NOTES OF REGULAR MEETING

MEETING PLACE: Oklahoma Board of Pharmacy
2920 N. Lincoln Blvd. Dr. John A. Foust Board Room
Oklahoma City, Oklahoma 73105

DATE & TIME: November 14, 2019, at 10:00AM

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

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 November 8, 2019 at 3:00pm
A copy of this agenda is available on the Funeral Board website at www.ok.gov/funeral

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.

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-Cooper, Highberger, Longanacre, and Roberts attended. Coble, Vice and Martin were absent.

2. Approval of the August 20, 2019 Special Board meeting minutes-No Action

3. Approval of the September 12, 2019 Regular Board meeting minutes-No Action

4. Approval of the October 10, 2019 Regular Board meeting minutes-Approved

5. Review complaints with possible vote for probable cause or other action
   20-10 Overcharging-Dismiss
   20-11 Unlicensed Funeral Home-Found Probable Cause
   20-14 Misleading Advertising-No Action
20-16 Misleading Advertising - No Action

20-17 Overcharging/Failure to Provide Merchandise Selected - No Action

20-18 Next of Kin Issues - Dismiss

20-19 Next of Kin Issues - Dismiss

6. Matters for consideration: Consent 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 18-58 Brown’s Family Funeral Home, Establishment, McLoud; Brown’s Family Funeral Home, LLC, Owner; Nichole Nichols, FDIC, Noble, and Isaac Brown, unlicensed individual, McLoud. Member Martin needs to be recused The Board accepted a consent order on complaint 18-58. The agreed violations were: Gross malpractice or gross incompetency; violation of the Funeral Service Licensing Act and Rules of the Board, unlicensed practice and violation of the FTC. The terms consisted of the following: Respondents were given an Administrative penalty of $7,500.00; 2 years reporting probation, Nichole Nichols and Isaac Brown each an additional 15 hours of CE with 6 hours in person and court cost of $15,000.00
6B. Complaint 19-26 Brown’s Family Funeral Home, Establishment, McLoud; Brown’s Family Funeral Home, LLC, Owner; Isaac Brown, unlicensed individual, McLoud. Member Martin needs to be recused. No action taken

6C. Complaint 19-27 Brown’s Family Funeral Home, Establishment, McLoud; Brown’s Family Funeral Home, LLC, Owner; Venita Elmore, FDIC, OKC. Member Martin needs to be recused. No action taken

6D. Complaint 19-43 Brown’s Family Funeral Home, Establishment, McLoud; Brown’s Family Funeral Home, LLC, Owner; Nichole Nichols, FDIC, Noble, and Isaac Brown, unlicensed individual, McLoud. Member Martin needs to be recused. The Board accepted a consent order on complaint 19-43. The agreed violations were gross malpractice or gross incompetency, violation of the Funeral Service Licensing Act and Rules of the Board, unlicensed practice, violation of the FTC, material misrepresentation, and overcharging the consumer. The terms consisted of the following: Respondents were ordered to return restitution of $1085.00 to consumers, Administrative penalty of $7,500.00; 2 years reporting probation, Nichole Nichols and Isaac Brown each an additional 15 hours of CE with 6 hours in person and court cost of $2,000.00

6E. Complaint 19-18 Burkhart Funeral Service, Establishment, Antlers; Burkhart Funeral Service LLC, Owner; and Don McCarn Jr., FDIC, Talihina. Member Roberts needs to be recused. The Board accepted a Consent Order with Tom Burkhart, Burkhart Funeral Service and Don McCarn Jr. The agreed violations were: failing to receive an out-of-state permit, violation of the Funeral Service Licensing Act and Board Rules, and gross malpractice. The terms of the Consent Order consisted of the following: Respondents were assessed an administrative penalty of $1,000 plus $500 in costs and McCarn to complete 6 hours of CE.

7. Matters for consideration: Administrative Hearing
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.

7A. Complaint 20-02 Crown Hill Funeral Home, Tulsa, a licensed establishment; New Crown Management Corp, Tulsa, owner; and Cecil Lee, McAlester, FDIC. Member Highberger will need to be recused. The violations were: unlicensed practice, failure to file a death certificate in a timely manner, gross malpractice, and violations of the Board rules and statutes. The administrative penalty is as follows: Crown Hill Funeral Home and Cecil Lee shall each pay to the Oklahoma Funeral Board $744.38 and $744.37.

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

A. Apprenticeship (Original)-All Approved

1. Jennifer Pointer, Durant, Holmes-Coffey-Murray FH, Durant

2. Ngoc Nguyen, Moore, Bill Eisenhour, Del City

3. Maria Laffitte, Edmond, Matthews FH, Edmond

4. Rebekah Jordan, Prague, Walker FS, Shawnee


6. Autumn Spurgin, Blanchard, Eisenhour FH, Blanchard
7. Andrew Ousley, OKC Smith & Kernke, OKC
8. Samantha Payne-Huggins, Duncan, Lawton-Ritter-Gray FH, Lawton

B. Apprenticeship (1st extension)-**All Approved**

1. Daniel Collier, Broken Arrow, Broken Arrow FH & CS, Broken Arrow (enrolled at Northeast Texas)
2. Callie Youngbird, Edmond, Bill Eisenhour FH, OKC (enrolled at UCO)
3. Brandon Watters, Nowata, Benjamin Funeral Service, Nowata (enrolled at Dallas)

***4. Kassidi Patterson, Woodward, Billings FH, Woodward (Grad of Dallas)

C. Apprenticeship (4th extension)-**Approved**

1. Daniele Westmoreland, Owasso, Dillon FH, Sand Springs, (enrolled at UCO)

D. Funeral Director and/or Embalmer (Reciprocal) –**Tabled number 1 and approved numbers 2 and 3**

1. Ronald C. Viss, Texas
2. Brenda Batman, Texas
3. Qadeer Qazi, Texas (FD only)

E. Funeral Director and/or Embalmer (Original)-**Tabled numbers 1 and 3, approved number 2 and 4**

1. Sarah Bell, OKC (EM only)
2. Kristen Roy, Tahlequah
3. Katelin Love, OKC (FD only)
4. Ja’von Hughes, OKC
5. Staci VanZant, Mangum (FD only)
6. Kimberly Mobly, Moore (FD only)
F. Establishments - Tabled number 1, denied number 2, and approved number 3

1. Simplicity Natural Burial & Cremation Co., Tulsa, New Establishment, Schaudt’s Glenpool Funeral Service, Inc. Owner; Jason Mayes, FDIC

2. The Funeral Home, LLC, Watonga, New Establishment, The Funeral Home, LLC, Owner; Kenneth Anglin, FDIC

3. Miller and Miller FH, Hugo request to close establishment at 410 South “F” Street.

G. Crematories All Approved

1. B & H Cremation Service, Inc. McAlester, request to close crematory

2. Southeast Oklahoma Crematory, McAlester, New Crematory; Harkins & Bishop Funeral Service, Inc. Owner; Stephen Harkins, FDIC

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. No New Business

10. Oklahoma Funeral Director Association Update by a representative of OKFDA - Gordon Welch reported that OKFDA will be hosting 1 hour of CE. (Round table discussions, not ethics) Breakfast roundtables will begin at 7:00 a.m. at each location. The three locations are: OKLAHOMA CITY November 14, 2019. LAWTON November 19th Jimmy’s Egg 948 NW 38th Street, Lawton, OK and OWASSO November 21, Cracker Barrel 9475 N Owasso Expressway, Owasso, OK Reservations are not needed - pay for your breakfast! Legislative Update. Rep. Sanders is in support of changing title 58 & 63 regarding 7 year requirement to wait for a death certificate without a body and Bill to notify FD if decedent has communicable diseases. The spring District Meetings have been set and will begin the end of February. The annual meeting will be at Thackerville on April 19-21, 2020.

11. Executive Director’s Report

A. Agency Financial Report Agency Financial Report - Mr. Ferguson reported gross receipts for October 2019 to be $10,113.50 with $660.75 going to the State of Oklahoma general fund. The expenses for the same timeframe totaled $40,296.57 and net income after expenses totaled -$30,843.82
B. OMES Computer project update - Staff continues to meet with OMES to develop an on-line payment method and on-line database for our licensees.

C. Attorney General Mike Hunter’s Consumer Protection Day - Report - Board staff on October 28, 2019 attended the 2019 Consumer Protection Day hoisted by Attorney General Hunter. This venue gave the Board staff an opportunity to interact with funeral consumers and answer any questions that they may have. Several awards were presented to individuals for consumer protection dedication.

D. Funeral Board Office Phone Call Report - The office averages 210 calls per month. Most frequent calls range from: Apprentice – questions regarding apprenticeships Licensing – questions regarding FD/EM/Reciprocal licensing Consumers/Complaints – questions from consumers and/or to file a complaint Rules/Regulations – questions regarding rules and statutes, and/or to get opinions and advice Continued Education – questions regarding continuing education

E. 2020 License Renewal open renewal period - The 2020 license renewals have been mailed out to all Funeral Homes, Crematories, and Funeral Directors and Embalmers. If you did not receive a renewal please use the renewal on the Board’s homepage to print off and send in by December 31, 2019.

12. Adjournment - 12:45PM

Chris Ferguson
Executive Director

The next regular meeting of the Oklahoma Funeral Board will be held: Thursday, December 12, 2019, at 10:00 a.m. at the Oklahoma Board of Pharmacy 2920 N. Lincoln Blvd. Dr. John A. Foust Board Room Oklahoma City, Oklahoma 73105.