

Welcome to 2011 and this 16th Edition of the Board Bulletin

This publication offers the Board's 2011 Annual Report and other pertinent information specifically designed to increase the level of licensee and public awareness. Enhancing the responsibilities of those authorized by this Board to practice in Arizona remains a consistent objective. The Board will make every effort possible to assure current issues that impact licensees and consumers alike are disseminated in an expeditious manner.

The previous forecast of another annual budget deficit for the State looms over the minds of each and every resident in Arizona. Fiscal years 2011 and 2012 both are predicted to be in the red despite efforts approved by the legislature. An Economy which is slowly regaining momentum has failed to generate monies anticipated from the one percent sales tax approved by voters and drastic cuts will be made. These heart wrenching decisions will impact on the rich, middle class and those experiencing the pains of poverty. The Board is thankful for those members of the industry including Board members who volunteered in the inspections of our licensed facilities. During the upcoming months the board staff will increase its numbers of compliance visits and with continued assistance maintain the level of professionalism we expect from our licensees.

The Board will experience additional fund sweeps this next fiscal year and based upon projections from our budget analyst, funds will be swept in the future until the state can balance the budget. Previous fund sweeps resulted in several hundred thousands of dollars swept from our funds. Our current fund balance is not in the position for fund sweeps of this size. The amount will be obviously smaller. Regardless, the licensee and this Board being an agency of the State are obligated to share their load during this crisis. I understand that the agency is not funded by the General Fund and exists solely through the monies received from our licensees. However, the fact is that we must improvise and work together to overcome all of the issues facing us and I am confident that this shall all pass. I pledge that this board will continue to provide the highest level of professionalism to both the licensee and consumer regardless of the circumstances and we anticipate the same in return. Thank you for all of your efforts and I know that you will 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 provide and maximize public protection through education and voluntary compliance.

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 2010, ninety percent represents the Board's appropriated budget of \$350,000 however nearly \$360,000 was collected. With ten percent at approximately \$36,000, plus civil penalties estimated at \$3,000, the Board is returning at least \$39,000 to the State's general fund.

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 establishments and crematories. A Programs and Projects Specialist I, who is 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 \$350,000.00 and \$344,100 for FY 2011.

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.

CREMATION OF REMAINS RECEIVED FROM DONOR ORGANIZATIONS

Unless you have not been reading the news or have been completely isolated from all sources of information affecting the funeral industry one must be cognizant of an issue brought before the Board for review and subsequent disciplinary action. The matter of concern is centered upon the cremation of human remains received from donor organizations. Are you a crematory owner who contracts with an organization to cremate human remains after being harvested? Upon receipt of remains do you receive contents with several recognizable human body parts packaged together with identification numbers and names attached? Ask yourself this question, are you cremating all of the contents together and subsequently scattering such remains if authorized all together? If this is the case you could be in violation of statutes preventing the cremation and scattering of more than one human body without proper authorization. No matter what these donated remains may be named by any organization they are human remains and should be treated as such unless otherwise authorized. To avoid any such incidents a committee meeting was held following the regular scheduled Board Meeting for February 15, 2011. Stakeholders from several donor organizations and licensed personnel were present for roundtable discussions. The openness of the meeting enlightened everyone that attended. Issues concerning common language for authorizations, and definitions creating much thought in creating standards for all to follow. Board President directed that a committee be formed to create language that all could be satisfied with in their operations. The committee would then present their ideas to the Board at the next meeting in March.

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:

- 2 Crematory Licenses
- 4 Establishment Permits
- 65 Pre-Need Salespersons Registrations
- 6 Interns
- 22 Embalmers
- 33 Funeral Directors Licenses
- 12 Establishment Licenses (includes new, location changes, ownership)
- 29 Cremationist Licenses
- 4 Crematory Permits
- 3 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 currently contains 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. The Annual report is also included on the web site and contains previous issues for your review. This year the board plans on placing an added feature upon the renewal notices for licensees by adding space for individual email addresses. This will assist in creating an expedient manner in contacting licensees with important information and is a step towards creating on-line renewal of licenses. Additionally, considering the budget issues impacting on all, the board may be able to decrease mailing costs. Please take the time to submit your email address and remember to contact the board for any subsequent changes in your email address.

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 and are approximate based upon the numbers available prior to completion of this report.

Conventional Burials	14,513	30%
Cremations	31,446	65%
Ship Outs	2,902	6%
Total	48,379	100%

CONTINUING EDUCATION MASTER RECOURSE 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: info@arcmesa.org
- 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
- Patricia Keith-Board Liaison

2010 DISCIPLINARY ACTIONS

Docket# 2010-01

Licensee: Bisbee Funeral Home

Alleged Violation: Complainant stated funeral establishment handled the transportation and subsequent care of their deceased infant in an unprofessional manner.

Disposition: Dismissed

Docket# 2010-02

Licensee: Neptune Society

Alleged Violation: A staff member witnessed the commingling of cremated remains by the RFD. The RFD removed the cremains from an urn and placed those cremains in a keepsake belonging to another family.

Disposition: RFD was issued a consent agreement to voluntarily surrender his Funeral Director and Embalmers license to the Board with no opportunity to reapply for either license in Arizona. RFD failed to appear at any of the scheduled hearings. RFD did sign and return the consent agreement to Board Staff.

Docket#2010-03

Licensee: Harper Funeral Home

Alleged Violation: Complainant alleged RFD unlawfully held the deceased body for personal gain and took control of the deceased estate as a result through the courts.

Disposition: A Letter of Concern was issued to RFD and Establishment to ensure that all parties involved are notified in regards to payment and receipt of proper documentation. If Spokesperson refuses to participate then all members of families must be afforded the same opportunity.

Docket#2010-04

Licensee: Green Valley Mortuary and Cemetery

Alleged Violation: Complainant stated she was given her urn after cremation. Five months later she opened the urn to remove some of the cremains for a locket she had purchased. Complainant discovered that the urn was empty and no cremains were missing.

Disposition: Letter of Concern issued to RFD

Docket#2010-05

Licensee: USA Parker Crematory

Alleged Violation: A couple searching for the headstone of a deceased family member discovered several piles of partially cremated human remains scattered throughout a cemetery in Bisbee Arizona. The Police were notified and an investigation into the discovery was conducted. Police concluded their investigation relinquishing the matter to be investigated by the board. A complaint was initiated by board staff and an immediate inspection was conducted of the Crematory, Funeral Establishment and subsequent observation of the cemetery. Allegations also included cremains not properly secured, and the comingling of cremains during cremation and scattering. Air tray utilized to transport and to be cremated with remains were utilized as a fence at the location.

2011 BOARD MEETING SCHEDULE

January 18, 2011	May 17, 2011	September 20, 2011
February 15, 2011	June 21, 2011	October 18, 2011
March 15, 2011	July 19, 2011	November 15, 2011
April 19, 2011	August 16, 2011 Tele-Conf	December 20, 2011

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