



Oklahoma Funeral Board
3700 N. Classen Blvd, Suite 175
Oklahoma City, Oklahoma 73118
405.522.1790

MEMORANDUM & BOARD PACKET

May 7, 2021

TO: **MEMBERS**

Tom Coble
J. Cooper
Joe Highberger
Brent Matherly
Jim Roberts
Chad Vice

BOARD STAFF

Amanda Everett, AAG
Thomas Grossnicklaus, AAG
Thomas Schneider, AAG
Tyler Stiles

FR: Chris Ferguson

RE: May 13, 2021 Regular Board Meeting

Attached please find the May 13, 2021 Oklahoma Funeral Board agenda, previous meeting drafted minutes, and other supporting documents regarding the meeting. As you may know, Gov. Stitt withdrew Executive Order 2021-07 on Monday, May 3, 2021, but effective on May 4. By withdrawing this Executive Order, the Governor ended the emergency declaration related to the COVID-19 Pandemic. Pursuant to Senate Bill 1031 (2021), the expiration of the emergency declaration related to the COVID-19 Pandemic triggers a thirty-day grace period for public bodies to resume in-person meetings consistent with the provisions of Open Meeting Act prior to SB 661 in 2020 and SB 1032 this year.

Accordingly, the OFB should plan to convene in person for any meeting on or after Thursday, June 3, 2021. Currently, there is an outstanding bill that has been returned to the House of Representatives from the Senate that would allow virtual meetings through March 1, 2024. At this time, it is unknown whether House Bill 2644 will make it to the Governor's desk.

If you have any questions or if you cannot attend next week's meeting please contact me.

OKLAHOMA FUNERAL BOARD
3700 North Classen Blvd, Suite 175
Oklahoma City, Oklahoma 73118

NOTICE OF REGULAR MEETING

MEETING PLACE: Videoconference at

<https://oklahomafuneralboard.my.webex.com/meet/Funeralboard>

We ask that only the Respondents in a complaint use the video camera function. If calling in by telephone please call 1-408-418-9388; Access Code 1260612143. If attending in person at the physical location: Office of Chief Medical Examiner OKC, 921 N.E. 23rd Street Conference Room 1st Floor Oklahoma City, OK 73105.

All Funeral Board Members, Funeral Board Staff, and visitors who wish to attend the Funeral Board's monthly Board meetings are encouraged to wear a facial covering or mask over the mouth and nose at all times.

DATE & TIME: May 13, 2021 10:00AM

A copy of this notice of meeting and agenda has been posted in a prominent location at the office of the Oklahoma Funeral Board, 3700 North Classen Blvd Suite 175, Oklahoma City, Oklahoma, on May 7, 2021 at 1:10PM. A copy of this agenda is available on the Funeral Board website at www.ok.gov/funeral

A virtual videoconference special Board meeting of the Oklahoma Funeral Board will be held on May 13, 2021 at 10:00 a.m. in accordance with the Administrative Procedures Act, and the Open Meeting Act as amended by SB1031. Appearing remotely via videoconference for the meeting will be Board members; Tom Coble, Appearing in person for the meeting will be Board members, J. Cooper, Joe Highberger, Brent Matherly, Jim Roberts, Chad Vice and Board staff of AAG Amanda Everett, Chris Ferguson, AAG Thomas Grossnicklaus, AAG Thomas Schneider, and Tyler Stiles.

If attending via videoconference or via telephone Continuing Education credit will not be provided for this meeting. If you plan to attend a Board meeting for Continuing Education credit and would like a rough estimate of the length of time Board staff estimates the meeting might last, please email your request to info@funeral.ok.gov.

*** This symbol denotes the application and/or applicant is not in compliance with 235:1-1-2 (c) (14 day Rule)

ORDER OF BUSINESS: The Board may discuss, vote to approve, vote to disapprove, vote to table, change the sequence of any agenda item, or decide not to discuss any item on the agenda.

1. Roll Call

2. Reading of the Oklahoma Funeral Board mission statement

The mission of the Oklahoma Funeral Board is to act in the public interest and for the protection of the public within the powers vested in the Board by the State of Oklahoma for the regulation and education of the funeral service profession.

3. Approval of the March 11, 2021 Regular Board meeting minutes

4. Approval of the April 8, 2021 Regular Board meeting minutes

5. Review complaints with possible vote for probable cause or other action

21-20- Vendor Issues

21-22- Not Refrigerating Body

21-24- Missing Jewelry

21-40- Casket Issues

6. Matters for consideration: Consent Order or Scheduling Order

At the conclusion of the parties' presentation and any questions or public discussion by the Board, the Board may in each complaint case:

- i. consider and vote on motion(s) to conduct executive session(s) pursuant to 25 O.S.2011, Section 307(B)(8) to engage in deliberations or rendering a final or intermediate decision in an individual proceeding pursuant to Article II of the Administrative Procedures Act;
- ii. if an executive session is held, designate a person to keep written minutes of the executive session;
- iii. consider and vote on motion(s) to exit executive session and return to open meeting; and

- iv. consider and vote on motion(s) regarding possible action to be taken regarding matter discussed in executive session.

6A. Complaint 20-25 Forever Memories Funeral Service, Inc.; Establishment, Sallisaw; Forever Memories Funeral Service, Inc. Owner; David Hampton, FDIC, Sallisaw. Member Vice needs to be recused

6B. Complaint 21-14 Forever Memories Funeral Service, Inc.; Establishment, Sallisaw; Forever Memories Funeral Service, Inc. Owner; David Hampton, FDIC, Sallisaw. Member Vice needs to be recused

7. Vote to affirm or disaffirm the issuance of the following licenses, registrations, certificates, dissolution or other action

A. Apprenticeship (Original)

1. Hilda M. Rubio, Moore, OMS, OKC (EM only)
2. Elvis Keel, Elgin, Comanche Nation FH, Lawton
3. Taigen White, Sulphur, Dearman FH, Tishomingo
4. Carrie Davis, Owasso, Moore FH, Tulsa
5. Michael Mosier, OKC, Matthews FH, Edmond
6. Kaylin Carlton, Norman, Primrose FH, Norman
7. Jasmine Hatton, Ada, Estes-Phillips FH, Ada

B. Apprenticeship (1st extension)

1. Morghane Gonzalez, Stillwater, Smith & Kernke, OKC & OMS, OKC (enrolled at UCO)
2. Amberlyn Campbell, Chandler, Parks Bros. Prague (enrolled at UCO)

3. Darian Foor, OKC, John M. Ireland FH, Moore (enrolled at UCO)
4. Breanne Strawn, Piedmont, Ingram, Smith & Turner, Yukon (enrolled at UCO)

C. Apprenticeship (2nd extension)

1. Nicole Winters, Okmulgee, McClendon-Winters FH, (EM only) (Grad of Dallas)

D. Apprenticeship (3rd extension)

1. Ashley Oliver, Hugo Prater-Lampton-Mills FH, Hugo

E. Apprenticeship (FD only) (Original)

1. Jared Johnson II, Wagoner, Shipman FH, Wagoner
2. Heidi Mullings, Glenpool, Schaudt's FS, Glenpool
3. Sherry Gray, Wilson, Alexander Gray FH, Wilson

F. Funeral Director and/or Embalmer (Reciprocal)

1. Joseph Campbell, Missouri
2. Wilburn Lawson, Texas
3. Roger Allen, Texas
4. Jason Arnold, Washington

G. Funeral Director and/or Embalmer (Original)

1. Nicole Winters, Okmulgee (FD only)
2. Staci Hartwell-Helm, Ardmore
3. Christopher Gann, Broken Bow (FD Only)
4. Emma Stratton, Edmond

H. Establishments

1. Walker Funeral Service, Shawnee, request to close establishment.
2. Walker Funeral & Cremation Service, Shawnee, New Establishment, Transitional Services, LLC, Owner; Mark Riley, FDIC.
3. AE Funeral Service, LLC Shawnee, New Establishment, AE Funeral Services, LLC, Owner; Donald Todd Tramel, FDIC.
4. Stephens-Key Funeral & CC, Pryor, request to change FDIC from TJ Holt to Clarissa Yates

9. **New Business.** Any matter not known about or which could not have been reasonably foreseen prior to the time of posting the agenda or any revised agenda. 25 O.S. Section 311.9.

10. Legal Update

- A. Possible vote to enter into executive session pursuant to 25 O.S. Section 307(B)(4) for confidential communication between the Funeral Board and its attorney concerning pending litigation in Garfield County District Court, Case Number CJ-2020-284, *Amy Stittsworth Funeral Svc. & Cremation Directors, Inc., et al. v. State of Okla., ex rel. Oklahoma Funeral Board, et al.*, when with the advice of its attorney, the Funeral Board determines that disclosure would seriously impair the ability of the Funeral Board to process or conduct or defend its claim in the pending litigation
 - B. Vote to exit executive session.
 - C. Possible vote on matters discussed in executive session.
11. Discussion and possible action regarding delegating authority to the Executive Director to extend the timeframe for any in-person continuing education requirement regarding previously executed Consent Orders
12. Deputy Director's Report

- A. 2021 Legislative Update; HB1638; HB1742; HB2009; HB2072; and SB354

13. Executive Director's Report

- A. Agency Financial update
- B. Thentia Computer Software Project Update
- C. International Conference of Funeral Service Examining Board Update

14. Adjournment

Chris Ferguson
Executive Director

The next regular meeting of the Oklahoma Funeral Board will be held: **June 10, 2021. Office of Chief Medical Examiner –OKC 921 N.E. 23rd Street Conference Room – 1st Floor Oklahoma City, OK 73105.**



MINUTES OF A REGULAR MEETING

OKLAHOMA FUNERAL BOARD
3700 N. Classen, Suite 175
Oklahoma City, Oklahoma 73118

March 11, 2021

BOARD MEMBERS

J. Cooper
Joe Highberger
Brent Matherly
Jim Roberts
Chad Vice

STAFF

Chris Ferguson
Thomas Grossnicklaus, AAG
Karol Shepherd
Tyler Stiles

MEETING PLACE: MEETING PLACE: Videoconference at

<https://oklahomafuneralboard.my.webex.com/meet/Funeralboard>

We ask that only Board Members, Staff, and Respondents use the video camera function. If calling in by telephone please call 1-408-418-9388; Access Code 1260612143. If attending in person at the physical location: Office of Chief Medical Examiner OKC, 921 N.E. 23rd Street Conference Room 1st Floor Oklahoma City, OK 73105. Face masks are required to be worn if attending in person.

This Board meeting notice and agenda was posted on our web site (www.ok.gov/funeral) on March 5, 2021 at 11:30am

Continuing Education credit was not provided for this meeting if attended via videoconference or telephone.

President Highberger called the meeting to order at 10:00AM. Board Members, Highberger, Matherly, Roberts and Vice were present. Member Coble was absent. Member Cooper arrived after the meeting started. A quorum was at all times present

Reading of the Oklahoma Funeral Board mission statement. The mission of the Oklahoma Funeral Board is to act in the public interest and for the protection of the public within the powers vested in the Board by the State of Oklahoma for the regulation and education of the funeral service profession.

Motion by Roberts second by Matherly to approve the February 18, 2021 Special Board meeting minutes. The motion passed unanimously.

Motion by Vice, second by Highberger to dismiss complaint 21-29 regarding not paying vendor issues with a letter of concern. The motion passed unanimously.

Mr. Cooper entered the meeting room.

Motion by Vice, second by Highberger to find probable cause on complaint 21-39 regarding death certificate issues. The motion passed unanimously.

Regarding possible vote to enter into executive session pursuant to 25 O.S. Section 307(B)(4) for confidential communication between the Funeral Board and its attorney concerning pending litigation in Oklahoma County District Court, Case Number CV-2020-2297, *Neptune Management Corp. v. State of Okla., ex rel. Oklahoma Funeral Board, et al.*, when with the advice of its attorney, the Funeral Board determines that disclosure would seriously impair the ability of the Funeral Board to process or conduct or defend its claim in the pending litigation; Vote to exit executive session; and possible vote on matters discussed in executive session. Motion by Vice, second by Cooper to enter into executive session. The motion passed unanimously.

Motion by Cooper second by Highberger to exit executive session. The motion passed unanimously. While in executive session no votes were taken and only this case was discussed.

No action was taken as a result of the executive session.

Motion by Roberts second by Highberger to approve the following: Apprenticeship (Original) Troy D. Wells, Sand Springs, Dillon FS, Sand Springs; Leah Calaway, Ada, Estes-Phillips FH, Ada; Peri Moore, Norman, Tribute Memorial Care, Norman; Lewis Robinson III, Guthrie, Pollard FH, Guthrie and Michael Turner, Blair, Kincannon FH, Altus. The motion passed unanimously.

Motion by Roberts second by Highberger to approve the following:
Apprenticeship (2nd extension) Tammy Marshall, Cordell, Ray and Martha's
FH, Cordell (enrolled at Dallas) The motion passed unanimously.

Motion by Roberts second by Highberger to approve the following:
Apprenticeship (2nd extension) Nathan Rice, Pryor, Rice FS, Claremore
(enrolled at UCO) The motion passed unanimously.

Motion by Roberts second by Highberger to approve the following:
Apprenticeship (3rd extension) Daniel Collier, Claremore, Rice FS, Claremore
(enrolled at North Texas) The motion passed unanimously.

Motion by Roberts second by Highberger to approve the following:
Apprenticeship (FD only) (Original) Kari Harrell, Sallisaw, Forever Memories FS,
Sallisaw. The motion passed unanimously.

Motion by Roberts second by Highberger to table the following: Alan Hedden,
Tulsa, Butler-Stumpff & Dyer FH, Tulsa (Grad of Dallas). The motion passed
unanimously.

Motion by Roberts second by Highberger to approve the following:
Apprenticeship (FD only) (1st extension) Kimberly Clark, Tishomingo,
DeArman-Clark FH, Tishomingo (enrolled at Dallas). The motion passed
unanimously.

Motion by Roberts second by Highberger to table the following: Funeral
Director and/or Embalmer (Reciprocal) Chester Beavers, Texas (FD only) and
Joseph Campbell, Missouri. The motion passed unanimously.

Motion by Roberts second by Cooper to approve the following: Funeral
Director and/or Embalmer (Original) Robert L. Stevens, Wheatland (FD only),
Patricia Gonzalez-Carter, Macomb, and Lea Mikala, Shawnee. The motion
passed unanimously.

Motion by Roberts second by Highberger to table the following: Staci
Hartwell-Helm, Ardmore. The motion passed unanimously.

Motion by Vice second by Matherly to approve the following: Establishment;
Neptune Society, Edmond, New Establishment, Neptune Management Corp.,
Owner; Angela Bynum, FDIC. Members Cooper, Matherly, and Vice voted yes;
Members Highberger and Roberts voted no. The motion passed.

Motion by Vice second by Matherly to approve the following: Establishment;
Bixby FS, Bixby, request to change name from Bixby FS to Bixby-South Tulsa

Funeral Service and Crematory. Members Cooper, Matherly, Roberts, and Vice voted yes; Member Highberger voted no. The motion passed.

No new business was discussed.

No action was taken regarding possible vote to enter into executive session pursuant to 25 O.S. Section 307(B)(4) for confidential communication between the Funeral Board and its attorney concerning pending litigation in Garfield County District Court, Case Number CJ-2020-284, *Amy Stittsworth Funeral Svc. & Cremation Directors, Inc., et al. v. State of Okla., ex rel. Oklahoma Funeral Board, et al.*, when with the advice of its attorney, the Funeral Board determines that disclosure would seriously impair the ability of the Funeral Board to process or conduct or defend its claim in the pending litigation

Motion by Highberger second by Matherly to approve the proposed permanent Oklahoma Funeral Board Rules. The motion passed unanimously.

Administrative Assistant Report-Thentia Computer Software Project Update
Mrs. Shepherd updated the Board that she is currently in the process of development and implementation of a regulatory database with Thentia and that she is in the questionnaire and analysis process. In addition, she is researching payment processor companies to choose which will be the best fit for the Board.

Deputy Director's Report-2021 Legislative Update; HB1638; HB1742; HB2009; HB2072; HB2528; SB301, SB354, and SB970 Mr. Stiles updated the Board that board staff are currently tracking the following Bills: Here is a brief summary of legislation that we are tracking at this time that could impact the funeral industry.

- | | |
|--------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| HB1638 | Rep. Lepak- Related to Death Certificates. Felony to knowingly provide false data or misrepresent any person's relationship to the decedent. This Bill passed the House 91-0 and has been sent to the Senate. |
| HB1742 | Rep. Dills- Funeral Board Bill-Related to Alkaline Hydrolysis. This Bill has been passed the House 93-1 and is on its way to the Senate. |
| HB2009 | Rep. Townley- Related to advance practice registered nurses signing DC's. This Bill passed the House 93-0 and was sent to the Senate. |

- HB2072 Rep. McCall- Related to a temporary funeral director and embalm license. Passed with Emergency
- HB2528 Rep. Kannady- Funeral Service Licensing Act shell bill. This Bill is dormant due to rules.
- SB301 Sen. Bergstrom- Related to recommendations to the legislature for the need for out of state permits from the Medical Examiner's Office. This Bill is dormant due to rules.
- SB354 permit Sen. Bergstrom- Related to the elimination of the out of state from the Medical Examiner's Office for boarding counties to other states. This Bill was amended to include all counties and not the outlying counties in Oklahoma. This Bill was received in the House.
- SB970 Sen. Floyd- Related to Open Records Act- redacting personal identifiers on licensing applications. This Bill requires redaction of email addresses, physical address, phone numbers and other identifiers on license applications that are requested from an Open Records Request. This Bill was received in the House.

Executive Director's Report-Agency Financial update- Mr. Ferguson reported gross receipts for February 2021 to be \$8,267.75 with \$336.27 going to the State of Oklahoma general fund. The expenses for the same timeframe totaled \$30,624.53 and net income after expenses totaled -\$22,693.05

Motion by Vice second by Roberts to adjourn the meeting at 11:27AM. The motion passed unanimously.

Joe Highberger
Funeral Board President



MINUTES OF A REGULAR MEETING

OKLAHOMA FUNERAL BOARD
3700 N. Classen, Suite 175
Oklahoma City, Oklahoma 73118

April 8, 2021

BOARD MEMBERS

Tom Coble
Joe Highberger
Brent Matherly
Jim Roberts
Chad Vice

STAFF

Amanda Everett, AAG
Chris Ferguson
Karol Shepherd
Tyler Stiles

MEETING PLACE: MEETING PLACE: Videoconference at

<https://oklahomafuneralboard.my.webex.com/meet/Funeralboard>

We ask that only Board Members, Staff, and Respondents use the video camera function. If calling in by telephone please call 1-408-418-9388; Access Code 1260612143. If attending in person at the physical location: Office of Chief Medical Examiner OKC, 921 N.E. 23rd Street Conference Room 1st Floor Oklahoma City, OK 73105. Face masks are required to be worn if attending in person.

This Board meeting notice and agenda was posted on our web site (www.ok.gov/funeral) on April 2, 2021 at 4:00pm

Continuing Education credit was not provided for this meeting if attended via videoconference or telephone.

President Highberger called the meeting to order at 10:00AM. Board Members, Coble, Highberger, Matherly, Roberts and Vice were present. Member Cooper was absent. A quorum was at all times present

Reading of the Oklahoma Funeral Board mission statement. The mission of the Oklahoma Funeral Board is to act in the public interest and for the protection of the public within the powers vested in the Board by the State of Oklahoma for the regulation and education of the funeral service profession.

Motion by Roberts second by Highberger to approve the February 18, 2021 Special Board meeting minutes. The motion passed with Vice abstaining.

Motion by Vice, second by Roberts to dismiss complaint 21-31 regarding overcharging. The motion passed unanimously.

Motion by Vice second by Roberts to dismiss complaint 21-36 regarding next of kin issues. The motion passed unanimously.

Motion by Vice second by Matherly to dismiss complaint 21-38 regarding death certificate issues. The motion passed unanimously.

The Board took no action regarding complaint 20-25 Forever Memories Funeral Service, Inc.; Establishment, Sallisaw; Forever Memories Funeral Service, Inc. Owner; David Hampton, FDIC, Sallisaw. Member Vice needs to be recused.

The Board took no action regarding complaint 21-14 Forever Memories Funeral Service, Inc.; Establishment, Sallisaw; Forever Memories Funeral Service, Inc. Owner; David Hampton, FDIC, Sallisaw. Member Vice needs to be recused.

Regarding complaint 21-23 Alternatives Cremation & Funeral Service, Establishment, Cordell; Alternatives Cremation & Funeral Service, Owner; Richard Varner, FDIC, Cordell. Respondent Richard Varner was present and he was not represented by an attorney. The prosecution was represented by Amanda Everett, AAG. Thomas Schneider, AAG, was the Board's legal advisor. Members Coble, Highberger, Roberts and Vice heard the case. Member Matherly was recused from the case and left the room.

After the presentation of the agreed upon Consent Order, motion by Roberts second by Vice to accept the consent Order. The Consent Order consisted of the following: The agreed violations were: failure to discharge financial obligation, violation of the Funeral Service Licensing Act, and Rules of the Board. The terms consisted of the following: Administrative Penalty of \$1,000, 6 hours of additional Continuing Education, Costs of \$500. The motion passed unanimously.

Regarding complaint 21-33 Alternatives Cremation & Funeral Service, Establishment, Cordell; Alternatives Cremation & Funeral Service, Owner; Richard Varner, FDIC, Cordell. Respondent Richard Varner was present and he was not represented by an attorney. The prosecution was represented by Amanda Everett, AAG. Thomas Schneider, AAG, was the Board's legal advisor. Members Coble, Highberger, Roberts and Vice heard the case. Member Matherly was recused from the case and was not in the room.

After the presentation of the agreed upon Consent Order, motion by Highberger second by Roberts to accept the consent Order. The Consent Order consisted of the following: The agreed violations were: gross malpractice or gross incompetence, failure to comply with the Funeral Rules of the Federal Trade Commission, material misrepresentation, violation of the Funeral Service Licensing Act, and Rules of the Board. The terms consisted of the following: Administrative Penalty of \$5,000, Richard Varner is placed on Probation for 2 years and shall report monthly for 6 months with copies of each Statement of Goods and Services for all deaths which Richard Varner participates in commencing May 13, 2021, 12 hours of additional Continuing Education with 6 of those hours related to Statements of Goods and Services and Price Lists, Costs of \$1,000. The penalty and costs shall be paid on or before May 13, 2021. The motion passed with Coble, Highberger, and Roberts voting yes, Vice voted no.

Regarding complaint 21-39 Alternatives Cremation & Funeral Service, Establishment, Cordell; Alternatives Cremation & Funeral Service, Owner; Richard Varner, FDIC, Cordell. Respondent Richard Varner was present and he was not represented by an attorney. The prosecution was represented by Amanda Everett, AAG. Thomas Schneider, AAG, was the Board's legal advisor. Members Coble, Highberger, Roberts and Vice heard the case. Member Matherly was recused from the case and was not in the room.

After the presentation of the agreed upon Consent Order, motion by Roberts second by Highberger to accept the consent Order. The Consent Order consisted of the following: The agreed violations were: gross malpractice or gross incompetence, failure to timely file death certificate, violation of the Funeral Service Licensing Act, and Rules of the Board. The terms consisted of the following: Administrative Penalty of \$500.00, 6 hours of additional Continuing Education, Costs of \$500. The motion passed unanimously.

Member Matherly returned to the meeting room.

Motion by Vice second by Highberger to approve the following: Apprenticeship (Original) Sarah Miller, OKC, Bill Eisenhower FS, OKC; Andrea Landrum, Denison, TX, Brown's FS, Durant; Katlynn Chism, OKC, OMS, OKC (EM only); Samantha Jasper, OKC, Fallon, OKC and Hibbs, Choctaw; and Chantal Hernandez, Hinton, Matthews FH, Edmond. The motion passed unanimously.

Motion by Roberts second by Highberger to table the following: Apprenticeship (Original) Taigen White, Sulphur, Dearman FH, Tishomingo. The motion passed unanimously.

Motion by Vice second by Highberger to approve the following: Apprenticeship (2nd extension) Wanda Douglas, Ardmore, Alexander Gray FH, Wilson; Apprenticeship (FD only) (Original) Amy Tolle, Purcell, Wilson-Little FH, Purcell; and Apprenticeship (FD only) (2nd extension) Alan Hedden, Tulsa, Cremation Society of Oklahoma, Tulsa (Grad of Dallas). The motion passed unanimously.

Motion by Roberts second by Highberger to deny the following: Funeral Director and/or Embalmer (Reciprocal) Chester Beavers, Texas (FD only). The motion passed unanimously.

Motion by Roberts second by Highberger to table the following: Joseph Campbell, Missouri. The motion passed unanimously.

Motion by Roberts second by Highberger to approve the following: Funeral Director and/or Embalmer (Original) 2. Brent Patterson, Tuttle (FD only). The motion passed unanimously.

Motion by Highberger second by Vice to table the following: Nicole Winters, Okmulgee (FD only); Staci Hartwell-Helm, Ardmore; and Christopher Gann, Broken Bow (FD Only). The motion passed unanimously.

Motion by Vice second by Highberger to approve the following: Establishments; Tishomingo FH, request to change FDIC from Chad John to Tasha Kemp; The Funeral Home, LLC, Watonga, New Establishment, The Funeral Home, LLC, Owner; Kenneth Anglin Jr. FDIC; Rice FS, Catoosa request to close establishment; Rice FS & CremationCare+, Catoosa, New Establishment, Kennedy FH a Separate Series of the Odell Group LLC a OK Series LLC, Owner; Rondall Gammon, FDIC; Cremation +, Tulsa request to

close establishment; CremationCare+, Tulsa, New Establishment, Kennedy FH a Separate Series of the Odell Group LLC a OK Series LLC, Owner; Rondall Gammon, FDIC; Tribute Memorial Care Southwest, Tuttle, New Establishment, Tribute Memorial Care Southwest LLC, Owner; John Davenport, FDIC; Brown's Family Funeral Home, McCloud, request to change FDIC from Venita Elmore to Timothy Alonzo; Brown's Family Funeral Home, Chandler, request to close establishment; and McKay-Davis & Tate FH & C, OKC request to change FDIC from Johnnie Swanson Jr. to Venita Elmore. The motion passed unanimously.

No new business was discussed.

Regarding possible vote to enter into executive session pursuant to 25 O.S. Section 307(B)(4) for confidential communication between the Funeral Board and its attorney concerning pending litigation in Garfield County District Court, Case Number CJ-2020-284, *Amy Stittsworth Funeral Svc. & Cremation Directors, Inc., et al. v. State of Okla., ex rel. Oklahoma Funeral Board, et al.*, when with the advice of its attorney, the Funeral Board determines that disclosure would seriously impair the ability of the Funeral Board to process or conduct or defend its claim in the pending litigation

Motion by Roberts second by Vice to enter into executive session. The motion passed unanimously.

Mr. Highberger and Mr. Vice were recused from this executive session and they left the room.

Motion by Roberts second by Matherly to exit executive session. The motion passed unanimously. While in executive session no votes were taken and only this case was discussed.

Motion by Matherly second by Roberts to approve that the Board advisor take action as discussed in executive session and to direct Vice President Roberts to sign off it. The motion passed unanimously.

No action was taken regarding possible vote to enter into executive session pursuant to 25 O.S. Section 307(B)(4) for confidential communication between the Funeral Board and its attorney concerning pending litigation in Oklahoma County District Court, Case Number CV-2020-2297, *Neptune Management Corp. v. State of Okla., ex rel. Oklahoma Funeral Board, et al.*, when with the advice of its attorney, the Funeral Board determines that disclosure would seriously impair the ability of the Funeral Board to process or conduct or defend its claim in the pending litigation.

Administrative Assistant Report-Thentia Computer Software Project Update-Karol Shepherd updated the Board regarding the computer project and that a contractor has captured the agency data for implantation to Thentia. Office staff also held a meeting recently that involved the payable side of the platform.

Deputy Director's Report-2021 Legislative Update; HB1638; HB1742; HB2009; HB2072; and SB354 Mr. Stiles updated the Board that board staff are currently tracking the following Bills: Here is a brief summary of legislation that we are tracking at this time that could impact the funeral industry.

HB1638 Rep. Lepak- Related to Death Certificates. Felony to knowingly provide false data or misrepresent any person's relationship to the decedent. This Bill passed through Senate committee and it is on its way to the full Senate.

HB1742 Rep. Dills- Funeral Board Bill-Related to Alkaline Hydrolysis. This Bill passed through Senate committee and it is on its way to the full Senate.

HB2009 Rep.Townley- Related to advance practice registered nurses signing DC's. This Bill passed through Senate committee and it is on its way to the full Senate.

HB2072 Rep. McCall- Related to a temporary funeral director and embalm license. This Bill passed through Senate committee and it is on its way to the full Senate.

SB354 Sen. Bergstrom- Related to the elimination of the out of state permit from the Medical Examiner's Office for boarding counties to other states. This Bill is in front of a House Committee at the time of the Funeral Board meeting and will provide an update on the outcome soon.

Executive Director's Report-Agency Financial update Mr. Ferguson reported gross receipts for March 2021 to be \$12,970.00 with \$790.00 going to the State of Oklahoma general fund. The expenses for the same timeframe totaled \$42,983.58 and net income after expenses totaled -\$30,805.58

COVID-19-related funeral expenses- Mr. Ferguson updated the Board of recently new Federal money available for funeral reimbursements.

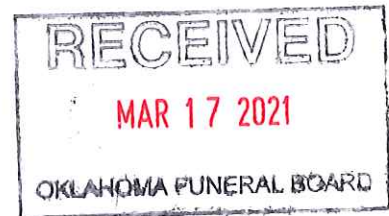
Motion by Roberts second by Highberger to adjourn the meeting at 10:50AM.
The motion passed unanimously.

Joe Highberger, President

BEFORE THE OKLAHOMA FUNERAL BOARD

IN THE MATTER OF THE COMPLAINT)
AGAINST:)
)
FOREVER MEMORIES FUNERAL)
SERVICES, INC)
Establishment Lic. # 1845ES,)
Location: 463411 HWY 101,)
Sallisaw, OK 74955,)
Owner: Forever Memories Funeral Services Inc)
Michael C Harrell, Service Agent,)
463411 HWY 101)
Sallisaw, OK 74955,)
A Licensed Funeral Establishment, and)
)
DAVID HAMPTON,)
Licenses: 2048FD, 2198EM,)
Address: 317 E. Lucy,)
Sallisaw, OK 74955,)
A Licensed Funeral Director, a Licensed)
Embalmer, and the Funeral Director in Charge)
FOREVER MEMORIES FUNERAL)
SERVICES, INC)
)
)
Respondents.)

Complaint No. 20-25



COMPLAINT AND NOTICE OF HEARING

COMES NOW the State of Oklahoma, ex rel., Oklahoma Funeral Board ("Board"), by and through Assistant Attorney General Thomas L. Grossnicklaus, and alleges that the Respondents, a funeral service establishment, one individual duly licensed by the Board, have violated provisions of the State Funeral Licensing Act, 59 O.S. 2011, 395.1 et seq, ("the Act"), and Rules of the Board, OAC 235:10-1-1 et seq, ("the Rules"), in the manner set forth below:

A. FACTUAL ALLEGATIONS

1. Respondent FOREVER MEMORIES FUNERAL SERVICES, INC. (“FUNERAL HOME”) with establishment license number 1845ES is located at 463411 HWY 101 Sallisaw, OK 74955, and was at all times relevant owned by FOREVER MEMORIES FUNERAL SERVICES, INC, whose service agent is Michael Harrell, 463411 HWY 101, Sallisaw, Oklahoma 74955, and as such FOREVER MEMORIES FUNERAL SERVICES, INC, is liable for any administrative penalty and costs imposed.

2. Respondent DAVID HAMPTON (“HAMPTON”) is a licensed Funeral Director and embalmer with license numbers 2048FD and 2198EM and was the Funeral Director in Charge (“FDIC”) of the Funeral Home at all times relevant in this Complaint, and as the FDIC was responsible for the establishment’s legal and ethical operation pursuant to 59 O.S. Section 396.2(12) and is thus responsible for the wrongful conduct identified herein.

3. The Board exercises jurisdiction over Respondents pursuant to 59 O.S. 396.2a(9) and (11).

4. During the course of an investigation conducted by the Oklahoma Funeral Board’s Investigator, Tyler Stiles, it was determined that the Respondents’ Statements of Goods and Services and the facts surrounding a Statements of Goods and Services for the deceased Charlotte Taylor, which reflects that on September 28, 2018, Respondent made arrangements with the Charlotte Taylor family. The family was charged \$1,307 for Direct Cremation.

5. Board staff obtained a copy of Respondents’ General Price List effective February 15, 2017, which reflects the price for Direct Cremation is \$1,295.

6. Thus, regarding the Charlotte Taylor death, the Respondents misrepresented to the consumer the price of Direct Cremation and the family was charged a larger amount than reflected on the Respondents General Price List. The family has been overcharged by the Respondents in the amount of \$12.00.

7. The manner in which Statements of Funeral Goods and Services were completed by Respondents demonstrates gross malpractice and gross incompetence by each of the Respondents.

8. The Funeral Home establishment is responsible for the activities and violations identified herein.

9. The investigative complaint was filed with the Board on December 26, 2019, and by certified letter dated December 26, 2019, notice was provided to the Respondents. On January 10, 2020, the Respondent FUNERAL HOME and DAVID HAMPTON submitted their response which is summarized as follows:

- Respondent's GPL charge for Direct Cremation is \$1,295 plus any additional expenses incurred. The Respondents were required to pay a different funeral home \$600 for their services of removal and embalming.
- The total of the services reflected on the Charlotte Taylor Statement of Goods and Services would have been \$2,288. The Respondents and Charlotte Taylor's family agreed to \$2,000. In hindsight, the full amount should have been reflected and then a discount been provided instead of as agreed with the family.

10. The prosecution contends there is clear and convincing evidence that the violations alleged above occurred.

11. This matter was presented to the Board on January 14, 2021, for a probable cause determination, and the Board found probable cause to file a formal complaint against the Respondents.

B. CONCLUSIONS

1. The Funeral Services Licensing Act, 59 O.S. §396.12c(3), (5), (8) and (14) provide that a license issued by the Board may be suspended or revoked for any of the following:

- (3) Gross malpractice or gross incompetency, which shall be determined by the Board;
- (5) Violation of any of the provisions of the Funeral Services Licensing Act . . . ;
- (8) Violation of any rules of the Board in administering the purposes of the Funeral Services Licensing Act...;
- (14) Failing to comply with the Funeral Rules of the Federal Trade Commission, 15 U.S.C., Section 57a(a);

Federal Trade Commission Violations

3. **Statements of Funeral Goods and Services.** The Federal Trade Commission ("FTC") has rules regarding the contents of Statements of Funeral Goods and Services and the price disclosures which must be made. 16 C.F.R. Section 453.2(b)(5)(i)(A) promulgated by the Federal Trade Commission under 15 U.S.C.A. Section 57a(a), provides:

(b) Preventive requirements. To prevent these unfair or deceptive acts or practices, as well as the unfair or deceptive acts or practices defined in § 453.4(b)(1), funeral providers must:

. . .

(5) Statement of funeral goods and services selected.

(i) Give an itemized written statement for retention to each person who arranges a funeral or other disposition of human remains, at the conclusion of the discussion of arrangements. The statement must list at least the following information:

(A) The funeral goods and funeral services selected by that person

and the prices to be paid for each of them;

(B) Specifically itemized cash advance items. (These prices must be given to the extent then known or reasonably ascertainable. If the prices are not known or reasonably ascertainable, a good faith estimate shall be given and a written statement of the actual charges shall be provided before the final bill is paid.); and

(C) The total cost of the goods and services selected.

4. The FTC Guidelines titled “Complying with the Funeral Rule” at page 15 addresses the information that is required to be placed in the Statement of Goods and Services when a funeral package is purchased, as follows:

Cost Information

You should list all of the individual goods and services that the consumer will purchase, together with the price for each item. You cannot simply lump together goods and services that are listed separately on the GPL.

Example: Your Statement would violate the Rule if it listed only three broad categories for “Services,” “Facilities,” and “Automotive Equipment.”

You may still offer funeral packages, as long as they are offered in addition to, not in place of, itemized prices. If the consumer selects a package (after you offer itemized prices), your Statement should describe the package, listing individually each of the goods and services included in the package, and state the package price.

5. **General Price List.** The Federal Trade Commission (“FTC”) has rules regarding the contents of the General Price List which must be provided to persons who inquire about funeral goods and services. 16 C.F.R. Section 453.2(b)(4)(i)(A) promulgated by the Federal Trade Commission under 15 U.S.C.A. Section 57a(a), provides:

(b) Preventive requirements. To prevent these unfair or deceptive acts or practices, as well as the unfair or deceptive acts or practices defined in § 453.4(b)(1), funeral providers must:

(i)(A) Give a printed or typewritten price list for retention to persons who inquire in person about the funeral goods, funeral services or prices of funeral goods or services offered by the funeral provider. The funeral provider must give the list upon beginning discussion of any of the following:

- (1) The prices of funeral goods or funeral services;
- (2) The overall type of funeral service or disposition; or
- (3) Specific funeral goods or funeral services offered by the funeral provider.

6. The FTC Guidelines titled "Complying with the Funeral Rule" at pages 7-8 requires that the General Price List (GPL) contain itemized and accurate pricing information, as follows:

Required Itemized Prices on the GPL

The Rule requires you to itemize the prices for certain goods and services so consumers may choose only those elements of a funeral that they want. You must list the following 16 specified items of goods and services on the GPL, together with the price for each item:

1. Forwarding of remains to another funeral home
2. Receiving remains from another funeral home
3. Direct cremation
4. Immediate burial
5. Basic services of funeral director and staff, and overhead
6. Transfer of remains to funeral home
7. Embalming
8. Other preparation of the body
9. Use of facilities and staff for viewing
10. Use of facilities and staff for funeral ceremony
11. Use of facilities and staff for memorial service
12. Use of equipment and staff for graveside service
13. Hearse
14. Limousine
15. Either individual casket prices or the range of casket prices that appear on the Casket Price List
16. Either individual outer burial container prices or the range of outer burial container prices that appear on the Outer Burial Container Price List

You can list these items in any order you want. You only have to list the items that you actually offer. If you do not offer one or more of the 16 items,

you need not list those items on the General Price List. In addition to these 16 items, you also may list other items that you offer, such as acknowledgement cards and cremation urns. You also may provide prices for package funerals on your GPL. However, you must offer any package funerals *in addition to and not in place of* the required itemized prices.

The itemized prices on your General Price List, as well as your Casket Price List and Outer Burial Container Price List, should be accurate and up-to-date. These prices should reflect the prices that you actually charge your customers.

Of course, you can offer a discount when there are special circumstances, such as arrangements for a friend or relative or a family that otherwise could not afford your services. The Rule does not prevent you from doing this. However, you should not inflate the prices on any of your price lists in order to offer all or most of your customers a discount. In that case, the “discounted” prices would be the *accurate* prices and should be reflected on the price lists.

7. The Respondents violated the above FTC statutes, rules and regulations, by charging a larger amount for Direct Cremation than reflected on the Respondent’s GPL.

Material Misrepresentation To The Public

8. Respondents FOREVER MEMORIES FUNERAL SERVICES, INC and DAVID HAMPTON violated OAC 235:10-7-2(1) by creating a Statement of Funeral Goods and Services pricing that did not match the charges in the Respondent’s General Price List. OAC 235:10-7-2(1) provides that a license shall be suspended or revoked for:

(1) **Material misrepresentation.** Material misrepresentation to the public of facts, requirements of Oklahoma Statutes, State Board Rules, or any rule or regulation pertaining directly to the custody, care, or disposal of dead human remains.

Overcharging the Consumer

9. Respondents FOREVER MEMORIES FUNERAL SERVICES, INC and

DAVID HAMPTON violated OAC 235:10-7-2(13) by overcharging consumers in the approximate amount of \$12.00. OAC 235:10-7-2(13) provides that a license shall be suspended or revoked for:

(13) **Charging.** For service or merchandise not contracted for or failing to provide the services or merchandise contracted for or making substitution for services or merchandise contracted for without the authorization of the customer.

10. As the Funeral Director in Charge at the times in question, DAVID HAMPTON, is responsible for the legal and ethical operations of FOREVER MEMORIES FUNERAL SERVICES, INC, and is accountable to the Board under 59 O.S. §396.2(12).

59 O.S. 396.12(C). Every funeral establishment, commercial embalming establishment, and crematory shall be operated by a funeral director in charge.

59 O.S. 396.2(12). The “‘Funeral director in charge’ means an individual licensed as both a funeral director and embalmer designated by a funeral service establishment, commercial embalming establishment, or crematory who is responsible for the legal and ethical operation of the establishment and is accountable to the Board”.

11. The conduct of Respondents FOREVER MEMORIES FUNERAL SERVICES, INC and DAVID HAMPTON as alleged in this Complaint constitutes gross malpractice and incompetence in the preparation of Statements of Goods and Services and subjects the Respondents to disciplinary action pursuant to 59 O.S. 396.12c(3). Regarding the allegations of gross malpractice and gross incompetency, in 54 C.J.S., p. 1111, malpractice is defined as follows:

“‘Malpractice,’ sometimes called ‘malapraxis,’ is a term of broad significance. It is defined as any professional misconduct or any unreasonable lack of skill or fidelity in the performance of professional or fiduciary duties; illegal or immoral conduct; improper or immoral conduct; misbehavior; wrongdoing; evil, bad, objectionable, or wrong practice; evil

practices, acts, or doings; illegal or unethical practice; practice contrary to established rules; practice contrary to rules."

The Oklahoma Supreme Court cited with approval the above definition of malpractice in the context of a professional license being denied for gross malpractice. *See Bd. of Examiners of Veterinary Medicine v. Mohr*, 1971 OK 64, ¶¶18 & 19, 485 P.2d 235,239.

12. For the violation alleged above of Board rules and the provisions of the Funeral Services Licensing Act, Respondents FOREVER MEMORIES FUNERAL SERVICES, INC and DAVID HAMPTON are subject to disciplinary action by the Board pursuant to 59 O.S. 396.2a(9), 396.12d and 396.12e, and 59 O.S. 396.12c(3), (5), (8) and (14).

D. POTENTIAL PENALTIES WHICH FUNERAL BOARD MAY IMPOSE

1. The Board may impose a variety of penalties for violation of the Act or of Board Rules, including: (1) denial, revocation, suspension or nonrenewal of license; (2) imposition of administrative fines; (3) injunctive proceedings; and (4) other disciplinary action. *See* 59 O.S. 396.12c, 396.12d and 396.12e.

2. 59 O.S. 396.12d provides the types of discipline which may be imposed:

Any person who violates any of the provisions of the Funeral Services Licensing Act or rule or regulation promulgated or order issued pursuant thereto, after notice and hearing pursuant to Article II of the Administrative Procedures Act, shall be subject to any of the following penalties and liabilities authorized by the Funeral Services Licensing Act:

1. License or certificate of apprenticeship revocation, denial, suspension or nonrenewal;
2. Administrative fines;
3. Injunctive proceedings; and
4. Other disciplinary action.

3. Potential administrative penalties identified in 59 O.S. 396.12e are:

A. Any person or entity who has been determined by the Oklahoma Funeral

Board to have violated any provision of the Funeral Services Licensing Act or any rule or order issued pursuant thereto may be liable for an administrative penalty. The maximum administrative penalty shall not exceed Ten Thousand Dollars (\$10,000.00) for any related series of violations.

B. The Board shall be authorized, at its discretion, to take action as the nature of the violation requires. The Board shall have the authority to impose on the licensee, or certificate holder, as a condition of any adverse disciplinary action, the payment of costs expended by the Board in investigating and prosecuting the violation. The costs may include but are not limited to staff time, salary and travel expenses, witness fees and attorney fees, and shall be considered part of the order of the Board.

C. The amount of the penalty shall be assessed by the Board pursuant to the provisions of subsection A of this section, after notice and hearing. In determining the amount of the penalty, the Board shall include, but not be limited to, consideration of the nature, circumstances and gravity of the violation and, with respect to the person or entity found to have committed the violation, the degree of culpability, the effect on ability of the person or entity to continue to do business and any show of good faith in attempting to achieve compliance with the provisions of the Funeral Services Licensing Act. The Board shall make a report of any action to any entity deemed appropriate for transmittal of the public record but shall in no cause be held liable for the content of the reported action or be made a party to any civil liability action taken as a result of the discipline imposed by the Board. All monies collected from the administrative penalties shall be deposited with the State Treasurer and by the State Treasurer placed in the "Fund of the Oklahoma Funeral Board," created pursuant to Section 17 of this act.

D. Any license or certificate of apprenticeship holder may elect to surrender the license or certificate of apprenticeship of the person in lieu of said penalty but shall be forever barred from obtaining a reissuance of said license or certificate of apprenticeship.

NOTICE OF HEARING

In accordance with the jurisdiction granted this tribunal in 59 O.S. §§ 396.2a(7) & (9), 396.12c, 396.12d and 396.12e an evidentiary hearing will be commenced on **THURSDAY, APRIL 8, 2021, at 10:00 a.m. virtually via VIDEOCONFERENCE** using the following link:

<https://oklahomafuneralboard.my.webex.com/meet/Funeralboard>

We ask that only the Respondents in a complaint use the video camera function. If calling in by telephone please call 1-408-418-9388; Access Code 1260612143. If attending in person at the physical location: Office of Chief Medical Examiner OKC, 921 N.E. 23rd Street Conference Room 1st Floor Oklahoma City, OK 73105.

Funeral Board Members, Funeral Board Staff, and visitors who wish to attend the Funeral Board's monthly Board meetings are encouraged to wear a facial covering or mask over the mouth and nose at all times and adhere to social distancing.

If it be the decision of the Board, after considering all of the evidence presented, that a Respondent is in violation of any of the above-referenced law, the Board may take whatever appropriate action that is provided for in its rules and statutes. The Respondents are advised that in accordance with the above-referenced legal authority that they have the right to appear personally, the right and obligation to submit a written response, and the right to appear through an attorney. In addition, the Respondents have the right to cross-examine witnesses and present evidence on their own behalf. **However, if a Respondent is not a person but is instead an entity such as a corporation or an LLC, although the corporation or LLC may by law enter into a consent order without an attorney, if an evidentiary hearing is required the Respondent corporation or LLC by law may only cross-examine witnesses, present evidence and/or defend itself at the hearing if it is represented by an attorney licensed in the State of Oklahoma.** *See Redcorn, Jr., v. Knox*, 2014 OK CIV APP 109, 345 P.3d 392 (an agreed order is in the nature of a contract by which a corporation is bound even if not represented by an attorney); *Massongill v McDevitt*, 1989 OK CIV APP 82, 828 P.2d 438 (although a person may appear at a hearing

and represent himself/herself without an attorney, a person is not able to appear on behalf of a corporation, regardless of the person's interest in the corporation or authorization by the corporation, unless the person is a licensed attorney). If a Respondent corporation or LLC chooses not to retain an attorney, although it may not under such circumstances present evidence on its own behalf, the Board might consider favorable (or unfavorable) evidence submitted by co-Respondents or the State when considering the violations alleged against the Respondent corporation or LLC. *See Enochs v. Martin*, 1997 OK 132, 954 P.2d 124 (even though a corporation had no attorney and was therefore in default, the court could in the absence of any objection at the hearing consider in the corporation's favor evidence offered in the case in joint defense by one of the other named parties).

Therefore, the Respondents are directed to appear at said hearing on said date and time. If a Respondent does not appear in person or through an attorney, the hearing will be held in its absence. **Note: OAC Section 235:10-7-2(21) requires that each Respondent must submit to the Board a response to this Complaint within ten (10) days of receipt of the Complaint.**

Respectfully submitted:



Thomas L. Grossnicklaus, OBA # 34317
Assistant Attorney General
Office of the Oklahoma Attorney General
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PHONE: (405) 522-5264
FAX: (405) 522-4536
Thomas.Grossnicklaus@oag.ok.gov
Attorney for Oklahoma Funeral Board

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of March, 2021, a true and correct copy of the foregoing *Complaint and Notice of Hearing* was served either in person or by certified mailed, postage prepaid, as follows:

BY CERTIFIED MAIL:

Forever Memories Funeral Services, Inc.
463505 HWY 101
Sallisaw, Oklahoma 74955

Forever Memories Funeral Services, Inc. (owner)
Michael Harrell, Service Agent
463505 HWY 101
Sallisaw, Oklahoma 74955,

Forever Memories Funeral Services, Inc.
P.O. Box 688
Sallisaw, Oklahoma 74955

David Hampton
317 E. Lucy
Sallisaw, Oklahoma 74955

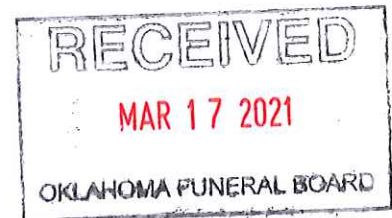
A handwritten signature in black ink, reading "Chris Ferguson", written over a horizontal line.

Chris Ferguson
Executive Director

BEFORE THE OKLAHOMA FUNERAL BOARD

IN THE MATTER OF THE COMPLAINT)
AGAINST:)
)
FOREVER MEMORIES FUNERAL)
SERVICES, INC)
Establishment Lic. # 1845ES,)
Location: 463411 HWY 101,)
Sallisaw, OK 74955,)
Owner: Forever Memories Funeral Services Inc)
Michael C Harrell, Service Agent,)
463411 HWY 101)
Sallisaw, OK 74955,)
A Licensed Funeral Establishment, and)
)
DAVID HAMPTON,)
Licenses: 2048FD, 2198EM,)
Address: 317 E. Lucy,)
Sallisaw, OK 74955,)
A Licensed Funeral Director, a Licensed)
Embalmer, and the Funeral Director in Charge)
FOREVER MEMORIES FUNERAL)
SERVICES, INC)
)
)
Respondents.)

Complaint No. 21-14



COMPLAINT AND NOTICE OF HEARING

COMES NOW the State of Oklahoma, ex rel., Oklahoma Funeral Board ("Board"), by and through Assistant Attorney General Thomas L. Grossnicklaus, and alleges that the Respondents, a funeral service establishment and one individual duly licensed by the Board, have violated provisions of the State Funeral Licensing Act, 59 O.S. 2011, 395.1 et seq, ("the Act"), and Rules of the Board, OAC 235:10-1-1 et seq, ("the Rules"), in the manner set forth below:

A. FACTUAL ALLEGATIONS

1. Respondent FOREVER MEMORIES FUNERAL SERVICES, INC. (“FUNERAL HOME”) with establishment license number 1845ES is located at 463411 HWY 101 Sallisaw, OK 74955, and was at all times relevant owned by FOREVER MEMORIES FUNERAL SERVICES, INC, whose service agent is Michael Harrell, 463411 HWY 101, Sallisaw, Oklahoma 74955, and as such FOREVER MEMORIES FUNERAL SERVICES, INC, is liable for any administrative penalty and costs imposed.

2. Respondent DAVID HAMPTON (“HAMPTON”) is a licensed Funeral Director and embalmer with license numbers 2048FD and 2198EM and was the Funeral Director in Charge (“FDIC”) of the Funeral Home at all times relevant in this Complaint, and as the FDIC was responsible for the establishment’s legal and ethical operation pursuant to 59 O.S. Section 396.2(12) and is thus responsible for the wrongful conduct identified herein.

3. The Board exercises jurisdiction over Respondents pursuant to 59 O.S. 396.2a(9) and (11).

4. During the course of an investigation conducted by the Oklahoma Funeral Board’s Investigator, Tyler Stiles, it was determined that the Respondents’ Statements of Goods and Services and the facts surrounding those Statements of Goods and Services for the period of time from June, 2018 through June, 2019, reflected numerous violations of Oklahoma Funeral Board statutes and rules. The results of that investigation, and many of the violations revealed during that investigation, are summarized as follows:

During the period of time from June 4, 2018, through June 25, 2019, the Respondents have violated: Federal Trade Commission and Oklahoma Funeral Board statutes, rules and regulations related to price lists and statements of goods and services, as follows:

i. On at least 25 occasions, did not clearly identify to the consumer which outer container they purchased. For instance, the Statement of Funeral Goods and Services reflected a category listed "Concrete Vault" with a sub-category listing "Concrete Grave Liner." A concrete vault being reflected in conjunction with a "Concrete Grave Liner" on the Statement of Goods and Services is misleading to the consumer by leading them to believe that they purchased a vault, when in fact may have purchased a concrete grave liner which offers less protection than a vault.

ii. On at least 32 occasions, charged consumers more on the Statement of Funeral Goods and Services for certain specific services than the price identified on the General Price List, Casket Price List, and/or Outer Burial Container Price List for those same specific services. The consumers were overcharged by \$5,904.97 total. The overcharges were to: Freddy Scoggins, Jr. an overcharge of \$20; Bonnie Truett an overcharge of \$40; William Long an overcharge of \$305; David Teague an overcharge of \$450; Thelma Keihi an overcharge of \$3; William Musgrove, Sr. an overcharge of \$15; Jacob Harp an overcharge of \$25; Harold Diffie an overcharge of \$15; Suphronia Amaro an overcharge of \$15; James Winbush an overcharge of \$115; Phyllis Douglas an overcharge of \$15; Calvin Teague an overcharge of \$170; Arkie England an overcharge of \$195; Katherine Poindexter an overcharge of \$110; Roy Rogers an overcharge of \$15; William Kightlinger an overcharge of \$295; Bobby Freeman an overcharge of \$15; Roger Christy an overcharge of \$270; Delcia Robison an overcharge of \$15; Roselind McCoy an overcharge of \$405; Ralph Brown an overcharge of \$200; Reba Farmer an overcharge of \$610; Charles House an overcharge of \$20; Adrienne Sisco an overcharge of \$130; James Dority an overcharge of \$117; Jerry Clark an overcharge of \$675; Douglas Owen an overcharge of \$1,229.97; Bertha Byrd an overcharge of \$15; Andres Little an overcharge of \$15; Audrey Hernandez an overcharge of \$370; and Steven Hand an overcharge of \$15.

iii. On at least 74 occasions, charged consumers a different price on the Statement of Funeral Goods and Services for certain specific services or merchandise than the price identified on the General Price List, Casket Price List, or Outer Burial Container Price List for those same specific services or merchandise, thus making price lists meaningless.

5. The manner in which Statements of Funeral Goods and Services were completed by Respondents demonstrates gross malpractice and gross incompetence by

each of the Respondents.

6. The Funeral Home establishment is responsible for the activities and violations identified herein.

7. The investigative complaint was filed with the Board on September 18, 2020, and by certified letter dated September 18, 2020, notice was provided to the Respondents. On November 5, 2020, Respondent DAVID HAMPTON submitted his response which is summarized as follows:

- Contracts were written in response to each family's wishes and needs and there is a variation in listed prices.
- Contract amounts that do not match the GPL are clerical errors that should have been caught.
- The final cost amount is the final determining factor for most of our families.
- Each family receives an explanation of merchandise selected and there are never any moments where the merchandise that is selected is in question.
- Each family is in receipt of a substantial financial discount of the final funeral price. This is given by our firm in respect to the financial burden a funeral could represent to each family, especially due to the fact of our low economic atmosphere in Sequoyah County.
- Respondents agree they cannot defend the errors with which the Statements of Goods and Services were completed, but contend that consumers did not receive an undue burden of costs as a result of the clerical mistakes.

8. On November 5, 2020, the Respondent FUNERAL HOME submitted a response contending that:

- Each family making arrangements are shown a scale model of the Outer Burial containers, which is clearly identified. On the Statement of Funeral Goods and Services, the sub-category of "Concrete Grave Liner" is not misleading, it purely is a description that the vault company uses.

- There are several clerical errors, but the vast majority were either made by looking at a price list and simply typing the wrong number, or by typing in an amount for a service that was simply the total of one or more services.
- On the occasions where a family was charged a different price than reflected in the price lists, these were done trying to help the family with price to make the total price more affordable.
- Respondents agree they cannot defend the errors contained in the Statements of Goods and Services, but contend that consumers did not receive an undue burden of costs as a result of the clerical mistakes.

9. The prosecution contends there is clear and convincing evidence that the violations alleged above occurred.

10. This matter was presented to the Board on January 14, 2021, for a probable cause determination, and the Board found probable cause to file a formal complaint against the Respondents.

B. CONCLUSIONS

1. The Funeral Services Licensing Act, 59 O.S. §396.12c(3), (5), (8) and (14) provide that a license issued by the Board may be suspended or revoked for any of the following:

- (3) Gross malpractice or gross incompetency, which shall be determined by the Board;
- (5) Violation of any of the provisions of the Funeral Services Licensing Act . . . ;
- (8) Violation of any rules of the Board in administering the purposes of the Funeral Services Licensing Act...;
- (14) Failing to comply with the Funeral Rules of the Federal Trade Commission, 15 U.S.C., Section 57a(a);

Federal Trade Commission Violations

3. **Statements of Funeral Goods and Services.** The Federal Trade

Commission (“FTC”) has rules regarding the contents of Statements of Funeral Goods and Services and the price disclosures which must be made. 16 C.F.R. Section 453.2(b)(5)(i)(A) promulgated by the Federal Trade Commission under 15 U.S.C.A. Section 57a(a), provides:

(b) Preventive requirements. To prevent these unfair or deceptive acts or practices, as well as the unfair or deceptive acts or practices defined in § 453.4(b)(1), funeral providers must:

...

(5) Statement of funeral goods and services selected.

(i) Give an itemized written statement for retention to each person who arranges a funeral or other disposition of human remains, at the conclusion of the discussion of arrangements. The statement must list at least the following information:

(A) The funeral goods and funeral services selected by that person and the prices to be paid for each of them;

(B) Specifically itemized cash advance items. (These prices must be given to the extent then known or reasonably ascertainable. If the prices are not known or reasonably ascertainable, a good faith estimate shall be given and a written statement of the actual charges shall be provided before the final bill is paid.); and

(C) The total cost of the goods and services selected.

4. The FTC Guidelines titled “Complying with the Funeral Rule” at page 15 addresses the information that is required to be placed in the Statement of Goods and Services when a funeral package is purchased, as follows:

Cost Information

You should list all of the individual goods and services that the consumer will purchase, together with the price for each item. You cannot simply lump together goods and services that are listed separately on the GPL.

Example: Your Statement would violate the Rule if it listed only three broad categories for “Services,” “Facilities,” and “Automotive Equipment.”

You may still offer funeral packages, as long as they are offered in addition to, not in place of, itemized prices. If the consumer selects a package (after you offer itemized prices), your Statement should describe the package, listing individually each of the goods and services included in the package, and state the package price.

5. **General Price List.** The Federal Trade Commission (“FTC”) has rules regarding the contents of the General Price List which must be provided to persons who inquire about funeral goods and services. 16 C.F.R. Section 453.2(b)(4)(i)(A) promulgated by the Federal Trade Commission under 15 U.S.C.A. Section 57a(a), provides:

(b) Preventive requirements. To prevent these unfair or deceptive acts or practices, as well as the unfair or deceptive acts or practices defined in § 453.4(b)(1), funeral providers must:

(i)(A) Give a printed or typewritten price list for retention to persons who inquire in person about the funeral goods, funeral services or prices of funeral goods or services offered by the funeral provider. The funeral provider must give the list upon beginning discussion of any of the following:

- (1) The prices of funeral goods or funeral services;
- (2) The overall type of funeral service or disposition; or
- (3) Specific funeral goods or funeral services offered by the funeral provider.

6. The FTC Guidelines titled “Complying with the Funeral Rule” at pages 7-8 requires that the General Price List (GPL) contain itemized and accurate pricing information, as follows:

Required Itemized Prices on the GPL

The Rule requires you to itemize the prices for certain goods and services

so consumers may choose only those elements of a funeral that they want. You must list the following 16 specified items of goods and services on the GPL, together with the price for each item:

1. Forwarding of remains to another funeral home
2. Receiving remains from another funeral home
3. Direct cremation
4. Immediate burial
5. Basic services of funeral director and staff, and overhead
6. Transfer of remains to funeral home
7. Embalming
8. Other preparation of the body
9. Use of facilities and staff for viewing
10. Use of facilities and staff for funeral ceremony
11. Use of facilities and staff for memorial service
12. Use of equipment and staff for graveside service
13. Hearse
14. Limousine
15. Either individual casket prices or the range of casket prices that appear on the Casket Price List
16. Either individual outer burial container prices or the range of outer burial container prices that appear on the Outer Burial Container Price List

You can list these items in any order you want. You only have to list the items that you actually offer. If you do not offer one or more of the 16 items, you need not list those items on the General Price List. In addition to these 16 items, you also may list other items that you offer, such as acknowledgement cards and cremation urns. You also may provide prices for package funerals on your GPL. However, you must offer any package funerals *in addition to and not in place of* the required itemized prices.

The itemized prices on your General Price List, as well as your Casket Price List and Outer Burial Container Price List, should be accurate and up-to-date. These prices should reflect the prices that you actually charge your customers.

Of course, you can offer a discount when there are special circumstances, such as arrangements for a friend or relative or a family that otherwise could not afford your services. The Rule does not prevent you from doing this. However, you should not inflate the prices on any of your price lists in order to offer all or most of your customers a discount. In that case, the “discounted” prices would be the *accurate* prices and should be reflected on the price lists.

7. The Respondents violated the above FTC statutes, rules and regulations, plus violated OAC 235:10-7-2(3)(price lists) and OAC 235:10-7-2(4)(A)(statements of goods and services) by:

- i. On at least 25 occasions, did not clearly identify to the consumer which outer container they purchased. For instance, the Statement of Goods and Services reflected a category listed "Concrete Vault" with a sub-category listing "Concrete Grave Liner." A concrete vault being reflected in conjunction with a "Concrete Grave Liner" on the Statement of Goods and Services is misleading to the consumer by leading them to believe that they purchased a vault, when in fact may have purchased a concrete grave liner which offers less protection than a vault.
- ii. On at least 32 occasions, charged consumers more on the Statement of Goods and Services for certain specific services than the price identified on the General Price List for those same specific services. The consumers were overcharged by \$5,904.97 total.
- iii. On at least 74 occasions, charged consumers a different price on the Statement of Goods and Services for certain specific services or merchandise than the price identified on the General Price List, Casket Price List, or Outer Burial Container Price List for those same specific services or merchandise, thus making the price lists meaningless.

Material Misrepresentation To The Public

8. On at least seventy-four (74) occasions, Respondent FOREVER MEMORIES FUNERAL SERVICES, INC and DAVID HAMPTON violated OAC 235:10-7-2(1) by creating a Statement of Funeral Goods and Services pricing that did not match the charges in the Respondent's General Price List, Casket Price List, and/or Outer Burial Container Price List. OAC 235:10-7-2(1) provides that a license shall be suspended or revoked for:

- (1) **Material misrepresentation.** Material misrepresentation to the

public of facts, requirements of Oklahoma Statutes, State Board Rules, or any rule or regulation pertaining directly to the custody, care, or disposal of dead human remains.

Overcharging the Consumer

9. On at least thirty-two (32) occasions, Respondents FOREVER MEMORIES FUNERAL SERVICES, INC and DAVID HAMPTON violated OAC 235:10-7-2(13) by overcharging consumers on Statement of Funeral Goods and Services than the reflected price in the Respondents' General Price List, Casket Price List, and/or Outer Burial Container Price List in the approximate amount of \$5,904.97. OAC 235:10-7-2(13) provides that a license shall be suspended or revoked for:

(13) **Charging.** For service or merchandise not contracted for or failing to provide the services or merchandise contracted for or making substitution for services or merchandise contracted for without the authorization of the customer.

10. As the Funeral Director in Charge at the times in question, DAVID HAMPTON, is responsible for the legal and ethical operations of FOREVER MEMORIES FUNERAL SERVICES, INC, and is accountable to the Board under 59 O.S. §396.2(12).

59 O.S. 396.12(C). Every funeral establishment, commercial embalming establishment, and crematory shall be operated by a funeral director in charge.

59 O.S. 396.2(12). The “Funeral director in charge’ means an individual licensed as both a funeral director and embalmer designated by a funeral service establishment, commercial embalming establishment, or crematory who is responsible for the legal and ethical operation of the establishment and is accountable to the Board”.

11. The conduct of Respondents FOREVER MEMORIES FUNERAL SERVICES, INC and DAVID HAMPTON as alleged in this Complaint constitutes gross

malpractice and incompetence in the preparation of Statements of Goods and Services and subjects the Respondents to disciplinary action pursuant to 59 O.S. 396.12c(3). Regarding the allegations of gross malpractice and gross incompetency, in 54 C.J.S., p. 1111, malpractice is defined as follows:

"'Malpractice,' sometimes called 'malapraxis,' is a term of broad significance. It is defined as any professional misconduct or any unreasonable lack of skill or fidelity in the performance of professional or fiduciary duties; illegal or immoral conduct; improper or immoral conduct; misbehavior; wrongdoing; evil, bad, objectionable, or wrong practice; evil practices, acts, or doings; illegal or unethical practice; practice contrary to established rules; practice contrary to rules."

The Oklahoma Supreme Court cited with approval the above definition of malpractice in the context of a professional license being denied for gross malpractice. *See Bd. of Examiners of Veterinary Medicine v. Mohr*, 1971 OK 64, ¶¶18 & 19, 485 P.2d 235,239.

12. For the violation alleged above of Board rules and the provisions of the Funeral Services Licensing Act, Respondents FOREVER MEMORIES FUNERAL SERVICES, INC and DAVID HAMPTON are subject to disciplinary action by the Board pursuant to 59 O.S. 396.2a(9), 396.12d and 396.12e, and 59 O.S. 396.12c(3), (5), (8) and (14).

D. POTENTIAL PENALTIES WHICH FUNERAL BOARD MAY IMPOSE

1. The Board may impose a variety of penalties for violation of the Act or of Board Rules, including: (1) denial, revocation, suspension or nonrenewal of license; (2) imposition of administrative fines; (3) injunctive proceedings; and (4) other disciplinary action. *See* 59 O.S. 396.12c, 396.12d and 396.12e.

2. 59 O.S. 396.12d provides the types of discipline which may be imposed:

Any person who violates any of the provisions of the Funeral Services Licensing Act or rule or regulation promulgated or order issued pursuant thereto, after notice and hearing pursuant to Article II of the Administrative Procedures Act, shall be subject to any of the following penalties and liabilities authorized by the Funeral Services Licensing Act:

1. License or certificate of apprenticeship revocation, denial, suspension or nonrenewal;
2. Administrative fines;
3. Injunctive proceedings; and
4. Other disciplinary action.

3. Potential administrative penalties identified in 59 O.S. 396.12e are:

A. Any person or entity who has been determined by the Oklahoma Funeral Board to have violated any provision of the Funeral Services Licensing Act or any rule or order issued pursuant thereto may be liable for an administrative penalty. The maximum administrative penalty shall not exceed Ten Thousand Dollars (\$10,000.00) for any related series of violations.

B. The Board shall be authorized, at its discretion, to take action as the nature of the violation requires. The Board shall have the authority to impose on the licensee, or certificate holder, as a condition of any adverse disciplinary action, the payment of costs expended by the Board in investigating and prosecuting the violation. The costs may include but are not limited to staff time, salary and travel expenses, witness fees and attorney fees, and shall be considered part of the order of the Board.

C. The amount of the penalty shall be assessed by the Board pursuant to the provisions of subsection A of this section, after notice and hearing. In determining the amount of the penalty, the Board shall include, but not be limited to, consideration of the nature, circumstances and gravity of the violation and, with respect to the person or entity found to have committed the violation, the degree of culpability, the effect on ability of the person or entity to continue to do business and any show of good faith in attempting to achieve compliance with the provisions of the Funeral Services Licensing Act. The Board shall make a report of any action to any entity deemed appropriate for transmittal of the public record but shall in no cause be held liable for the content of the reported action or be made a party to any civil liability action taken as a result of the discipline imposed by the Board. All monies collected from the administrative penalties shall be deposited with the State Treasurer and by the State Treasurer placed in the "Fund of the Oklahoma Funeral Board," created pursuant to Section 17 of this act.

D. Any license or certificate of apprenticeship holder may elect to surrender the license or certificate of apprenticeship of the person in lieu of said penalty but shall be forever barred from obtaining a reissuance of said license or certificate of apprenticeship.

NOTICE OF HEARING

In accordance with the jurisdiction granted this tribunal in 59 O.S. §§ 396.2a(7) & (9), 396.12c, 396.12d and 396.12e an evidentiary hearing will be commenced on **THURSDAY, APRIL 8, 2021, at 10:00 a.m. virtually via VIDEOCONFERENCE** using the following link:

<https://oklahomafuneralboard.my.webex.com/meet/Funeralboard>

We ask that only the Respondents in a complaint use the video camera function. If calling in by telephone please call 1-408-418-9388; Access Code 1260612143. If attending in person at the physical location: Office of Chief Medical Examiner OKC, 921 N.E. 23rd Street Conference Room 1st Floor Oklahoma City, OK 73105.

Funeral Board Members, Funeral Board Staff, and visitors who wish to attend the Funeral Board's monthly Board meetings are encouraged to wear a facial covering or mask over the mouth and nose at all times and adhere to social distancing.

If it be the decision of the Board, after considering all of the evidence presented, that a Respondent is in violation of any of the above-referenced law, the Board may take whatever appropriate action that is provided for in its rules and statutes. The Respondents are advised that in accordance with the above-referenced legal authority that they have the right to appear personally, the right and obligation to submit a written response, and the right to appear through an attorney. In addition, the Respondents have the right to cross-examine witnesses and present evidence on their own behalf. **However, if a Respondent is not a person but is instead an entity such as a corporation or an LLC, although the corporation or LLC may by law enter into a consent order without an attorney, if an evidentiary hearing is required the Respondent corporation or LLC by law may only cross-examine witnesses, present evidence and/or defend itself at the hearing if it is**

represented by an attorney licensed in the State of Oklahoma. *See Redcorn, Jr., v. Knox*, 2014 OK CIV APP 109, 345 P.3d 392 (an agreed order is in the nature of a contract by which a corporation is bound even if not represented by an attorney); *Massongill v McDevitt*, 1989 OK CIV APP 82, 828 P.2d 438 (although a person may appear at a hearing and represent himself/herself without an attorney, a person is not able to appear on behalf of a corporation, regardless of the person's interest in the corporation or authorization by the corporation, unless the person is a licensed attorney). If a Respondent corporation or LLC chooses not to retain an attorney, although it may not under such circumstances present evidence on its own behalf, the Board might consider favorable (or unfavorable) evidence submitted by co-Respondents or the State when considering the violations alleged against the Respondent corporation or LLC. *See Enochs v. Martin*, 1997 OK 132, 954 P.2d 124 (even though a corporation had no attorney and was therefore in default, the court could in the absence of any objection at the hearing consider in the corporation's favor evidence offered in the case in joint defense by one of the other named parties).

Therefore, the Respondents are directed to appear at said hearing on said date and time. If a Respondent does not appear in person or through an attorney, the hearing will be held in its absence. **Note: OAC Section 235:10-7-2(21) requires that each Respondent must submit to the Board a response to this Complaint within ten (10) days of receipt of the Complaint.**

Respectfully submitted:



Thomas L. Grossnicklaus, OBA # 34317
Assistant Attorney General

Office of the Oklahoma Attorney General
313 NE 21st Street
Oklahoma City, OK 73105
PHONE: (405) 522-5264
FAX: (405) 522-4536
Thomas.Grossnicklaus@oag.ok.gov
Attorney for Oklahoma Funeral Board

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of March, 2021, a true and correct copy of the foregoing *Complaint and Notice of Hearing* was served either in person or by certified mailed, postage prepaid, as follows:

BY CERTIFIED MAIL:

Forever Memories Funeral Services, Inc.
463505 HWY 101
Sallisaw, Oklahoma 74955

Forever Memories Funeral Services, Inc. (owner)
Michael Harrell, Service Agent
463505 HWY 101
Sallisaw, Oklahoma 74955,

Forever Memories Funeral Services, Inc.
P.O. Box 688
Sallisaw, Oklahoma 74955

David Hampton
317 E. Lucy
Sallisaw, Oklahoma 74955

A handwritten signature in black ink, appearing to read "Chris Ferguson", written over a horizontal line.

Chris Ferguson
Executive Director

Chris Ferguson

From: Lauren Thomas <services@theconferenceonline.org>
Sent: Tuesday, May 04, 2021 10:35 AM
To: services@theconferenceonline.org
Subject: [EXTERNAL] Notice: Exam Policy Changes - Effective July 1st

Hello,

Please find the recent board-approved policy changes below affecting the National Board Exam and State Board Exam.

Upcoming Exam Policy Changes

Retake Policy

Effective July 1, 2021, the required waiting period between exams will be 30 days for both National and State Board Exams (NBE & SBE). The 30 day required waiting period will also apply for any candidate changing exam pathways between NBE and SBE. There is no limit to the number of exam attempts per candidate.

Reschedule/Cancellation Policy

Effective July 1, 2021, exam candidates can cancel/reschedule exam appointments up to 30 days in advance of their scheduled exam free of charge. Any changes made 29 days or less prior to a scheduled exam date will require a \$25 change fee. In all cases, changes are not permitted within 24 hours of a scheduled exam.

Please reach out if you have any questions.

Thank you,

Lauren Thomas
Member Services Manager
The International Conference of Funeral Service Examining Boards
479.442.7076 Ext. 6 (ph)

This message, including any attachments, is privileged and may contain confidential information intended only for the person(s) named above. If you are not the intended recipient or have received this message in error, please notify me immediately by reply e-mail and permanently delete the original transmission from me, including any attachments, without disseminating, distributing or making a copy. The Conference monitors all e-mail to and from its network.



MEMORANDUM

May 7, 2021

TO: MEMBERS
Tom Coble
J. Cooper
Joe Highberger
Brent Matherly
Jim Roberts
Chad Vice

BOARD STAFF
Amanda Everett, AAG
Thomas Grossnicklaus, AAG
Thomas Schneider, AAG
Chris Ferguson

From: Tyler Stiles

RE: May 13, 2021 Regular Board Meeting

Here is a brief summary of legislation that we are tracking that could impact the funeral industry.

- HB1638 Rep. Lepak- Related to Death Certificates. Felony to knowingly provide false data or misrepresent any person's relationship to the decedent. This was signed by the Governor and will be effective Nov. 1, 2021.
- HB1742 Rep. Dills- Funeral Board Bill-Related to Alkaline Hydrolysis. This was signed by the Governor and will be effective Nov. 1, 2021.
- HB2009 Rep. Townley- Related to advance practice registered nurses signing DC's. This was signed by the Governor and will be effective Nov. 1, 2021.
- HB2072 Rep. McCall- Related to a temporary funeral director and embalm license. This was signed by the Governor and is now effective.
- SB354 Sen. Bergstrom- Related to the elimination of the out of state permit from the Medical Examiner's Office for boarding counties to other states. This Bill did not make it to the House floor and is Dormant per Rules.

If you have any questions, you may call my OFB cell number at: 405.550.3099

Tyler Stiles, MBA
Deputy Director