

WV Board of Funeral Service Examiners

Board Meeting

179 Summers Street

Suite 319

Charleston, WV 25301

June 5, 2023

11:00 a.m.

Members & Staff Present: Eugene Fahey, President, Robert Fields, Vice President/Secretary Fred Kitchen and Rich Bishoff. Linda Lyter, Executive Director, Grady Bowyer, Office Manager, Mark Danchart and Melissa Cyphers, Inspectors and Adriana Marshall, Attorney

Present via Phone: John Valentine

Members Absent: Bryan Nichols & Ron Waybright

Call meeting to order at 11:09 a.m. by president of board – quorum established.

A motion made by Bob Fields to approve the March 30, 2023 meeting minutes. Seconded by Fred Kitchen. Motion approved.

A motion made by Rich Bishoff to go into Executive Session and seconded by Bob Fields. Motion approved. Staff requested to leave the room.

Complaints reviewed and discussed with recommendations.

Motion is made by Rich Bishoff to come out of Executive Session and seconded by Bob Fields. Motion approved. Staff return to the meeting.

Complaint # 2023-04 Motion is made by Fred Kitchen to close the complaint due to the funeral home closure. Continue to monitor. Seconded by Rich Bishoff. Motion approved.

Complaint # 2023-08 Motion is made by Fred Kitchen to request the appearance of Mr. Nixon at the next scheduled board meeting. Seconded by Rich Bishoff. Motion approved.

Complaint # 2023-09 Motion is made by Fred Kitchen to dismiss the complaint due to reinstatement of license. Attorney to draft letter to owner of facility. Seconded by Rich Bishoff. Motion approved.

Complaint # 2023-10 Motion is made by Fred Kitchen to dismiss the complaint due to reinstatement of license. Attorney to draft letter to licensee. Seconded by Rich Bishoff. Motion approved.

Compliant # 2023-11 Motion is made by Fred Kitchen to prepare a consent decree to include a \$500.00 fine, one-year probation and subject to unannounced inspections. Seconded by Rich Bishoff. Motion approved.

Complaint # 2023-12 Motion is made by Fred Kitchen to dismiss the complaint due to no probable cause or violation of law. Seconded by Rich Bishoff. Motion approved.

Complaint # 2023-13 Motion is made by Fred Kitchen to dismiss the complaint due to no probable cause or violation of law and the Board does not have authority for disinterment. This is a civil matter. Seconded by Rich Bishoff. Motion approved.

Agenda item moved for Items of Interest/Board Member Concerns in relation to an apprenticeship application that was on hold due to extenuating circumstances. The apprenticeship application and circumstances were discussed in detail by the Board. Motion is made by Rich Bishoff to approve the application retroactively since applicant has been attending mortuary school, is close to graduation and has completed much of the work along with his studies. Seconded by Bob Fields. Motion approved. Must submit all paperwork to the Board as soon as possible.

Lyter presented financial report for March, April & May. Lyter requested an increase in spending authority of up to \$20,000.00 for the remainder of the fiscal year in order to meet payroll and other financial obligations. A motion is made by Rich Bishoff to approve financial report and increase spending authority for \$20,000.00. Seconded by Fred Kitchen. Motion approved.

Lyter & Bowyer presented P-Card report. A motion to approve the P-Card report is made by Rich Bishoff and seconded by Bob Fields. Motion approved.

Executive Director's Report: Discussion of office manager increase of hours due to the legislation passed to increase retiree annual compensation from \$20,000.00 to \$25,000.00, discussion of conflict with Code/Rules in relation to inspections. Needs to be updated during 2024 legislative session. Provided information on apprentice lapsed license and potential reinstatement. Need to clarify reason for allowing to lapse to present at next meeting.

Office Manager's Report: Renewal forms were mailed out in May and beginning to receive. Fiber optic now installed for office, wireless connection, etc. Also, discussed process for procedural rule revisions. A motion is made by Bob Fields for procedural rule modification and seconded by Fred Kitchen. Motion approved.

CE Rollover: OSHA CE Hours can be rolled over to the general category of continuing education if licensee submits more hours than required.

Review of new study guide. Motion is made by Rich Bishoff to begin using the new study guide as soon as possible. Seconded by Fred Kitchen. Motion approved. All board members and staff to be provided with one.

Lyter provided the Safety Committee report. Motion is made by Rich Bishoff to approve the safety committee report. Seconded by Fred Kitchen. Motion approved.

Discussion regarding replacement of board member due to resignation/retirement of John Valentine. Rev. Paul Mateer has submitted paperwork for consideration.

Items of Interest/Board Member Concerns: Funeral home and crematory inspections discussed. Inspector to conduct unannounced inspection as soon as possible.

Lyter provided information for all other BRIM related matters, to include but not limited to, Defensive Driving review, importance of confidentiality, PII, Cyber Security and Privacy reviews. Motion is made by Rich Bishoff to approve the information provided and reviews of all BRIM related matters. Seconded by Fred Kitchen. Motion approved.

The next meeting will be scheduled for June 27, 2023 at 10:00 a.m.

Licenses signed by members.

A motion is made by Rich Bishoff to adjourn the meeting. Seconded by John Valentine. Motion approved.