

TENNESSEE BOARD OF FUNERAL DIRECTORS AND EMBALMERS

MINUTES OF BOARD MEETING

JULY 9, 2013

President Tony Hysmith called the meeting to order at 10:00 a.m. in Conference Room 1-B, Davy Crockett Tower, Nashville, Tennessee.

Board members present were Tony Hysmith, President; Wayne Hinkle, David Neal, Robert Starkey, and Anita Taylor.

Board members absent were W. T. Patterson, Vice President; and Jane Gray Sowell.

Staff members present were Robert Gribble, Executive Director; Benton McDonough, Assistant General Counsel; and Genesis Johnson, Administrative Secretary.

ADOPTION OF AGENDA:

A motion was made by David Neal to approve the Agenda as printed.

Seconded by Robert Starkey

Adopted by voice vote

APPROVAL OF MINUTES:

A motion was made by Wayne Hinkle to approve the Minutes of the April 9, 2013 Board Meeting.

Seconded by David Neal

Adopted by voice vote

A motion was made by Wayne Hinkle to approve the Minutes of the May 14, 2013 Board Meeting.

Seconded by Robert Starkey

Adopted by voice vote

Note: Ms. Taylor entered the meeting at 10:04 a.m. just prior to the presentation of the Legal Report by Assistant General Counsel Benton McDonough.

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

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1. **Case No.: L13-FUN-RBS-2013008411**
 2. **Case No.: L13-FUN-RBS-2013008412**
 3. **Case No.: L13-FUN-RBS-2013008413**
 4. **Case No.: L13-FUN-RBS-2013008414**

Complaint:

- On April 4, 2013, a field representative conducted a routine inspection of the establishment operated by Respondent #2.
- Expired License
 - o During the inspection, it was determined that the funeral director's license of Respondent #1 expired on January 31, 2013, and was not renewed until February 25, 2013.
 - o Respondent #1 serves as the manager of Respondent #2, and she signed in the capacity of funeral director on one (1) death certificate while in possession of an expired license.
 - o Respondent #1 was the manager for Respondent #3 while in possession of an invalid license; however, Respondent #1 did not sign any death certificates in the capacity of funeral director.
 - o Respondent #1 signed one (1) death certificate in the capacity of licensed funeral director while in possession of an invalid funeral director's license for Respondent #4.

Response:

- One response was provided on behalf of all four (4) Respondents.
- One (1) individual is responsible for renewing the professional license of the funeral director related to this complaint.
- The individual stated that she received the renewal notice and then placed the document in the wrong file.
- The notice was located on February 8, 2013, and the individual immediately sent in a check.
- However, the individual states that they were not aware that the license would not be reinstated until all fees and penalties were received by the funeral board.
- This individual was not aware of this until they received notice of this through a letter from the Board on February 20, 2013.
- As of February 25, 2013, the funeral director's license of Respondent #1 was valid.

Recommendation:

- Respondent #1 – Consent Order with \$250.00 civil penalty and authorization for hearing.
- Respondent #2 – Consent Order with \$250.00 civil penalty and authorization for hearing.
- Respondent #3 – Letter of Warning.
- Respondent #4 – Consent Order with \$250.00 civil penalty and authorization for hearing.

A motion was made by David Neal to accept Counsel's recommendation.

Seconded by Robert Starkey

Adopted by voice vote

5. Case No.: L13-FUN-RBS-2013006811

6. Case No.: L13-FUN-RBS-2013006812

7. Case No.: L13-FUN-RBS-2013006813

Complaint:

- On October 26, 2012, a field representative conducted a routine inspection of Respondent #5 establishment.
- Licensing:
 - o The establishment license of Respondent #5 expired on June 30, 2012, and was not renewed until July 20, 2012.
 - o While in possession of the invalid license, Respondent #5 conducted seven (7) funeral or cremation services.
 - o Also, the funeral director's license of Respondent #6 expired on June 30, 2012, and was not renewed until July 20, 2012, and this person made arrangements and/or conducted funeral services for approximately seven (7) individuals during this time.
 - o Respondent #6 served as manager of Respondent #5 during this period of time.
 - o The embalmer's license of Respondent #7 expired on June 30, 2012, and was not renewed until July 20, 2012, and this person provided embalming services for two (2) deceased human remains while in possession of an invalid embalmer's license.

Response:

- One (1) response was provided on behalf of all three (3) Respondents.
- The Respondent states that they did not recall ever receiving a renewal notice in the mail; however, they also stated that this does not mean that it was not sent to the Respondents.

- Furthermore, Respondent states that this is still no excuse for failing to renew their licenses, and they are embarrassed and apologize for this oversight.

Recommendation:

- Respondent #5 – Consent Order with \$700.00 civil penalty and authorization for hearing.
- Respondent #6 – Consent Order with \$250.00 civil penalty and authorization for hearing.
- Respondent #7 – Consent Order with \$250.00 civil penalty and authorization for hearing.

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

Seconded by Wayne Hinkle

Adopted by voice vote

8. Case No.: L13-FUN-RBS-2013006861

9. Case No.: L13-FUN-RBS-2013006862

10. Case No.: L13-FUN-RBS-2013006863

Complaint:

- On March 21, 2013, a local news station aired a story that the ashes of Dinetta Hodges, who died on November 22, 2009, had allegedly been sitting on her family's mantle for three (3) years until her family found out they had the wrong cremated remains.
- Hodges' granddaughter opened the temporary urn for the first time and found an identification tag with someone else's information inside, that of James Gerald, who died in October of 2009 and whose cremation was handled by Respondent #8.
- The records of Respondent #9 show Respondent #8 delivered Ms. Hodges' body on January 4, 2010, the same day James Gerald's ashes were collected by Ms. Hodges' family.
- However, James Gerald's family states that the Respondent #8 had them pick up his cremains in December 2009.
- The urn in possession of James Gerald's family contained neither a permanent identification device nor a disc.

Response:

- In response, Respondents state that Mr. Gerald was cremated on November 10, 2009, at 11:00 a.m. with ID Disc 4895, and he was picked up on January 4, 2010, by an employee of Respondent #8.
- Ms. Hodges was received by Respondent #9 on January 4, 2010, at 9:27 a.m. and cremated on January 4, 2010, at 9:30 a.m., with ID Disc 4987, and picked up on January 18, 2010, at 10:00 a.m. by Respondent #10.

- A receipt shows that Mr. Gerald's remains were picked up on January 4, 2010, at 9:30 a.m. and Ms. Hodges' remains were picked up on January 18, 2010 at 10:00 a.m.

Recommendation:

- Respondent #8 – Consent Order with \$2,000.00 civil penalty and authorization for hearing.
- Respondent #9 – Close.
- Respondent #10 – Consent Order with \$2,000.00 civil penalty and authorization for hearing.

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

Seconded by David Neal

Adopted by voice vote

11. Case No.: L13-FUN-RBS-2013006881

Complaint:

- The Complainant's mother, Dinetta D. Hodges, passed away on November 22, 2009, and hired the services of the Respondent to provide funeral and cremation services.
- On March 23, 2013, the Complainant's daughter opened the box containing the remains and found that the box contained the remains of James Gerald, who passed away on October 10, 2009.
- The Complainant met with the Respondent who apologized for the mistake but stated it was an error on the part of the crematory.
- The Complainant met with the crematory operator who gave her a tour of the facility and explained the process.
- While discussing matters regarding James Gerald's container, the Complainant and crematory operator searched for the disk that the operator would have tied around the inner bag to identify the remains in the container; however, no disk was ever located.
- The Complainant received documentation showing that Dinetta Hodges was brought to the crematory on January 4, 2010, and cremated that same day.
- Ms. Hodges' remains were not retrieved until January 18, 2010.
- Mr. Gerald's body was brought to the crematory and cremated on November 10, 2009, and his remains were not retrieved until January 4, 2010.
- The Complainant then contacted Mr. Hodges' family who informed her that they received Mr. Hodges' remains in December 2009.

Response:

- Respondent states that they provided the names, dates of birth, dates of death, and social security numbers of the decedents to the crematory.
- Respondent accepts responsibility for the misidentification of the remains.
- After notification of the error in March 2013, the cremated ashes of Ms. Hodges with the correct identification disc and name band were found.
- Her family members have been notified that the ashes are ready for release.
- The Hodges family has been notified to return the ashes of Mr. Gerald and retrieve the ashes of Ms. Hodges.
- Respondent is sorry for the error and extends apologies to the Hodges and Gerald families.
- In order to prevent this from happening in the future, the Respondent has taken steps to address the procedure used when transferring remains to and from the crematory.
- When accepting remains from crematory, the boxes will be opened to verify the accuracy of the name, social security number, date of birth, date of death, and cremation disc number.
- When returning the cremated remains to the family, the box will be opened to verify the accuracy of the name, social security number, date of birth, date of death, and cremation number. The family will then be required to sign a release form indicating acceptance of the cremated human remains with the date and time documented on the form.

Recommendation:

- Close as addressed in prior complaint.

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

Seconded by Robert Starkey

Adopted by voice vote

12. Case No.: L13-FUN-RBS-2013007951**Complaint:**

- The Complainant's brother, James Gerald, passed away on October 11, 2009.
- The Complainant met with the Respondent to discuss final arrangements, and they determined that a funeral would be held on October 17, 2009, the decedent would then be cremated on October 19, 2009, and the Complainant would await final notification that the remains were ready to be retrieved.
- Complainant called the Respondent on several occasions to learn of the status of the remains, but they were told that the crematory was running behind schedule.

- The Complainant was notified on the last week of November 2009, that the remains were ready for pick up.
- On Wednesday, March 20, 2013, the Complainant was notified that the remains delivered in 2009 were not those of their brother, and they learned that his remains were not taken to the crematory until November 10, 2009, and picked up on January 4, 2010.

Response:

- Respondent states that it appears the decedent's remains were given to the wrong family.
- In order to prevent this from happening in the future, the Respondent has taken steps to address the procedure used when transferring remains to and from the crematory.
- When accepting remains from crematory, the boxes will be opened to verify the accuracy of the name, social security number, date of birth, date of death, and cremation disc number.
- When returning the cremated remains to the family, the box will be opened to verify the accuracy of the name, social security number, date of birth, date of death, and cremation number. The family will then be required to sign a release form indicating acceptance of the cremated human remains with the date and time documented on the form.

Recommendation:

- Close as addressed in prior complaint.

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

Seconded by David Neal

Adopted by voice vote

13. Case No.: L13-FUN-RBS-2013007191

Complaint:

- The Complainant provided a copy of the Respondent's newspaper advertisement from March 26, 2013, in which the Respondent offered a "Spring Special" of \$750.00 for 12 gauge steel vaults; however, there was no record of such pricing on any price list.

Response:

- Respondent explains that an employee was told to change the price list and the effective date of the price list prior to running the advertisement in the newspaper; however, this individual failed to do so.
- Respondent manager sat down with the employee after the complaint was filed and corrected the matter.

- Respondent included a copy of the update price list with their response.

Recommendation:

- Consent Order with \$250.00 civil penalty and authorization for hearing.

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

Seconded by Wayne Hinkle

Adopted by voice vote

14. Case No.: L13-FUN-RBS-2013007531

Complaint:

- Respondent was found to have conducted committal and interment services of Dessie Marie Cherry at Rob Draper Memorial Cemetery in Gainesboro, Tennessee, on February 13, 2013.
- These actions constitute funeral directing in the State of Tennessee, and an individual with an active Tennessee funeral director's license in good standing with the Board was required to conduct these services; however, no such person was present and in charge during these services.

Response:

- Respondent states they would like to apologize for their oversight of the law requiring that a licensed Tennessee funeral director be in responsible charge for the committal and interment services.

Recommendation:

Consent Order with \$350.00 civil penalty and authorization for hearing.

A motion was made by David Neal to accept Counsel's recommendation.

Seconded by Robert Starkey

Adopted by voice vote

15. Case No.: L13-FUN-RBS-2013007851

Complaint:

- On March 6, 2013, a field representative conducted a routine inspection of the Respondent establishment.
- Utilization of Crematory & Cremation Authorization – TCA 62-5-107
 - o One (1) cremation authorization form was not signed by a licensed funeral director.

- Two (2) files lacked a cremation authorization form in the file.
- Funeral Rule – 0660-11-.06
 - GPL – Under direct cremation, the heavy cardboard container being sold to the consumer for \$145.00 on the SFGSS must be added to the GPL.
 - CPL – Under alternative container, the heavy cardboard container being sold to the consumer for \$145.00 on the SFGSS must be added to the CPL.
 - SFGSS – Of the files selected, eight (8) consumers were sold an item that was not included on any price list provided to the consumer for review.
 - SFGSS – Of the files selected, five (5) consumers had prices inconsistent with the prices given to the consumer on the GPL and CPL of the establishment regarding an alternative container, the Batesville Stratus.
 - SFGSS – On one (1) SFGSS, the merchandise and its description were not shown on the contract before the consumer signed the contract.

Response:

- Cremation Authorization
 - The Respondent admits to the violations and oversight regarding the cremation authorization forms and enclosed a copy of them in the response.
- Funeral Rule
 - As for the heavy cardboard container, the Respondent apologizes for the oversight of not adding the merchandise to the GPL.
 - Respondent admits that the heavy cardboard container was not on the CPL under alternative containers as they were offered at no charge in an attempt to assist families with very little funds, and the item is no longer offered.
 - As for the issue relating to the Batesville Stratus, the Respondent has taken steps to ensure that the container and the removable insert for the container will be itemized on contracts in the future. Consumers were not overcharged as alleged by the field representative and consumers were made aware of the charge for the container and the removable insert for the container prior to signing their respective statements.
 - As for the contract lacking the appropriate description prior to the consumer signing the contract; the consumer was in possession of the GPL, which contains the item description and price, but the

Respondent is now aware that the merchandise and its description was not on this one (1) particular statement.

Recommendation:

- Consent Order with \$500.00 civil penalty and authorization for hearing.

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

Seconded by Wayne Hinkle

Adopted by voice vote

16. Case No.: L13-FUN-RBS-2013007881

Complaint:

- On March 5, 2013, a field representative conducted a routine inspection of the Respondent establishment.
- Unregistered Individuals – TCA 62-5-314
 - o Two (2) employees are using business cards with the title “Sales Manager” and “Independent Sales Representative”. However, neither one is a licensed funeral director, and the cards fail to clearly note that they are not licensed funeral directors.
- Funeral Rule – 0660-11-.06
 - o GPL – The Veteran's Plan being offered to the consumer by way of a mail out from the Respondent is not listed on the GPL.
 - o SFGSS – Three (3) of the files reviewed failed to provide a description of the merchandise sold on the contract as required.
- Records – Rule 0660-11-.07
 - o A blank SFGSS could not be provided for review.
- Crematory Utilization – TCA 62-5-107
 - o The latest inspection report of the crematory used by this establishment was not available for inspection.

Response:

- Unregistered Employees
 - o Respondent states that it is not a violation for the employees to wear badges or provide business cards with the titles “Sales Manager” or “Independent Sales Representative” while working for Respondent.
 - o Respondent states that they are not licensed funeral directors nor do they perform the tasks of a funeral director; however, they will change the titles on their business cards and badges to read “pre-need sales agent” along with the appropriate registration number.
- Funeral Rule

- GPL - Respondent states that no violation of the Funeral Rule has occurred as the plan offered to veterans does not involve any prices that differ from those indicated on the GPL.
- Rather, the plan offered by the Respondent involves the offer of assistance with the application for veteran's benefits from the federal government.
- SFGSS – Respondent provided a response with the merchandise sold and its description as well.
- Records
 - Respondent enclosed a copy of the blank SFGSS for review.
- Utilization of Crematory
 - Respondent enclosed a copy of the inspection report for the crematory utilized by this establishment.

Recommendation:

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

A motion was made by David Neal to accept Counsel's recommendation.

Seconded by Wayne Hinkle

Adopted by voice vote

17. Case No.: L13-FUN-RBS-2013008401**Complaint:**

- On April 1, 2013, a field representative conducted a routine inspection of the Respondent establishment.
- Funeral Rule – 0660-11-.06
 - GPL – The price range for Direct Cremation listed on the GPL was incorrect when compared to the price of caskets listed for sale on the CPL.
 - Five (5) containers listed for sale under the direct cremation heading were not included on the CPL: Pacific Pine, Bayview Beech, Stratus, Brown Standard, and Cardboard Container.
 - The price range for immediate burial on the GPL was incorrect when compared to the price of caskets offered for sale on the CPL.
 - Immediate burial price with “minimum casket from facility” was incorrect when compared to the price of the minimum casket on the CPL.
 - Immediate burial with “minimum casket from facility” – the minimum casket listed on the GPL was the “Herculite Grey Embossed Doeskin Oval Top”, which was not included on the CPL.
 - The casket price range was incorrect on the GPL when compared to the listing of caskets offered for sale on the CPL.

- The Adult Outer Burial Container price range was incorrect when compared to the listing of outer burial containers offered for sale on the Outer Burial Container Price List.
- Casket Price List – The CPL must include a listing of all alternative containers offered for sale for direct cremation. The CPL had no alternative containers listed for sale as required by the Funeral Rule.

Response:

- Respondent states that the establishment was using an incorrect GPL and CPL at the time the field representative conducted the routine inspection at the establishment.

Recommendation:

- Consent Order with \$250.00 civil penalty and authorization for hearing.

Note: Board member David Neal recused himself regarding this complaint.

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

Seconded by Robert Starkey

Adopted by voice vote

18. Case No.: L13-FUN-RBS-2013009731**Complaint:**

- On May 8, 2013, a field representative conducted a routine inspection of the Respondent establishment.
- Advertisement – TCA 62-5-106
 - The Yellow Pages contained an advertised listing of the Respondent establishment for "Affordable Burial and Cremations" with a price of \$695.00; however, the advertisement lacks an itemized price for each item, procedure and services.
- Utilization of Crematory – TCA 62-5-107
 - Upon examining the Respondent's files, it was determined that several files did not contain a copy of the written cremation authorization forms as required; furthermore, the manager admitted that he failed to place a copy of the cremation authorization forms in four (4) cremation folders.

Response:

- Respondent states that it was their belief that a direct cremation with a container provided by the establishment is one of the single sixteen goods and services required by the Funeral Rule to be presented on an itemized basis on the GPL.

- Respondent states that he ran the advertisement by Scott Gilligan who told him the advertisement looked appropriate.
- Respondent states that he was never informed to check the state law and regulations regarding advertising.
- Respondent takes full responsibility and states that he was only acting in ignorance of the law.
- Furthermore, Respondent has taken steps to remedy the violations regarding the cremation authorization forms and has placed those documents in the appropriate files.

Recommendation:

- Letter of Warning.

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

Seconded by Wayne Hinkle

Adopted by voice vote

19. Case No.: L13-FUN-RBS-2013000452**Complaint:**

- On April 23, 2012, a field representative conducted a routine inspection of the Respondent's establishment.
- It was determined that the Respondent's funeral director's license expired on June 30, 2010, and had not been renewed at the time of the inspection.
- Respondent signed as the funeral director on three (3) SFGSS during that time period.
- Respondent also served as the manager for the establishment; therefore, there was no licensed funeral director serving as manager for the establishment at the time of the inspection.

Response:

- A new manager was put in place for the establishment on May 11, 2012, and this manager states that she has no knowledge of anything that occurred prior to May 11, 2012.
- Owner of establishment states that he apologizes for his employee's funeral director's license lapsing and states that changes have been made to prevent incidents like these from happening again.
- Furthermore, the owner provided a copy of a check he states he provided to Respondent in 2010 to renew her license.

History:

- No prior complaints.
- This case was originally presented as one of three on March 12, 2013. The Board agreed with counsel and approved discipline in the form of a

consent order with a \$300.00 civil penalty and authorization for hearing. Subsequent to this board meeting, counsel received notification from the Respondent's family that the Respondent is currently suffering from dementia and the progression of Alzheimer's disease. Furthermore, the Respondent's funeral director's license expired on June 30, 2010, and there has been no attempt to renew this license.

Recommendation:

- Dismiss.

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

Seconded by David Neal

Adopted by voice vote

20. Case No.: L13-FUN-RBS-2013001271

This case was originally presented at the previous meeting in May 2013. The owner of this establishment operated the business as a sole proprietor. The owner recently passed away; therefore, we are recommending that this case be closed.

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

Seconded by Wayne Hinkle

Adopted by voice vote

Public Chapter 287 of the Public Acts of 2013 – Cremation of Unclaimed Bodies

A Memorandum was presented to the board members to advise of the above referenced legislative enactment and summarize its contents for publication as appropriate.

Public Chapter 437 of the Public Acts of 2013 – Removal Service Registration

A Memorandum was presented to the board members to advise of the above referenced legislative enactment and summarize its contents for publication as appropriate.

A motion was made by Wayne Hinkle that the Assistant General Counsel request on behalf of the Board an Attorney General's Opinion on Public Chapter 437

regarding when a party is exempt from the removal service registration requirements and as to how should the Board interpret who is exempt and who is not. Specifically, the Board desires guidance on the meaning of: "Removal service: (B) Does not include: (i) A licensed funeral director, licensed embalmer, a licensed funeral establishment or person's employees." There are questions about the meaning of "person's employees".

Seconded by Robert Starkey

Adopted by voice vote

ADMINISTRATIVE MATTERS:
ROBERT B. GRIBBLE, EXECUTIVE DIRECTOR

LICENSEE REPORT:

**REPORT OF LICENSES ADMINISTRATIVELY APPROVED BY EXECUTIVE
DIRECTOR PURSUANT TO BOARD AUTHORITY FOR THE PERIOD OF
MAY 14, 2013 – JULY 8, 2013**

Establishments

McCreight Funeral Home
Dyersburg, TN

Revelation Funeral Home, LLC
Nashville, TN

Tennessee Valley Crematory, L.L.C.
Monteagle, TN

Type of Change(s)

New Establishment

New Establishment

New Establishment

Individuals

James Curtis Cooper
Greenfield, TN

William Randolph Meade
Henderson, TN

Jennifer LyReece Southerland
Manchester, TN

Elizabeth Marie Voyles
Kingston, TN

Type of License(s)

Funeral Director/Embalmer

Funeral Director/Embalmer

Funeral Director/Embalmer

Funeral Director/Embalmer

Alan Charles Desmond Dickson, TN	Funeral Director
Quinton Terrell Taylor Southaven, MS	Funeral Director
Gary Lee Toothman Springfield, TN	Funeral Director
Sherrod Andre Kimmins Nashville, TN	Embalmer

CLOSED ESTABLISHMENT REPORT:

One (1) establishment has reported closing since the last board meeting:

Northeast Tennessee Mortuary Services, 4893 Highway 11 E, #2, Bluff City, TN

DISCIPLINARY ACTION REPORT:

**REPORT OF CONSENT ORDERS ADMINISTRATIVELY ACCEPTED/APPROVED
BY THE EXECUTIVE DIRECTOR PURSUANT TO BOARD AUTHORITY FOR THE
PERIOD OF MAY 1, 2013 – JUNE 30, 2013**

Respondent: Boyd Funeral Home, Ashland City, TN
Violation: Authorization for cremation forms failed to contain a funeral director signature, failed to retain a written receipt of release pertaining to cremated remains, statement of funeral goods and services contained unnecessary and misleading information and multiple aspects of the establishment's price lists did not comply with the Funeral Rule
Action: \$500 Civil Penalty

Respondent: Cox & Son Funeral Home, Jellico, TN
Violation: Immoral or unprofessional conduct (embalmed a deceased human remains that was to be cremated without permission) and failed to comply with preventive requirements specified in the Funeral Rule
Action: \$500 Civil Penalty

Respondent: Cremation Society of Northeast Tennessee, Elizabethton, TN
Violation: Cremation authorization form not signed by a funeral director and a copy of the license and latest inspection report for the crematory that the establishment uses not available for inspection

Action: \$250 Civil Penalty

Respondent: Gentry Griffey Funeral Chapel & Crematory, Knoxville, TN
Violation: An advertisement failed to include an itemized listing of each and every item, procedure or service and the price of the item

Action: \$250 Civil Penalty

Respondent: Heritage Funeral Home & Cremation Services, LLC, Franklin, TN

Violation: Files lacked any receipt or failed to contain a completed receipt for human remains delivered to the crematory, statement of funeral goods and services selected lacked the reason for embalming, aspects of the establishment's general and casket price lists were inaccurate and failed to respond within the time specified upon receiving notice that a complaint had been opened against the establishment

Action: \$750 Civil Penalty

Respondent: Hibbett & Hailey Funeral Home, Nashville, TN

Violation: Copy of the license and latest inspection report for the crematory that the establishment uses not available for inspection, cremation authorization forms contained incorrect number of days regarding disposition of unclaimed cremated human remains, failed to make available the establishment license and licenses of funeral directors for inspection and failed to provide a description of merchandise selected on contracts

Action: \$500 Civil Penalty

Respondent: Calvin W. James, Jr., Johnson City, TN

Violation: Engaged in the practice of funeral directing and embalming while licenses were expired

Action: \$250 Civil Penalty

Respondent: Yashan Eugene Long, Athens, TN

Violation: Delinquent or defaulted on a state or federal educational loan or service-conditional scholarship

Action: Suspension of registration as an apprentice funeral director and an apprentice embalmer

Respondent: Marshall-Donnelly-Combs Funeral Home, Nashville, TN

Violation: Failed to affix a permanent identification device containing all required data to the deceased human remains and failed to provide a description of merchandise selected on contracts

Action: \$250 Civil Penalty

Respondent: Morris-Baker Funeral Home and Cremation Services, Johnson City, TN

Violation: An employee practiced funeral directing and embalming while licenses were expired and a copy of the license and latest inspection report for the crematory that the establishment uses not available for inspection

Action: \$250 Civil Penalty

Respondent: Mynatt Funeral Home, Inc., Knoxville, TN

Violation: Multiple aspects of the establishment's price lists did not comply with the Funeral Rule

Action: \$250 Civil Penalty

Respondent: Mynatt Funeral Home, Inc., Halls Chapel, Knoxville, TN

Violation: Multiple aspects of the establishment's price lists did not comply with the Funeral Rule

Action: \$250 Civil Penalty

Respondent: Partlow Funeral Chapel, Inc., Lebanon, TN

Violation: Multiple aspects of the establishment's contract and price lists did not comply with the Funeral Rule

Action: \$500 Civil Penalty

Respondent: Polk Memorial Crematory, Columbia, TN

Violation: Failed to place a permanent identification device in urns prior to placing the cremated human remains in the urns and failed to keep a separate record of the cremated human remains containing the required data

Action: \$500 Civil Penalty

Respondent: Speck Funeral Home, Inc., Livingston, TN

Violation: Conducted funeral services while establishment license was expired and failed to include required language on a price list

Action: \$500 Civil Penalty

OPEN COMPLAINT REPORT:

As of July 8, 2013 there were 116 open complaints.

A motion was made by Anita Taylor and seconded by David Neal to accept the Executive Director's Report.

Adopted by voice vote

INDIVIDUAL APPLICATION:

Charles Arthur Fowler
Memphis, TN

Funeral Director/Embalmer

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

Adopted by voice vote

Stephen Oliver Gray
Lakeland, TN

Funeral Director/Embalmer
Reciprocity

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

Adopted by voice vote

ESTABLISHMENT APPLICATIONS:

JACKSON FUNERAL SERVICES
106 ADMINISTRATION DRIVE
OAK RIDGE, TN 37830

New Establishment

Ownership: Partnership

Owner(s): Rhonda Jackson Oliver and Larry David Oliver, Oliver Springs, Tennessee

Upon motion by Wayne Hinkle and seconded by Anita Taylor, based upon application record, this establishment was approved for licensure.

President Hysmith directed that there would be a Roll Call Vote, and the voting was as follows:

Roll Call Vote			
Board Members	Yes	No	Abstain
Wayne Hinkle	X		
Tony Hysmith		X	
David Neal	X		
Robert Starkey	X		
Anita Taylor	X		

Adopted

**SAG FUNERAL HOME
1503 BUCHANAN STREET
NASHVILLE, TN 37208**

Establishment Name Change

Ownership: Limited Liability Company

Owner(s): Henry Louis Smith Funeral Directors, LLC, Nashville, Tennessee

Upon motion by Robert Starkey and seconded by Anita Taylor, based upon application record, this establishment name change was approved.

Adopted by voice vote

ADJOURN:

A motion was made by David Neal to adjourn.

Seconded by Wayne Hinkle

Adopted by voice vote

The meeting was adjourned by President Tony Hysmith at 11:29 a.m.

Respectfully submitted,

Robert B. Gribble

Robert B. Gribble, CFSP
Executive Director