

TENNESSEE BOARD OF FUNERAL DIRECTORS AND EMBALMERS

MINUTES OF BOARD MEETING

NOVEMBER 13 and 14, 2012

President Clark McKinney called the meeting to order on November 13, 2012, at 10:03 A.M. in the Second Floor Conference Room of the Andrew Johnson Tower, Nashville, Tennessee.

Board members present were Clark McKinney, President; Tony Hysmith, Vice President, Wayne Hinkle, W. T. Patterson, Robert Starkey and Anita Taylor. Note: Jane Gray Sowell entered the meeting at 10:43 A.M. during the last case of the legal report.

Staff members present were Robert Gribble, Executive Director; Benton McDonough, Assistant General Counsel; and Lisa Mosby, Administrative Assistant.

ADOPTION OF AGENDA:

A motion was made by Tony Hysmith to approve the Agenda as printed.

Seconded by Anita Taylor

Adopted by voice vote

APPROVAL OF MINUTES:

A motion was made by Robert Starkey to approve the Minutes of the October 9, 2012 Board Meeting.

Seconded by W. T. Patterson

Adopted by voice vote

LEGAL REPORT:

BENTON McDONOUGH, ASSISTANT GENERAL COUNSEL

Abbreviations:

GPL – General Price List

CPL – Casket Price List

OBCPL – Outer Burial Container Price List

SFGSS – Statement of Funeral Goods and Services Selected

1. Case No.: L12-FUN-RBS-2012015721

Complaint:

- On January 25, 2012, a field representative conducted a routine inspection of the Respondent establishment.
- The establishment contained a place to conduct human and pet cremations in the same building; however, the crematories were located in separate locations within the building with a separate entrance to the crematories and separate areas for family viewing.
- There was no signage on the crematories denoting the business; furthermore, the Respondent lacked a separate address and phone number for the two businesses.
- Displays for pet cremations could be seen inside the human business, and documents for the two businesses were kept in the same (human) business, but in separate filing cabinets.
- The Respondent provided two brochures for pet cremations that were available inside the human business.
- The company website for pet cremations ties directly to the human business with the same address, same phone number, same business history, photographs, owners, and products.

Response:

- Respondent offers the following remedies:
 - o Request change of name from current establishment name from the Board;
 - o Establish a new telephone number to be used solely for the human crematory;
 - o Move human cremation files to a different room;
 - o Remove stone memorials from front of building;
 - o Update website removing any ties to the human crematory;
 - o Put signage on each door identifying each room (business); and
 - o Request the postal service to add a new mailing address for each business.
- Respondent does not have any material that advertises human crematory, and they only cremate for the funeral homes and do not offer services directly to the public.
- Every type of printed (public) material only references pet cremation, with the exception of the website's "About Us" section.
- Despite the name issues, Respondent states that they run the two companies as separate businesses.

History:

- Two (2) closed Complaints – 62-5-317 & 0660-09-.01
 - o Complaint 2010028411
 - Presented to Board – December 14, 2010
 - Outcome – Closed with Letter of Warning
 - Date Closed – December 17, 2010

- Complaint 2011013811 – Board agreed to Letter of Instruction giving suggestions on what must be done if establishment wishes to continue doing animal cremations on same premises as human cremations.
 - Presented to Board – August 9, 2011
 - Outcome – Close – Letter of Instruction
 - Date Closed – September 7, 2011

Recommendation:

- Letter of Instruction setting out suggestions provided by Respondent in how to remedy the violations.

A motion was made by Wayne Hinkle to accept Board's recommendation.

Seconded by Robert Starkey

Adopted by voice vote

2. Case No.: L12-FUN-RBS-2012019321**3. Case No.: L12-FUN-RBS-2012019322****Complaint:**

- This case was originally opened in Burial Services; however, the case was closed against the Preneed Sales Agent registration and re-opened against their Funeral Director and Embalmer licenses.
- On February 27, 2012, an auditor with Burial Services conducted a routine audit of the Respondent establishment.
- 2010 Establishment Report – 0780-5-10-.07
 - There is no record that the 2010 Establishment Preneed Funeral Funds Report on Irrevocable and Revocable Contracts was received in Burial Services.
- 2009 Establishment Report not Completed Correctly – 0780-5-10-.07
 - It was determined that the statistics reported in Section 5 of the 2009 Establishment Preneed Funeral Funds Report was incorrect.
 - The number of insurance preneed contracts written during 2009 was reported as six (6); however, there are only five (5) documented preneed contracts on the Investor's Heritage Insurance listing.
 - Furthermore, there were eleven (11) serviced preneed contracts reported on line (d), but records showed only five (5) were serviced.
 - This is a repeat finding.
- Required Documentation – 62-5-411(a)
 - During the review of the funeral home files, there is evidence of continued insufficient documentation in the preneed contract files, it was noted that of the four (4) files that did not contain the enrollment / contract application form, which shows the beneficiary

information, contract amount, and application date, the following was shown:

- George Orr – Deceased. No evidence of enrollment form was presented during exam.
- Laura Orr – Active file and no evidence that enrollment form/contract is in file.
- Exam Fees – 62-5-411(b)
 - o Funeral home preneed examination was performed on August 9, 2010.
 - o As of the date of audit report, Burial Services has yet to receive \$300.00 exam fee.

Response:

- No response received.

Note:

- Respondent allowed both his Funeral Director's and Embalmer's licenses to expire on June 30, 2012.

History:

- Several complaints.

Recommendation:

- Consent Order stating that Respondent agrees not to re-apply for his funeral director's license or his embalmer's license for three (3) years from the date of the Consent Order.

A motion was made by Tony Hysmith to accept Counsel's recommendation.

Seconded by Wayne Hinkle

Adopted by voice vote

4. Case No.: L12-FUN-RBS-2012005711

This case was originally presented on July 10, 2012. The owner of the establishment passed away, and the establishment has since been sold.

Complaint:

- On February 2, 2012, a field representative conducted a routine inspection of the Respondent establishment.
- During the inspection it was determined that the Respondent failed to provide a copy of the latest inspection report and license for the crematory utilized by this establishment.
- The current funeral director's licenses for two (2) employees were not available for inspection.

- The current embalmer's license for one (1) individual was not available for inspection.
- The Respondent failed to provide a copy of the GPL, CPL, OBCPL, a completed SFGSS, and a blank SFGSS for the inspection.
- The Respondent's signage did not reflect the exact name listed on the establishment application approved by the Board, nor did the Respondent apply for a name change.
- Respondent failed to respond to the complaint upon receiving notice that a complaint was opened against the establishment.

Response:

- No response was received from the Respondent.

History:

- One (1) closed complaint, similar violations.

Recommendation:

- Originally legal counsel recommended a Consent Order with \$750.00 civil penalty and authorization for hearing, but the Board determined that the proper course of action was a Consent Order with \$750.00 civil penalty (plus \$250.00 for no response) making a total civil penalty of \$1,000.00, and authorization for hearing. However, we are now recommending that this complaint be closed, as the previous owner has passed away, and the establishment is now under new ownership.

A motion was made by Anita Taylor to accept Counsel's recommendation.

Seconded by Robert Starkey

Adopted by voice vote

5. Case No.: L10-FUN-RBS-2010030461

This case was originally presented on November 9, 2010. The owner of the establishment passed away, and the establishment has since been sold.

Complaint:

- During a routine examination, the field representative found that the former apprentice was engaged in the practice of funeral directing while lacking a valid license.
- The former apprentice oversaw the services held at the church, and then oversaw the burial shortly thereafter.
- During these services, the respondent wore a name tag identifying her as an employee / funeral director of the establishment.

- When the field representative confronted the individual, they admitted to not being properly licensed and stated, "You caught me."
- This individual admitted to the field representative that the owner of the establishment was aware that she was unlicensed; however, they took the risk due to the expense of hiring a licensed employee.
- No licensed funeral director was present at either service.

Response:

- Respondent states that they were fully aware that each service was required to have a licensed funeral director present.
- Respondent states that they accept full responsibility due to the fact that the owner was not present due to unexpected illness.
- It was too late to call any other licensed director.
- Respondent does not recall telling field representative that the establishment took a chance with an unlicensed funeral director due to the cost of hiring a licensed director.

Complaint History:

- One (1) preneed complaint, not related.

Recommendation:

- Originally, the Board agreed to a Consent Order with \$1,000 civil penalty, and authorization for a hearing. However, we are now recommending that this case be closed due to the death of the previous owner, and the fact that the establishment is under new ownership.

A motion was made by Wayne Hinkle to accept Counsel's recommendation.

Seconded by W. T. Patterson

Adopted by voice vote

6. Case No.: L11-FUN-RBS-2011000741

This case was originally presented on April 12, 2011. The owner of the establishment passed away, and the establishment has since been sold.

Complaint:

- During a routine inspection, the following violations were found to exist:
- The latest inspection report for the crematory used by this Establishment was not available for inspection.
- This Establishment only had three (3) cremations during 2010. In these three (3) instances, none of the files contained a cremation authorization permit.
- The current license for one (1) embalmer was not available for inspection.
- No Casket Price List (CPL) could be produced for inspection.

- In the Casket Selection Room – There were 25 caskets being offered to the consumer with no CPL available for price comparison.
- On the General Price List (GPL) – the Casket range on the low end was from \$1,100 to a high end of \$9,500 with no CPL for comparison.
- On the GPL – The high end range for immediate burial was \$2,895 with no CPL for comparison.
- On the GPL – Immediate burial with cloth covered wood casket listed for \$2,895 with no CPL for comparison.
- On the GPL – Direct Cremation high end range was \$3,990 with no CPL for comparison.
- On the GPL – Direct cremation with heavy cardboard container was listed as \$3,995 with no CPL for comparison.
- On the Statement of Funeral Goods and Services Selected (SFGSS) – On the files selected for review, four (4) did not have the description of merchandise chosen or the pricing is incorrect.
- Preparation Room –
 - o Soiled linen piled on the table;
 - o Soiled gloves discarded on table;
 - o Trash can with trash uncovered;
 - o Embalming fluid standing in machine with no body present for need of embalming; and
 - o Appearance of the preparation room was unsanitary and in need of a general cleaning.

Response:

- No response received.

Complaint History:

- One (1) open complaint with TCA violations; Three (3) closed complaints, not related.

Recommendation:

- Originally, the Board agreed to a Consent Order with a \$2,500.00 civil penalty and authorization for hearing. However, we are now recommending that this case be closed due to the death of the previous owner, and the fact that the establishment is under new ownership.

A motion was made by Tony Hysmith to accept Counsel's recommendation.

Seconded by Wayne Hinkle

Adopted by voice vote

7. Case No.: L12-FUN-RBS-2012019101

Complaint:

- On August 24, 2012, the Board received a complaint regarding improper activity at the Respondent establishment.
- Complainant states that a three (3) stack cooler is being utilized in a barn located in a local cemetery to store unembalmed remains until an affiliated crematory becomes available for cremating.
- Unlicensed personnel are waiting on families and carrying out funeral services with no licensed funeral director present.
- Unlicensed personnel are embalming remains without a licensed embalmer on the premises.
- Since the establishment burned down, temporary facilities are being used, including a makeshift preparation room, and unembalmed remains are also kept at this location for days if there is no room in the three stack cooler.

Response:

- Respondent states that the three stack cooler is the only one they were able to salvage from the fire that destroyed their previous establishment, and it is under video surveillance with a lock on the door.
- As for the unlicensed personnel, the Respondent states the only time “unlicensed” employees wait on families is if the individual is an apprentice with a licensed funeral director present.
- As for embalmings carried out by unlicensed personnel, this is a false allegation as the Complainant used to embalm bodies for the Respondent, but he always had a licensed embalmer present.
- As for the makeshift preparation room, the room is used for dressing, cosmetics, hair preparation prior to casketing.
- There is no embalming equipment present in the room, and it is clearly marked “employees only”.
- As for keeping bodies in the establishment when the cooler is full, this does happen on occasion and the bodies are moved as soon as space becomes available.
- Finally, the Complainant made these complaints on the first business day following his dismissal from employment by the Respondent.

Complainant’s Additional Response:

- Complainant states that there was no video surveillance, nor was there any lock placed on the cooler until after the Complainant was dismissed.
- The issue of “unlicensed” personnel being utilized under “licensed” supervision was practiced very loosely by the Respondent.
- As for the embalming room, there were embalming chemicals, equipment, and instruments utilized in a room that was only to be used for dressing, cosmetics, and hair preparation.
- Furthermore, Complainant states that he witnessed a funeral director / embalmer apprentice “surface” embalm a fetus with arterial chemicals and instruments while a licensed embalmer was not present.

History:

- One (1) open complaint and eight (8) closed complaints.

Recommendation:

- Close, unless the Complainant can provide additional proof to the Board.

A motion was made by Wayne Hinkle to accept Counsel's recommendation.

Seconded by Anita Taylor

Adopted by voice vote

8. Case No.: L12-FUN-RBS-2012019241

Complaint:

- On August 20, 2012, the Board received a complaint stating that an advertisement in the local newspaper failed to denote that the owners pictured in the advertisement were unlicensed personnel.

Response:

- Respondent states that the original advertisement that they provided to the newspaper did contain "*" placed beside the names of the owners who are unlicensed personnel in the funeral establishment.
- The "advertising representative" for the local newspaper provided a letter stating that the original advertisement did in fact denote that the owners were unlicensed personnel; however, the newspaper failed to include that information in the advertisement, and it was not the fault of the Respondent.

History:

- One (1) closed complaint, two (2) open complaints.

Recommendation:

- Dismiss.

A motion was made by Tony Hysmith to accept Counsel's recommendation.

Seconded by W. T. Patterson

Adopted by voice vote

9. Case No.: L12-FUN-RBS-2012019391

Complaint:

- The Complainant is a competitor of the Respondent establishment.

- The Complainant received a phone call from the local Alive Hospice regarding an individual who had just passed away.
- The Complainant and an assistant went to the hospice to meet with the family and obtain permission to embalm the decedent.
- The family met with the Complainant and discussed funeral arrangements, including that they wanted the decedent buried on the grounds of the Respondent establishment.
- Complainant contacted the Respondent and informed them of the family's wishes that their loved one be buried on the premises, and set up a meeting between Respondent and the family for that afternoon.
- As the Complainant was leaving work later that afternoon, he received a message from an employee of the Respondent establishment informing him that the family wished to transfer final arrangements to the Respondent establishment.
- Complainant contacted the family and Respondent and found that the Respondent promised to provide funeral services and burial for the cost of the insurance policy the family had for \$10,000.00.
- Complainant alleges that the Respondent quoted a price of \$14,000 for funeral and burial initially, but then called in two (2) employees who were not licensed funeral directors to negotiate with the family and come to the cost of \$10,000.00.
- Complainant states that the cost they quoted for the funeral alone would be in excess of \$8,000.00 and the cost of burial at the Respondent establishment would have put the price in excess of \$10,000.00, so the family decided to use the services of the Respondent for \$10,000.00.
- Complainant believes the Respondent took advantage of the family at a time of need and used unlicensed personnel to make final arrangements.

Response:

- Respondent believes they did nothing wrong or unethical as the Complainant alleges.
- Respondent states that the family was quoted over \$8,000.00 for funeral services at the Complainant's establishment and the cost of the burial with opening and closing alone would have put the cost over \$10,000.00.
- Also, Respondent states that an unlicensed employee is aware of the law and did not quote the family a price at the Respondent establishment, but contacted a licensed funeral director to discuss what could be done for this family.
- Respondent manager told the employee that they could work with the family and cover all of the final arrangements for \$10,000.00.
- Manager asked the employee to call the other manager, who had put in his one month notice at that point, and ask him to assist with the family.
- The other manager told the employee to ask the family to come back the next day so they could meet with a licensed funeral director.
- The employee informed the Respondent that the family had never signed a contract with the Complainant's establishment.

Note:

- Complainant responded by providing a copy of the signed Statement of Funeral Goods and Services Selected, dated August 20, 2012.

History:

- Two (2) closed complaints, one (1) open complaint.

Recommendation:

- Consent Order with \$1,000.00 civil penalty and authorization for hearing.

A motion was made by Anita Taylor to accept Counsel's recommendation.

Seconded by Robert Starkey

Adopted by voice vote

10. Case No.: L12-FUN-RBS-2012020381

Complaint:

- Complainant made a call to the Respondent establishment regarding a loved one who had just passed away.
- Complainant states that he received a quote from an unlicensed employee of \$995.00 for a cremation. The Complainant states that he told the employee that the new funeral home in town could provide the same services for \$695.00 and then asked to speak to the funeral director in charge. Complainant states that he was passed to the owner of the establishment who quoted him \$450.00 and stated that he was not a licensed funeral director.
- The owner explained that the licensed funeral directors are only on site when a funeral is scheduled to take place.
- The Complainant is concerned that there is no licensed funeral director on site managing the Respondent, nor is there any funeral director present when unlicensed personnel quote prices.

Response:

- Respondent states that they always have at least one of four licensed funeral directors and one of three embalmers present to provide services to the public at all times.
- Respondent states that the Complainant called and asked about the establishment's price for a direct cremation, and the employee answering the phone quoted the Complainant \$995.00.

- The employee states that the Complainant told him that was pretty high, considering the new funeral home in town could do the same thing while supplying “an urn and some other stuff” for \$475.00.
- Respondent states that he felt like this matter should be addressed with the owner of the establishment and asked the Complainant to hold (he states that the individual never asked to speak to a licensed funeral director – the owner is an apprentice funeral director/embalmer).
- The owner then took over and stated that their policy is to meet a competitor’s price with an additional five percent (5%) off, which would bring the price down to \$450.00 that the Respondent could provide.
- Respondent states that the Complainant never asked to speak to a licensed funeral director, and that they would have been more than happy to allow the Complainant to speak to a licensed funeral director had he actually asked to do so.
- Respondent asked if the Complainant had a death in the family and the Complainant informed him that was so, but the Complainant hung up once the Respondent asked for their name.

History:

- One (1) closed complaint, two (2) open complaints.

Recommendation:

- Dismiss.

A motion was made by Robert Starkey to accept Counsel’s recommendation.

Seconded by Wayne Hinkle

Adopted by voice vote

11. Case No.: L12-FUN-RBS-2012015851

This complaint was originally presented at the October meeting, and the Board decided against counsel’s recommendation of a \$1,000.00 civil penalty and increased the civil penalty to \$3,000.00. The Respondent stated that he cannot pay the \$3,000.00 civil penalty, but requests that the penalty be decreased. Again, counsel requests that the Board seriously consider a civil penalty of \$1,000.00. In determining the proper civil penalty to impose, Rule 0660-08-.01(3)(a) requires the Board to consider, “whether the amount imposed will be a substantial economic deterrent to the violator.” It is counsel’s belief that a civil penalty of \$1,000.00 would be a significant deterrent; whereas, the civil penalty of \$3,000.00 would act less as a deterrent and would more likely lead to the demise of this establishment. Therefore, counsel requests that you reconsider the initial implementation of the \$3,000.00 civil penalty.

Complaint:

- On February 8, 2012, a field representative conducted a routine inspection of the Respondent establishment.
- General Price List
 - o The FTC required price range of caskets on the General Price List was incorrect when compared to the price of caskets on the Casket Price List.
 - o The FTC required Immediate Burial price range was incorrect on the General Price List when compared to the price of caskets on the Casket Price List.
 - o The Immediate Burial “with Victory West Cloth Covered Casket” was incorrect because the Victory West Cloth Covered Casket was not offered for sale nor listed on the Casket Price List.
- Statement of Funeral Goods and Services Selected
 - o SFGSS failed to provide a description of services selected, failed to provide description of merchandise selected, and failed to provide reason for embalming when an embalming fee was charged.
- Cremations
 - o During the inspection, it was determined that the Respondent conducted approximately eight (8) cremations for 2011 and none (0) year to date for 2012.
 - o Upon inspecting the eight (8) cremation authorization forms for 2011, it was determined that in three (3) of the forms, the owner (who is not a licensed funeral director) signed the cremation authorization forms as if he were a licensed funeral director.
- Business Cards
 - o The Respondent provided a business card which included the name of three (3) individuals, two (2) of which were the owners who are not licensed funeral directors or embalmers, and gave no indication that they were unlicensed individuals.
- Crematory Utilized
 - o Respondent failed to provide a copy of the latest inspection report or current license of the crematory utilized by this establishment.
- Cremation Authorization Forms
 - o Three (3) Cremation Authorization Forms lacked a signature of a licensed funeral director.

Response:

- The funeral director of record responded on behalf of the Respondent.

- The Respondent admits to the violations; however, they state that the three (3) cremation authorization forms that were found to contain the signature of the unlicensed funeral home owner were changed by the owner of the crematorium after the paperwork had been sent from the Respondent.
- The Respondent provided a copy of the Cremation Authorization Forms that were allegedly changed, and a copy of the funeral home owner's real signature; however, it is unclear whether the signature was forged or whether the Respondent funeral home owner actually signed the document while not a licensed funeral director.

History:

- Four (4) prior closed complaints, one (1) related.
 - o 2005042711 (closed) – Violation of Funeral Rule.
 - Presented to Board: March 14, 2006.
 - Closed: May 12, 2006.
 - Board Action: Consent Order with \$250.00 civil penalty.
 - o 2006045751 (closed) – Assisting an individual in obtaining a funeral director's license under false pretenses. Apprentice not working 40 hours per week.
 - Presented to Board: April 10, 2007.
 - Closed: April 11, 2007.
 - Board Action: Closed.
 - o 2008026081 (closed) – Solicitation.
 - Presented to Board: February 10, 2009.
 - Closed: May 1, 2009.
 - Board Action: Consent Order with \$1,000.00 civil penalty.
 - o 2009010651 (closed) – Unprofessional conduct, unnecessary charge for homicide autopsy, interference with removal of decedent's remains, and \$1,175.00 consultation charge.
 - Presented to Board: September 8, 2009.
 - Closed: September 17, 2009.
 - Board Action: Dismiss.

Recommendation:

- Consent Order with \$1,000.00 civil penalty and authorization for hearing.

A motion was made by Wayne Hinkle to reconsider the initial action taken by the Board.

Seconded by Anita Taylor

Adopted by voice vote

A motion was made by Wayne Hinkle to accept Counsel's new recommendation of a Consent Order with \$1,000.00 civil penalty and authorization for hearing.

Seconded by Anita Taylor

Adopted by voice vote

ADMINISTRATIVE MATTERS:
ROBERT B. GRIBBLE, EXECUTIVE DIRECTOR

REVENUE AND EXPENDITURES FOR FY11-12:

Board of Funeral Directors and Embalmers
Financial Recap
Fiscal Year July 1, 2011 – June 30, 2012

This financial data was provided to the Executive Director of the Board on November 1, 2012, by the Assistant Commissioner's Office for Regulatory Boards of the Tennessee Department of Commerce and Insurance.

Beginning Balance – July 1, 2011	\$ 327,720.00
Net Revenue (Earnings) for July 1, 2011 – June 30, 2012	\$1,001,760.00
Total Funds Available	<u>\$1,329,480.00</u>
Expenditures July 1, 2011 – June 30, 2012	\$370,851.00
Cost Backs (Cost Allocations charged to the Board from Administration and Investigations)	\$145,956.00
Total Expenditures, Including Cost Backs	<u>\$ 516,806.00</u>
Reserve Balance – July 1, 2012	\$ 812,674.00

Note: The dollar amounts used in compiling these figures have been rounded to the nearest dollar and may vary one dollar mathematically.

LICENSEE REPORT:

**REPORT OF LICENSES ADMINISTRATIVELY APPROVED BY EXECUTIVE
DIRECTOR PURSUANT TO BOARD AUTHORITY FOR THE PERIOD OF
OCTOBER 9, 2012 – NOVEMBER 12, 2012**

Establishments**Type of Change**

Polk Memorial Crematory
Columbia, TN

New Establishment

Anderson & Garrett Funeral Home
Joelton, TN

Ownership

J. W. Adkins Funeral Home
Nashville, TN

Ownership

Brummitt Funeral Home
Trezevant, TN

Ownership and Name

Carter-Trent Funeral Home
Church Hill, TN

Ownership and Name

Carter-Trent Funeral Home
Kingsport, TN

Ownership and Name

Currie's Funeral Home
Henning, TN

Location

Covenant Funeral & Crematory
Chattanooga, TN

Name

Spring Hill Memorial Park, Funeral Home
and Cremation Services
Spring Hill, TN

Name

Williamson Memorial Funeral Home
and Cremation Services
Franklin, TN

Name

Individuals**Type of License(s)**

Desirea Lauren Coleman
Goodlettsville, TN

Funeral Director/Embalmer

Christina Eve Davidge
Shelbyville, TN

Funeral Director/Embalmer

Thomas Christopher Murray
Portland, TN

Funeral Director/Embalmer

Sundy Rivers Williams
Holly Springs, MS

Funeral Director/Embalmer

Gwendolyn Renae Johnson
Smyrna, TN

Funeral Director

DISCIPLINARY ACTION REPORT:

**REPORT OF CONSENT ORDERS ADMINISTRATIVELY ACCEPTED/APPROVED
BY THE EXECUTIVE DIRECTOR PURSUANT TO BOARD AUTHORITY FOR THE
PERIOD OF OCTOBER 9, 2012 – NOVEMBER 12, 2012**

Respondent: Barlow Funeral Home, Covington, TN
Violation: Conducted numerous funeral services while establishment license was expired and two funeral directors, including the supervising manager, provided services while their funeral director licenses were expired
Action: \$750 Civil Penalty

Respondent: Eastland Funeral Home & Cremation Service, Nashville, TN
Violation: Funeral directors signed documents as manager but neither individual was listed with the Board as the manager of record, failed to make available the current licenses of funeral directors and an embalmer for inspection and failed to comply with aspects of the Funeral Rule
Action: \$800 Civil Penalty

Respondent: H. H. Hudson Funeral Home, Dyersburg, TN
Violation: Engaged in an act or practice that is misleading or deceptive (overcharged for an outer burial container), failed to maintain a copy of the crematory's latest regularly scheduled inspection results that the funeral home uses, and failed to comply with multiple aspects of the Funeral Rule
Action: \$1000 Civil Penalty, an additional \$200 Hearing Costs, and verification that the violations have been corrected

Respondent: Highland Memorial Park, Funerals & Cremations, Knoxville, TN
Violation: Failed to maintain a copy of the crematory's current license that the funeral home uses
Action: \$750 Civil Penalty

Respondent: Highland South Memorial Park, Funerals & Cremations, Knoxville, TN

Violation: Failed to make available the current licenses of a funeral director and an embalmer for inspection

Action: \$1000 Civil Penalty

Respondent: Johnson Funeral Home, Church Hill, TN

Violation: An announcement or advertisement either gave or tended to give the impression that unlicensed individuals were entitled to practice as a funeral director or embalmer, failed to maintain a copy of the crematory's latest regularly scheduled inspection results that the funeral home uses, failed to comply with multiple aspects of the Funeral Rule and did not respond to a complaint within the time specified in the notice

Action: \$1000 Civil Penalty

Respondent: Pettus-Turnbo Funeral Home, Lawrenceburg, TN

Violation: Incorrectly charged for "bathing and handling of the deceased" in addition to having already charged for embalming and failed to comply with multiple aspects of the Funeral Rule

Action: \$1000 Civil Penalty

Respondent: Tate Funeral Home, LLC, Jasper, TN

Violation: Engaged in acts or practices that are misleading or deceptive (overcharged for outer burial containers) and failed to comply with multiple aspects of the Funeral Rule

Action: \$500 Civil Penalty

Respondent: Christopher Taylor, Columbia, TN

Violation: Solicitation of a dead human body by the licensee, whether the solicitation occurred after death or when death was imminent

Action: \$250 Civil Penalty

OPEN COMPLAINT REPORT:

As of November 9, 2012 there were 109 open complaints.

A motion was made by Wayne Hinkle to accept the Executive Director's Report.

Seconded by Anita Taylor

Adopted by voice vote

INDIVIDUAL APPLICATION:

Todd Wesley Van Beck
Memphis, TN

Funeral Director/Embalmer
Reciprocity

Upon motion by Wayne Hinkle and seconded by Robert Starkey, based upon application record, this individual was approved for licensure.

Adopted by voice vote

The Board recessed on November 13, 2012 at 11:03 A.M.

The Board reconvened on November 14, 2012 at 9:00 A.M. as stated in the previously filed and published Notice of Rulemaking Hearing.

Board members present were Clark McKinney, President; Tony Hysmith, Vice President, Wayne Hinkle, W. T. Patterson, Jane Gray Sowell, Robert Starkey and Anita Taylor.

Staff members present were Robert Gribble, Executive Director; Benton McDonough, Assistant General Counsel; and Lisa Mosby, Administrative Assistant.

RULEMAKING HEARING:

Assistant General Counsel Benton McDonough presented the proposed rule changes to the Board. Mr. McDonough stated the purpose of this rulemaking hearing affords all interested persons or their representatives an opportunity to present facts, views, or arguments relative to the proposed rules.

Jane Gray Sowell made a motion to adopt all the proposed rules presented with the exception of proposed Rule 0660-03-.05(3).

Seconded by Tony Hysmith

President Clark McKinney announced there would be roll call vote, and the board members voted as follows:

Board Members	Yes	No
Wayne Hinkle	X	
Tony Hysmith	X	
Clark McKinney	X	
W. T. Patterson	X	
Jane Gray Sowell	X	
Robert Starkey	X	
Anita Taylor	X	

All board members voted "Yes". By unanimous vote, the motion passed, and the Board adopted all the rules presented at this Rulemaking Hearing with the exception of proposed Rule 0660-03-.05(3).

ADJOURN:

A motion was made by W. T. Patterson to adjourn.

Seconded by Tony Hysmith

Adopted by voice vote

There being no further business, the meeting was adjourned on November 14, 2012 at 9:58 A.M.

Respectfully submitted,

Robert B. Gribble

Robert B. Gribble, CFSP
Executive Director