

#2024-03 A consent agreement signed and reviewed by the Board shall be sent to the licensee along with the board-initiated complaint for non-compliance of continuing education requirements for license renewal. Will recommend to close once licensee is in full compliance.

2024-04 A motion is made by Bryan Nichols to issue a consent agreement to include a fine of \$2,500.00 and \$500.000 for administrative costs, any unlicensed employees performing cremations must complete the required crematory operators training and subsequently apply for a crematory operator's license. In addition, the licensee must provide the Board with its' cremation logs monthly for a period of six months, from the date of execution the agreement. Seconded by Bob Fields. Motion approved.

Lyter presented finance report to the board for September and October. Motion made by Ron Waybright to approve the finance report. Seconded by Bryan Nichols. Motion approved.

Lyter & Bowyer presented P-card report for September and October. Motion made by Rich Bishoff to approve the P-card report. Seconded by Ron Waybright. Motion approved.

Lyter presented 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 attended annual licensing board training. Lyter to apply for grant again this year to attend the Conference. Bowyer to attend as well.

Bowyer office manager report: provided information on Code changes. Will send to Board to review and provide feedback by December 1. Also, provided information on dates for filing emergency and regular rules, etc.

A motion is made by Ron Waybright to table the emergency rule changes since Fred is not in attendance. Seconded by Bob Fields. Motion approved

Lyter & Bowyer conducted an inventory of cremated remains at Preston Funeral Home on October 31, 2023 along with attorney, Amy Tawney from Bowles & Rice Law Firm.

A motion is made by Rich Bishoff to reelect Gene Fahey as board president and Bob Fields as board secretary. Seconded by Ron Waybright. Motion approved. No other nominations presented.

Items of Interest/Board Member Concerns: discussion of abandonment of bodies or no family members to claim the body. Family would need to formerly refuse. May need to get court order for disposition.

Also, discussed board appointments. Lyter to follow-up on new board member appointment. Staff to check on credit card machine and costs involved and review questions on the applications.

Rob Kimes discussed his presentation and the presentation of the OCME at the October interim legislative committee meetings. This was in relation to the backlog of issuing death certificates, toxicology reports, etc. Stated there was a backlog of over 300 cases with approximately 40 of those unidentified, an average of 8 months to issue death certificates and short staffed.

Rob also stated he has resigned as the executive director of the association and is in the process of hiring a new person.

Legislative interims in December to be held in Wheeling and the association mid-winter meeting is scheduled for February 6th & 7th, 2024.

Licenses signed by board members.

Next regular scheduled meeting to be held on January 9, 2024 at 11:00 a.m.

Motion made by Bryan Nichols to adjourn meeting. Seconded by Rich Bishoff. Motion approved.