

STATE OF MAINE
BOARD OF FUNERAL SERVICE

Minutes of July 12, 2016 Board Meeting

Members Present: Glenn Henderson, Chair; Brian Mays, Bethel Shields, Chad Poitras, John Brennan, and James Fernald.

Others Present: Katie Johnson, AAG; and Angela Gordon, Board Clerk.

Members Absent: Robert Barnes

CALL TO ORDER

Glenn Henderson, Chair, called the meeting to order at 9:00 a.m.

APPROVAL OF MINUTES

In a motion by Chad Poitras, and seconded by Bethel Shields, the minutes from the May 10, 2016 meeting were approved with changes as discussed.

Vote: 6 in favor

NEW BUSINESS

In a motion by Chad Poitras and seconded by James Brennan, board member Brian Mays was authorized to inspect a funeral establishment or place of business of any person engaged in the profession of funeral service in the State pursuant to 32 M.R.S. § 1451.

Vote: 5 in favor (1 recused – Brian Mays)

COMPLAINT PRESENTATION(S)

2016-FUN-12178

A complaint was filed against a practitioner who had continued to practice after his/her license had expired and an establishment that had continued to operate after its license had expired.

After review and discussion, a motion was made by Chad Poitras and seconded by James Brennan to preliminarily deny the license renewal applications of the practitioner and establishment and offer a consent agreement to the practitioner, who was the licensee in charge of the establishment, for violations of 10 M.R.S. §8003(5-A)(A)(4), 32 M.R.S. §1501, 10 M.R.S. §8003(5-A)(A)(5), Board Rules Ch. 7 § 1 and 10 M.R.S. §8003(5-A)(A)(7) with a \$1500.00 fine per violation totaling \$63,000.00.

Vote: 6 in favor

2016-FUN-12356

A complaint was filed alleging that a practitioner and establishment did not arrange for the cremation of an individual until several months after the individual's death.

After review and discussion, a motion was made by Bethel Shields and seconded by James Fernald to preliminarily deny the practitioner's and establishment's renewal applications and table the complaint.

Vote: 6 in favor

2016-FUN-12339

A complaint was filed against a practitioner who had continued to practice after his/her license had expired and an establishment that had continued to operate after its license had expired. The complainant also alleged that the practitioner and establishment did not timely process her relative's funeral and engaged in unprofessional conduct.

After review and discussion, a motion was made by Bethel Shields and seconded by James Fernald to preliminarily deny the practitioner's and establishment's renewal applications and table the complaint.

Vote: 6 in favor

MISCELLANEOUS

REVIEW OF LETTER OF GUIDANCE – 2016-FUN-12103

After review and discussion, a motion was made by Chad Poitras and seconded by Bethel Shields to have the letter of guidance remain in the licensee's file for a period of ten (10) years.

Vote: 6 in favor

APPLICATION REVIEW(S)

Roger Theriault filed an application for licensure as a funeral practitioner. According to his application his apprenticeship as a practitioner trainee was greater than eight (8) years in duration. He also admitted to practicing as a funeral attendant after his license had expired.

After review and discussion, a motion was made by Chad Poitras and seconded by James Fernald to preliminarily deny the application and offer a consent agreement for violation of 10 M.R.S.A. §8003(5-A)(A)(5), Board Rules Ch.5 § 6-A(1) and 10 M.R.S.A. §8003(5-A)(A)(7). The Board will allow the applicant to reapply as a practitioner trainee for the sole purpose of taking the state exams.

Vote: 6 favor

David Patterson filed an application for licensure as a funeral attendant in which he disclosed a conviction for operating under the influence.

After review and discussion, a motion was made by Brian Mays and seconded by Chad Poitras to grant the application.

Vote: 6 in favor

OTHER BUSINESS

Chair's Report

Glenn Henderson provided the Board with a staff update.

Administrator's Report

Nothing to report.

ADJOURN

There being no further business, in a motion by Bethel Shields seconded by Chad Poitras the Board voted unanimously to adjourn at 10:30 a.m.

The next Board meeting is scheduled for September 13, 2016.