

Welcome to 2010 and this 15th Edition of the Board Bulletin

This publication offers the Board's 2010 Annual Report and other information specifically designed to increase the level of licensee and public awareness relative to the responsibilities and obligations of both. The Board will make every effort possible to assure current issues that impact licensees and consumers alike are disseminated in an expeditious manner.

I would like to begin the 15th edition of the Board Bulletin by apologizing for a later than usual completion due to personal illness and the final changes approved by the legislature and implemented in an effort to balance the state's budget. After two massive heart attacks and five stents later, I am slowly working my way back to full capacity. I would rather move more quickly than directed by my physician however, you can understand why it is particularly important for me to follow my physician's instructions to the letter. The cards, telephone calls and prayers received by all were greatly appreciated and my family and I personally thank each and every one of you. Most of you know that I have developed a great compassion and love for the industry and I have been granted a second chance in life to do what ever I can to make Arizona the finest in the country.

The state budget situations for fiscal Year 2010 and 2011 respectively have mushroomed far and above previous numbers. Short term gimmicks such as fund sweeps and massive cuts to areas and programs within the state which will impact on each and every resident in Arizona. The recent one percent sales tax approved by voters has delayed additional cuts in service and employees and hopefully will assist the state in overcoming its fiscal problems as the recession continues. In addition to pay cuts for state employees several furlough days have been mandated. The will result in a complete shut down of state services on the selected days and no pay for each one of the furlough days to employees. The Board from the onset has remained proactive to these issues and will maintain high levels of service to both licensees and consumers. The state will continue to have budget concerns in the near future however by working together we will overcome these difficult times and progress to the next level. Thank you for all your efforts and have a great year.

Sincerely,

Rodolfo Thomas
Executive Director

BOARD VISION

To create and maintain a balance between fair and equitable business regulation and the protection of the public's health, safety and welfare in the use and purchase of goods and services required for death.

PHILOSOPHY

To maximize public protection through education and minimal regulation.

BOARD MISSION

To maintain and enforce a set of standards that provides protection for the health, safety and welfare of Arizona Citizens by educating the consumer and by actively and impartially regulating those licensed to provide funeral goods and services.

BOARD STRATEGIC PLAN GOALS

1. To ensure that where regulation is required that consumers are only accessing licensed Businesses or Individuals and that licenses are only granted and renewed to competent Individuals with high standards of professional and ethical conduct.
2. To ensure and enforce that information is made available to both the consumer and the Licensee which educates them to the standards of practice, their rights and obligations.
3. To actively and impartially investigate and resolve allegations and complaints, and provide enforcement to protect the public from incompetent services, unprofessional, unethical and illegal conduct.

BOARD DESCRIPTION

The State Board of Funeral Directors and Embalmers examines and licenses individuals who provide funeral goods and services. The Board accepts complaints against licensed individuals, establishments, including staff, investigate allegations, and forwards complaints of criminal/civil matters to appropriate authorities. The Board oversees over 1600 licensees practicing in the state, and serves all Arizona Citizens who receive funeral goods and services.

BOARD STATUTORY FUNDING FORMULA

A.R.S. 32-1308 requires that all fees and revenues accruing to the Board be paid to the State Treasurer. Ninety percent of the fees are paid to the Board's fund to cover operational fees and one hundred percent of civil penalties are deposited in the State's general fund. For Fiscal Year 2009, ninety percent represents the Board's appropriated budget of \$355,00 however nearly \$375,000 was collected. With ten percent at approximately \$37,500, plus civil penalties estimated at \$3,000, the Board is returning at least \$40,000 to the State's general fund. This figure does not include the \$610,000 swept due to the states budget issues.

BOARDS COMPOSITION

The Board is comprised of four qualified and practicing funeral directors and three consumers, one of which must be the owner or manager of a business. Board Members are appointed by the Governor and serve four-year terms with annual elections for President and Secretary.

STAFFING AND BUDGET

The Board maintains four full time positions. An Executive Director responsible for overall administration, a License Administrator responsible for investigation of complaints and compliance visits of establishment and a Programs and Projects Specialist I, responsible for licensing and continuing education and background investigations. The Board due to a reduction in force currently staff three positions and have not filled one position due to budget concerns. The Board's appropriation for FY 2010 was \$350,800.00 and \$344,100 for FY 2011.

ENFORCEMENT INFORMATION

This section has been renamed and the scope of information provided will be centered on current procedural or statutory modifications to keep licensees in compliance.

COMPLIANCE CORNER

License Administrator Alexander Estrada during recent inspections of funeral establishments has observed the following reoccurring violations: Prep room must be functional at all times, if you utilize the facility or not. This includes the proper operation of all required equipment and not to replace other rooms such as a storage bin. Additionally, the establishment and appropriate documentation for example statement of goods and services and price list must be prepared in compliance with FTC mandates. Maintain OSHA standards and be prepared for inspections and undercover operations by both the FTC and OSHA employees. Budget concerns have forced the Board to create other viable options, especially in the area of compliance visits. As a result, the Board has approved and authorized Board Members and select Funeral Directors to assist staff in the inspection of our facilities. These individual will conduct the normal compliance visits at your facility and return all necessary documentation to staff for review and recording. The visits as in the past will assist licensees in remaining compliant in terms of State and Federal laws. Please make every effort to work with the members appearing at you facility.

HEADS FOUND ON SOUTHWEST AIRLINES FLIGHT TO ARKANSAS

In early June of this year a Southwest Airlines cargo worker opened three suspicious boxes at Little Rock National Airport and found over forty heads in transit to a medical laboratory in Fort Worth Texas. The heads were to be utilized to assist in the training of neurosurgeons. The news of this incident sparked the attention of many of the medical-anatomical professional associations and institutional willed body donation programs across the country. Body parts used for medical purposes are commonly shipped by air however, the specimens boxed on Southwest Airlines were not properly labeled or packaged and the airline alerted local authorities and the Federal Aviation Administration. The local Medical Examiner Garland Camper could not rule out that the heads had been harvested and transported illegally. During the investigation it was discovered that a number of the specimens had been provided by a local organization in Phoenix and I began receiving numerous telephone calls and emails. The organization identified was Biological Resource Center and owner Steve Gore. In an attempt to resolve what could have been very damaging to both donor organizations and possibly the funeral industry Steve Gore was immediately contacted. Without any hesitation Mr. Gore faxed a copy of his informed consent document and stated that invoice numbers and authorizations were available. Additionally, Mr. Gore stated that he would authorize access to any of his files and records to me when needed and he would advise his staff also. It took little time to discover that the organization had taken all the proper steps necessary in securing the remains and subsequent harvesting of donated remains. Telephone calls were made to the Medical Examiner in Arkansas and as a result no criminal charges or wrongdoings have been exposed. The problem discovered was that the boxes containing the specimens were not properly labeled or packaged. This incident could

have had tremendous negative impact in Arizona. The point I am attempting to make is simply this, are you confident with the donor organization that you utilize? Have you reviewed the consent form to ensure that consumers are fully aware of all actions? Are you satisfied with the handling of cremains after harvesting? There are many questions that you should ask yourself as well as the company you choose to work with. Remember, those organizations that fall under the Anatomical Gift Act, are immune to civil litigation, but your establishment is not!

LAWS AND RULES

There were no new Statutes or rules created during the previous year and a moratorium on all rules has been in effect considering the budget issues of the State.

LICENSING ACTIONS

During the reporting period, in addition to over 1600 renewals, the Board also issued:

- 6 Crematory Licenses
- 2 Establishment Permits
- 33 Pre-Need Salespersons Registrations
- 5 Interns
- 23 Embalmers
- 28 Funeral Directors Licenses
- 11 Establishment Licenses (includes new, location changes, ownership)
- 31 Cremationist Licenses
- 1 Crematory Permits
- 4 Multiple Licenses

OTHER AGENCY IMPROVEMENTS

The State Board's Office has redesigned its current web site to reflect that of the State of Arizona. Take a little time to browse this informative site. The address is www.azfuneralboard.us. The website will also contain agendas for upcoming meetings as well as the minutes of previous meeting once approved by the Board. Board's staff has received new email addresses and they are also listed on the site.

A partnership between the Arizona Department of Health Services Office of Vital Records and Arizona State Board of Funeral Directors has provided a means of recording the actual number of dispositions for the preceding year which determines the renewal fee for establishments. Indicated on the renewal form is a warning for **fraudulently submitting incorrect numbers in the renewal process**. The Office of Vital Records will provide the exact number of dispositions (death certificate filings) to the State Boards office for reconciliation of numbers submitted by each establishment within the state. This satisfies the Auditor General inquiry into the verification of statistics for the renewal process. Please ensure that the total number of death certificates filed by your establishment is submitted accurately.

The following statistics were gathered in this time frame.

Conventional Burials	13,480	30%
Cremations	28,307	63%
Ship Outs	3,145	7%
Total	44,932	100%

CONTINUING EDUCATION MASTER RECORCE LIST

PROGRAMS BY NATIONAL FUNERAL SERVICE ORGANIZATIONS:

- Academy of Professional Funeral Service Practice
- American Funeral Consultants
- American Board Funeral Service Education
- National Association of Approved Morticians
- National Funeral Dir. & Morticians Association
- International Conference of Funeral Service Exam Boards
- National Funeral Directors Association
- Cremation Association of North America
- FIAT-IFTA International Federation. of Thantologist
- Federated Funeral Directors of America
- Funeral Service Foundation
- Jewish Funeral Directors Association
- Western Cemetery Alliance
- Selected Independent Funeral Homes
- Order of Golden Rule
- Preferred Funeral Directors International

- Casket Manufacturer Association
- International Cemetery and Funeral Association

A. PROGRAMS SPONSORED BY STATE ASSOCIATIONS:

- Arizona Funeral, Cemetery & Cremation Association **formerly known as:** Arizona Cemetery Association and Arizona Funeral Directors Association
- Any other State Association where their State requires Continuing Education

B. PROGRAMS SPONSORED BY LOCAL ASSOCIATIONS:

- Grief Outreach
- Grief Network
- New Song Center
- American Academy of Bereavement
- Lions Eye Bank
- Accord Aftercare Services

C. PROGRAMS SPONSORED BY SUPPLIERS:

- Batesville
- Dodge Chemical Company
- Elder Davis
- Forethought
- B & L Cremation Systems Inc. 1-800 622-5411
- Matthews Bronze/Matthews Cremation Division

- Wilbert & Company
- York Products
- Crematory Manufacturing & Service Inc.
- Options
- Aurora Casket Company
- Trigard University
- Matthews International
- Matthews Cremation Division (cert)

D. HOME STUDY COURSES WITH TEST:

- Thanos Institute: Phone 1-800-742-8257
- ARC Mesa Educators: Phone 1-800-597-6372
- NFDA Home Study: Phone 1-800-228-6332
- Funeral Ethics Association: Phone 1-217-525-1520
- Elite CME, Inc. Phone 1-888-857-6920 www.elitecme.com
- Practicum Strategies 1-800- 731-4714 www.info@pshomestudy.com
www.practicumstrategies.com
- Apex e-mail address: info@apexces.com

E. COLLEGE COURSES

**F. HOSPITAL OR LABORATORY BASED INSTRUCTIONAL
HOSPICE**

G. GOVERNMENT AGENCIES:

- Board of Funeral Directors & Embalmers
- Arizona Department of Health Services
- Social Security Administration
- Veterans Administration
- FEMA (Federal Emergency Management Agency)
- OSHA
- Office of the Medical Examiner (Arizona)
- Public Fiduciary
- Homeland Security (TSA Arizona)
- DMORT

H. OTHER:

- Center for Loss & Life Transition
- Continental Computers
- Epsilon Nu Delta Mortuary Fraternity, Inc
- California Transplant Services Inc.
- In-Sight Institute of In-Sight Books
- Life Appreciation Training
- Foundation National Academy Professional Embalming Skills

- Risk & Insurance Management Society
- Career Track, Inc. (Seminars only) SCI
- Howard Perlman-OSHA, Compliance & Risk Mgt.
- Duane Moore-OSHA Compliance & Risk Mgt.
- Donor Network of Arizona
- MKJ Marketing
- 360 Training, (online) www.funeralcampus.com
- Heartspace Adventures, Barbara Joy PhD
- Mission for Infant Survival & Stillbirth (M.I.S.S.)
- Ford Schools Insurance and Securities
- Great Western Insurance Company
- Dr. Thomas Taggart, Director, Mortuary Science Program, and Cremationist Certifier
- Donna Backhaus, Cremationist Certifier
- Rob Drechsler, Cremationist Certifier
- Lincoln Heritage Funeral Planning
- Donor Network of Arizona
- Forensic Medical Investigations, Mary H. Dudley, MD
- Practicum Strategies
- AZ Donor Services – South West Division- RTI Donor Services

- Donor Network of Arizona
- Funeral Review.com, LLC, www.funeralreview.com
- Alderwoods Group
- Elite
- MKJ Marketing
- www.Mindleaders.com,inc. (online)
- SCI
- Stericycle
- 100% Education By McKissock (on-line) www.mcKissock.com

**REQUIRED CONTINUING EDUCATION
CATEGORIES AND HOURS:**

- Mortuary Science: 3 hours
- Legal Compliance & Ethics: 3 hours
- Professional Development: 6 hours

CONTINUING EDUCATION COMMITTEE MEMBERS

- Donna Backhaus-Chair
- Ed O'Sullivan-Committee member
- Julian King-Committee member
- Jesse DeAnda-Committee member
- Patricia Keith-Board Liaison

2009 DISCIPLINARY ACTIONS

Docket# 2009-01

Licensee: Heritage Memory Mortuary,

Alleged Violation: Complainant states funeral arrangements were made with Hampton Funeral Home. Upon arriving at Mountain View Cemetery she was advised that she could not purchase a plot unless she arranged her funeral services with Heritage Memory Mortuary.

Disposition: Letter of Concern issued to Establishment and to review Arizona Administrative Code (A.A.C.) R4-12-303 A. (4).

Docket# 2009-02

Licensee: Valley of the Sun Mortuary

Alleged Violation: Unprofessional Service, Complainant states that the obituary was not filed in a timely manner causing additional grief for the family. Additionally memorial card printing was unprofessional.

Disposition: A Letter of Concern was issued to the Establishment and to the Responsible Funeral Director Michael Hawkins.

2010 BOARD MEETING SCHEDULE

January 19, 2009	May 18, 2010	September 21, 2010
February 16 ,2010	June 15, 2010	October 19, 2010
March 16, 2010	July 20, 2010	November 16, 2010
April 20, 2010	August 17, 2010 Tele-Conf	December 21, 2010

Board Members

Rev. Katherine Shindel

Consumer Member
President

John Munden

Funeral Director
Secretary

Samuel Bueler

Funeral Director
Member

Monsignor O’Keeffe

Consumer Member

Martin A. Crist

Funeral Director
Member

James Ahearne

Funeral Director
Member

Phyllis Rowe

Consumer Member

Staff

Rodolfo Thomas

Executive Director

Alexander Estrada

Licensing Administrator

Patricia Keith

Programs and Projects Specialist I

A MESSAGE FROM THE BOARD PRESIDENT

This past year has proven to be one of great challenge for the Arizona State Board of Funeral Directors and Embalmers as we have shared the economic challenges of Arizona. As you know, our savings were taken to support the state budget. The interest from those savings enabled the board to keep licensing fees low. Under the outstanding leadership of our Executive Director Rudy Thomas the staff, after a personnel cut of 25%, has met our mission - with one exception due to the lack of funds.

With the budget cut, the board has not had the funds to send Licensing Administrator Alex Estrada to do the normal inspections. There has been funding only to handle mandatory new establishment inspections and investigation inspections. However, the inspections are being accomplished thanks to a wonderful crew of volunteers. Board members and retired funeral directors were trained and have given more than 150 hours doing these inspections. The process has gone smoothly not only because of the skill of those volunteers, but also because of the gracious way our licensees have received them.

I want to salute the professionalism of all our licensees. In the six years I have served on the board, I have never seen so few complaints. Month after month we are able to do teleconference meetings, saving money, because there are no complaints. The lack of complaints is the greatest testimony to the care and compassion given by our professionals to the families and friends in grief. Thank you.

2009-2010 could have been a time of disaster for the board. However because everyone has risen to meet the need, this has been a time of excellence. I salute the great team – licensees, staff, and board members – who have worked together to make this possible. Thank you.