

**TENNESSEE BOARD OF FUNERAL DIRECTORS AND EMBALMERS**

**MINUTES OF BOARD MEETING**

**FEBRUARY 12, 2019**

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

Board members present: Jeff Duffer, President; Clark McKinney, Vice President; Robert Davis, Charles Rahm and Robert Shackelford, III.

Board Member(s) absent: Dennis Bridges

Staff present: Robert Gribble, Executive Director; Cherrelle Hooper, Assistant General Counsel; Ashley Geno, Assistant General Counsel; and Lisa Bohannon, Administrative Manager.

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**ADOPTION OF AGENDA:**

A motion was made by Clark McKinney to approve the Agenda as printed.

Seconded by Charles Rahm

Adopted by voice vote

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**APPROVAL OF MINUTES:**

A motion was made by Charles Rahm to approve the Minutes of the January 8, 2019 Board Meeting.

Seconded by Clark McKinney

Adopted by voice vote

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**LEGAL REPORT:**

**ASHLEY GENO, 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.: 2018079601 – Funeral Director**

This is a consumer complaint alleging the Respondent overcharged the consumer for her husband's funeral services. Specifically, the consumer claimed:

1. The Respondent charged her additional money for basic services over the price listed in the pre-need policy; and,
2. The Respondent failed to reimburse her \$259.98 for a mausoleum space payment. Specifically, when the consumer's husband died, the cemetery provided a payoff amount of \$3,379.95, which the Respondent was to pay and then insurance would reimburse her. However, after the Respondent send a credit card payment for the payoff amount, the cemetery realized it had taken an additional monthly payment out of the consumer's account. As such, the cemetery charged the credit card \$3,119.97. Despite this, the Respondent received money from the insurance company which includes the \$259.98 difference between the payoff amount and the charged amount.

In response to these allegations, the Respondent stated she would not reimburse the consumer the \$259.98 because: 1) her staff worked at the viewing/visitation from 9:00 a.m. to 8:45 p.m., 2) the consumer was not charged for the use of limousines for the viewing/visitation (the consumer indicated the Respondent sent these on her own), and 3) she gifted the consumer a casket. The Respondent additionally told our investigator that she did not charge the consumer for the casket, limousines, or extended visitation time because the deceased had been her employee for years. Notably, the Statement of Funeral Goods and Services Selected was provided, which showed the consumer was charged \$395.00 for "use of facilities and staff for viewing".

The preneed policy was also provided. It was executed by the deceased and the Respondent in 2003.

**Recommendation:**

- Authorization for a formal hearing. Authorization for a civil penalty in the amount of \$750.00 reduced to \$250.00 provided the Respondent refunds the excess funds in the amount of \$259.98 to the Complainant and provides sufficient proof to the satisfaction of the Department within thirty (30) days of the Consent Order's receipt.

A motion was made by Charles Rahm to accept Counsel's recommendation.

Seconded by Clark McKinney

Adopted by voice vote

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**2. Case No.: 2018088301 – Establishment**

A former employee of the Respondent establishment filed a complaint alleging the Respondent was aiding in unlicensed activity. Specifically, the employee alleged that he was the only licensed funeral director at the establishment, but after he was suspended the Respondent may have met with at least one at-need family and that two (2) cremations were performed. This case was sent for an investigation, which revealed no evidence of unlicensed activity. A licensed funeral director was present.

**Recommendation:**

- Close

A motion was made by Clark McKinney to accept Counsel's recommendation.

Seconded by Robert Davis

Adopted by voice vote

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**3. Case No.: 2018090281 – Establishment**

**4. Case No.: 2018090301 – Funeral Director**

Respondent #2's funeral director and embalmer licenses expired on September 30, 2018, but he did not meet the requirements for reinstatement of those licenses until October 26, 2018. Despite this, during that time, Respondent #2 remained manager of record for Respondent #1, and eighteen (18) services were conducted at the establishment or other facilities.

In response to these allegations, Respondent #2 apologized for letting his licenses lapse and overlooking renewal.

**Recommendation:**

- Establishment – Letter of Warning
- Funeral Director – Letter of Warning

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

Seconded by Charles Rahm

Adopted by voice vote

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**ADMINISTRATIVE MATTERS:**  
**ROBERT B. GRIBBLE, EXECUTIVE DIRECTOR**

**LEGISLATIVE UPDATE:**

**HB0048\*/SB0856** Funeral Directors and Embalmers –  
As introduced, authorizes lawful permanent residents of the United States to apply for an embalmer's license; changes the requirement that an applicant for an embalmer's license have obtained an associate of arts degree to an associate degree. - AN ACT to amend Tennessee Code Annotated, Section 62-5-307, relative to embalmer's license.

**SB0432\*/HB0967** Funeral Directors and Embalmers –  
As introduced, authorizes operators of crematory facilities who provide free services for the cremation of human remains to receive a refund of the permit fee paid for such services. - AN ACT to amend Tennessee Code Annotated, Title 62, Chapter 5; Title 63 and Title 68, Chapter 2, relative to operators of crematory facilities.

**SB1041\*/HB1431** Funeral Directors and Embalmers –  
As introduced, expands the definition of cremation, for the purposes of regulating operators of crematory facilities, to include additional processes such as alkaline hydrolysis. - AN ACT to amend Tennessee Code Annotated, Title 62, Chapter 5, relative to cremation.

**HB0520\*/SB1431** Professions and Occupations –  
Professions and Occupations - As introduced, allows a HiSET(R) diploma to fulfill education requirements for licensure or registration of funeral directors, embalmers, and their apprentices. - AN ACT to amend Tennessee Code Annotated, Title 38; Title 62 and Title 67, relative to professions.

**HB0304\*/SB0384** Licenses –  
As introduced, exempts members of the armed forces stationed within this state and their spouses from licensure requirements to practice professions and occupations regulated by the department of commerce and insurance and the department of health, subject to meeting certain requirements to practice. - AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 3, Part 13; Title 62; Title 63 and Title 68, Chapter 1, Part 1, relative to professions.

**SB0196\*/HB0261** State Government –

As introduced, makes various changes to the Right to Earn a Living Act, including requiring entry regulations, public service restrictions, and statutes to be demonstrably necessary and carefully tailored to fulfill a legitimate public health or safety objective, and allowing persons to petition applicable licensing authorities and bring civil actions when such standard is not met. - AN ACT to amend Tennessee Code Annotated, Title 1; Title 4; Title 7; Title 38; Title 62; Title 63 and Title 67, relative to the ability to conduct business in this state.

**SB0602\*/HB0785** Trusts –

As introduced, authorizes a trustee to establish a single trust fund for all pre-need funeral contracts issued by multiple pre-need sellers, instead of having to establish a trust fund for each pre-need seller. - AN ACT to amend Tennessee Code Annotated, Title 62, Chapter 5, Part 4, relative to trusts.

**HB0650\*/SB1173** Insurance Companies, Agents, Brokers, Policies –

As introduced, allows the owner of a prearrangement insurance policy, and not just the beneficiary, to irrevocably assign the policy or policy benefits to a funeral establishment if the insurance company issuing the policy does not offer a funeral trust, or only offers a funeral trust for an additional charge. - AN ACT to amend Tennessee Code Annotated, Title 56 and Title 62, Chapter 5, Part 4, relative to prepaid funeral benefits.

**Website for Legislative Bill Searches:**

<http://wapp.capitol.tn.gov/apps/billsearch/BillSearchAdvanced.aspx>

**LICENSEE REPORT:**

**REPORT OF LICENSES ADMINISTRATIVELY APPROVED BY EXECUTIVE DIRECTOR PURSUANT TO BOARD AUTHORITY FOR THE PERIOD OF JANUARY 8, 2019 – FEBRUARY 11, 2019**

**Establishment(s)**

Elite Funeral Directors  
Madison, TN

**Type of Action(s)/Change(s)**

New Establishment

Loudon Funeral Home and Cremations, Inc.  
Loudon, TN

Ownership and Name

**Individual(s)**

Malarey Desha Gordon  
Lexington, TN

**Type of License(s)**

Funeral Director and Embalmer

Elizabeth Voyles Faller  
Kingston, TN

Funeral Director and Embalmer  
Reapplication

Susan Mary Kimbro

Funeral Director

Franklin, TN

**CLOSED ESTABLISHMENT REPORT:**

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

- Hardwick & Sons Funeral Home, Inc., - Trammell Chapel, 913 East M L King Boulevard, Chattanooga, TN.

**DISCIPLINARY ACTION REPORT:**

**These are Consent Orders that have been administratively accepted / approved by the Executive Director pursuant to Board authority and as reported on the December 2018 Regulatory Boards Disciplinary Action Report:**

Respondent: Hall Funeral Home, LLC, Celina, TN  
Violation: The establishment manager's license and crematory's license were not available for review at the time of the inspection. Engaged in practices that are deceptive or misleading.  
Action: \$1,000 Civil Penalty

Respondent: Love-Cantrell Funeral Home, Inc., Smithville, TN  
Violation: Operating a funeral establishment with an expired license.  
Action: \$500 Civil Penalty

**OPEN COMPLAINT REPORT:**

As of February 11, 2019 there were 43 open complaints.

A motion was made by Clark McKinney to accept the Executive Director's Report.

Seconded by Charles Rahm

Adopted by voice vote

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**ESTABLISHMENT APPLICATION(S):**

**SIMPLE CREMATION SOLUTIONS  
ATTN: JEREMY ARNOLD PRICE, MGR.  
90 DOGWOOD LANE  
SOMERVILLE, TN 38068**

**New Establishment**

**Ownership: Limited Liability Company**

**Owner(s): Fayette Investment Company, LLC, 18020 US Highway 64,  
Somerville, TN 38068-6167**

Upon motion by Clark McKinney and seconded by Charles Rahm, based upon application record, this establishment was approved for licensure.

Adopted by voice vote

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**ADJOURN:**

A motion was made by Clark McKinney to adjourn.

Seconded by Robert Davis

Adopted by voice vote

The meeting was adjourned by President Jeff Duffer at 10:54 a.m.

Respectfully submitted,

*Robert B. Gribble*

Robert B. Gribble, CFSP  
Executive Director