



Douglas A. Ducey – Governor

Arizona State Board of Funeral Directors and Embalmers

1740 West Adams Street, Suite 3006 * Phoenix, Arizona 85007

Kristina Dyrr, Chairman - James Ahearne, Secretary - Samuel Bueler, Professional Member
Harold Adair, Professional Member – Jack Peterson, Public Member – Amie Gazda, Professional Member

MINUTES REGULAR SESSION

Board Meeting Held On:

**Tuesday, March 19, 2019 • 9:00 a.m. • 1st Floor Conference Room “C”
1740 West Adams Street • Phoenix, AZ 85007**

CALL TO ORDER: Board Chair - Kristina Dyrr called the Board Meeting to order at 9:00 a.m.
The following Members were present for the Board Meeting on February 19, 2019.

MEMBERS PRESENT:

Kristina Dyrr, Chairman/Public Member
James Ahearne, Secretary/Professional Member
Samuel Bueler, Professional Member
Amie Gazda, Professional Member
Harold Adair, Professional Member
Jack Peterson, Public Member

STAFF PRESENT:

Judith Stapley, Executive Director
Gary Hendrix, Investigator Manager
Evelyn Estrella, Licensing Administrator
Yazmin Bustamante, Administrative Assistant

ATTORNEY GENERAL’S OFFICE:

Thomas Raine, Assistant Attorney General

CALL TO THE PUBLIC:

1. MINUTES:

Board Member-James Ahearne moved to approve the minutes of the February 19, 2019 Board Meeting. Board Member Sam Bueler seconded this motion. Motion passed unanimously 6-0.

2. LICENSING:

By motion and second, and motion carrying, the following actions occurred relative to applications for licensure subject to the conditions noted:

NAME	TYPE OF LICENSE	ACTION	MOTION BY	SECOND BY
Leah Phillips	Funeral Director	Approved 6-0	Ahearn	Adair
Jennifer Baker	Funeral Director	Approved 6-0	Peterson	Ahearn
Jacqueline Wade	Funeral Director	Approved 6-0	Ahearn	Bueler
Jacqueline Wade	Embalmer	Approved 6-0	Ahearn	Peterson
Jessyca Hernandez	Embalmer	Approved 6-0	Peterson	Ahearn
Amanda Dalton	Cremationist	Approved 6-0	Ahearn	Gazda
Jason Brubaker	Cremationist	Approved 6-0	Ahearn	Bueler
Richard Underwood	Cremationist	Approved 6-0	Ahearn	Peterson
Thomas Lennon	Salesperson	Approved 6-0	Ahearn	Peterson
Jeffery Brucker	Salesperson	Approved 6-0	Ahearn	Bueler
Margaret Paluch	Intern	Approved 6-0	Ahearn	Peterson
Aspen Meadows Crematory	Crematory	Approved 6-0	Ahearn	Adair
East Valley Crematory	Crematory	Approved 6-0	Peterson	Ahearn
Silver Creek Crematory	Crematory	Approved 6-0	Ahearn	Bueler
Bunker's Garden Chapel	Establishment	Approved 6-0	Ahearn	Gazda
Bunker's University Chapel	Establishment	Approved 6-0	Ahearn	Adair
A Wise Choice Desert View Chapel	Establishment	Approved 6-0	Ahearn	Adair
South Phoenix Funeral And Cremation Services LLC	Establishment	Approved 6-0	Ahearn	Adair

3. REVIEW, CONSIDERATION AND POSSIBLE ACTION REGARDING:

The Board may vote to go into Executive Session pursuant to A.R.S. § 32-431.03(A)(2)(to discuss confidential information) or A.R.S. § 38-431.03(A)(3)(to receive legal advice).

- A. Docket 16F-201506-FNR (LC2017-000061-001 DT) Saguario Valley Cremation Services, LLC, Jessie Welsh-Alexis, Franklin Lambert and Phillip Scott Warner. Legal update provided by Assistant Attorney General, Thomas Raine. Mr. Raine advised there have been no updates or changes to report.
- B. Docket 16F-201609-FNR, Angel's Cremation and Burial, LLC – Legal Update provided by Assistant Attorney General, Thomas Raine. Mr. Raine advised there have been no updates or changes to report.
- C. Saguario Valley Crematory/Angels Cremation and Burial Notice of Claim – Legal Update provided by Assistant Attorney General, Thomas Raine. Mr. Raine advised there have been no updates or changes to report.

4. REVIEW, CONSIDERATION AND POSSIBLE ACTION REGARDING:

The Board may vote to go into Executive Session pursuant to A.R.S. § 32-431.03(A)(2)(to discuss confidential information) or A.R.S. § 38-431.03(A)(3)(to receive legal advice).

- A. Docket 2018-FDE-0017 – Alex Espinosa Bisbee Funeral Home

EXECUTIVE SESSION: Board member Harold Adair moved to enter into executive session for legal advice regarding Alex Espinosa Bisbee Funeral Home. This motioned was seconded by Board member Jack Peterson and carried 6-0. The Board entered into executive session for legal advice at 9:33 a.m.

OPEN MEETING: The Board returned to open session at 9:47 a.m.

Board member Harold Adair stated a conflict of interest with Docket 2018-FDE-0017 and recused himself from this matter.

Alex Espinosa, Responsible Funeral Director and owner of Alex Espinosa Bisbee Funeral Home, was present representing Alex Espinosa Bisbee Funeral Home. Mr. Jordan Mecham, a former employee of Alex Espinosa Bisbee Funeral Home, was also present. The complainant, Mr. Eveningred, was not present. Following discussion, Board member James Ahearne moved to take this matter to a formal hearing. This motion was seconded by Sam Bueler and carried unanimously 6-0.

5. REVIEW, CONSIDERATION AND POSSIBLE ACTION REGARDING:

The Board may vote to go into Executive Session pursuant to A.R.S. § 32-431.03(A)(2)(to discuss confidential information) or A.R.S. § 38-431.03(A)(3)(to receive legal advice).

A. Discussion regarding medical/implantable devices

Judith Stapley, Executive Director for the Board reported that a relatively new medically implanted device to treat sleep apnea was approved by the FDA on October 6, 2017. This recently came to Ms. Stapley's attention when a funeral establishment was caught unaware and shared the information. It has always been industry practice to actively seek out information regarding the existence of pacemakers prior to cremation so they may be removed. This is in an effort to protect the health, safety and welfare of all crematory operators as well as the equipment that is damaged when battery run devices explode after being subjected to the extreme temperatures during cremation. Ms. Stapley also reached out to Barbara Kemmis, Executive Director of the Cremation Association of North America (CANA). Ms. Kemmis was also unaware of this new battery run medically implanted device. A discussion of best practice including seeking information of "any known medically implanted devices" rather than just asking about pacemakers as well as usage of a metal detecting wand took place. In an attempt to reach as many licensees as possible with this information, this will be a point of further discussion at the annual Arizona Funeral Cemetery Cremation Association (AFCCA) Conference.

6. REVIEW, CONSIDERATION AND POSSIBLE ACTION REGARDING:

The Board may vote to go into Executive Session pursuant to A.R.S. § 32-431.03(A)(2)(to discuss confidential information) or A.R.S. § 38-431.03(A)(3)(to receive legal advice).

A. Discussion regarding radiation exposure in crematories

Judith Stapley, Executive Director for the Board, reported on the article published February 26, 2019, in the Journal of American Medical Association (JAMA). The article raises an awareness for the need to seek out information regarding use of radiopharmaceuticals that may have been used prior to a decedent coming into the care of a funeral home or crematory. Regulations for cremation of exposed patients can vary from state to state and there are no regulations at the Federal level. The JAMA article pointed out that Arizona has no regulation regarding informing crematoriums of deceased patients who have received radiopharmaceutical treatments. Ms. Stapley pointed out Arizona Revised Statute (A.R.S.) § 32-1399 (10) states, ". . . If, after accepting a dead human body for cremation, employees of a crematory discover that a mechanical or radioactive device is implanted in the body, an embalmer licensed pursuant to article 2 of this chapter shall remove the device from the body before cremation takes place." This does not address the problem of potential contamination or health risks due to repeated or

long-term exposure of employees in crematories, especially in Arizona where the rate of cremation statewide has been approximately 70% in recent years. There is also the question of volatilized radionuclides released as vapor during cremation. Ms. Stapley will be meeting with Brian Goretzki, Bureau Chief of the Bureau of Radiation Control to discuss and evaluate best practice for postmortem care, standardizing disclosure to identify potentially radioactive elements in decedents as well as use of Geiger counters.

7. SUMMARY OF CURRENT EVENTS:

By law, the summary of current events is limited to summarizing recent occurrences. The Board cannot propose, discuss, deliberate or take legal action on any matter in the summary unless the specific matter is properly noticed for legal action.

8. EXECUTIVE DIRECTOR'S REPORT

A. Legislative Report

- a. HB2188-Funeral Director, Interns. This bill has received strong support in the House. It has been assigned to the Senate Commerce and Rules committees. It is expected to receive a hearing in the next two weeks.
- b. SB1245-Vital Records; Death Certificates. This bill has passed the Senate, moved to the House and has passed Health and Human Services Committee.
- c. HB2694-Funeral Escorts: Funeral Board Licensure. This bill was heard in the House Transportation Committee and is now being held until next legislative session.

B. Quarterly Report. Gary Hendrix, Board Investigator, performed 10 inspections during the last quarter. Of those ten, six were regular establishments, two were new establishments and two were new crematory inspections. All of these were unannounced except for the new facilities. There are currently 179 active funeral establishments and 59 active crematories licensed in Arizona.

C. Update on potential fraudulent business. A funeral establishment in Arizona that was being contacted by "The Funeral Group" recently contacted the Board to express concerns. "The Funeral Group" is not licensed in the State of Arizona to act in any capacity as a funeral establishment. This entity had been advertising itself as a locally owned and operated funeral establishment in a small town in Arizona where there are no funeral establishments. This entity is the same unlicensed group advertising as "Heritage" and "Legacy" throughout the nation. This is an unlicensed entity trying to gain favor with any licensed funeral home willing to do business with them. This unlicensed entity is creating problems throughout the nation as they cross jurisdictional lines, with only an online presence, making it difficult to find anyone to prosecute for fraudulent activity. It is a violation to provide cremation for any unlicensed funeral establishment. It is also illegal to advertise that you provide cremation in the state where you do not hold an active funeral establishment license.

D. Report on 115th International Conference of Funeral Service Examining Boards (ICSFEB). Ms. Stapley shared highlights from the conference including, Legislation Ethics Governance, Federal Trade Commission, Body Brokers and Recent legal cases presented by legal counsel from the ICSFEB.

9. FUTURE AGENDA ITEMS

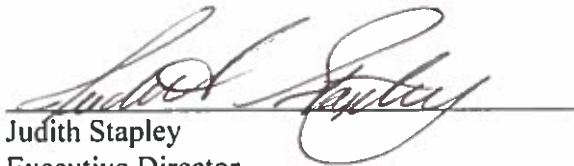
10. ADJOURNMENT

Board member James Ahearne moved to adjourn at 10:58 am. This motion was seconded by Board member Sam Bueler and carried 6-0.

2019 BOARD MEETING SCHEDULE

January 15, 2019	*February 19, 2019	March 19, 2019	*April 16, 2019
May 21, 2019	*June 18, 2019	July – CE Only	*August 20, 2019
September 17, 2019	*October 15, 2019	November 19, 2019	*December 17, 2019

SUBJECT TO APPROPRIATE NOTICE THE BOARD RESERVES THE RIGHT TO CHANGE MEETING DATES. AN ASTERISKS (*) DENOTES SCHEDULED DATES FOR CONTINUING EDUCATION ADVISORY COMMITTEE MEETINGS IN ADDITION TO REGULARLY SCHEDULED BOARD MEETINGS.



Judith Stapley
Executive Director

APPROVED BY:



Kristina Dym, Chairman



James Ahearne, Secretary



Samuel Bueler, Professional Member



Jack Peterson, Public Member



Harold Adair, Professional Member



Amie Gazda, Professional Member