

STATE BOARD OF EMBALMERS AND FUNERAL DIRECTORS
PRENEED SURVEY

INSTRUCTIONS

- Listed below are suggested Chapter 436 changes that the Board has received from the public, consumers, the industry and other government entities.
- The topics listed below **are not recommendations of the Board.** Instead, the list contains a general description of the legislative suggestions that have been presented to the Board by various parties separated by subject area.
- Please rank the importance of each topic listed below as follows:

5= Highly Important (Top Priority)

3= Moderately Important (Needs To Be Addressed)

1= Little/No Importance (Doesn't Need To Be Addressed Immediately)

- The rankings will be compiled and used to schedule and structure the Board's meetings so that sufficient time is allocated to address all of the issues.
- **Do not rank topics based on whether you agree or disagree with a specific proposal.** Instead, please rank each topic based on the priority you believe the topic should be given in the review team's discussions (i.e.- should it be addressed first?)
- The Board attempted to compile many of the suggestions that have been submitted in previous years. If you have additional topic areas that you would like to propose for discussion, please list them in the "Miscellaneous" section at the end of the survey.

GENERAL ADMINISTRATION:

TOPIC	RANKING				
1. Transferring Chapter 436 regulatory authority to another agency (i.e.- insurance, finance, the Attorney General's Office)	1	2	3	4	5
2. Transferring auditing functions <u>only</u> to another agency (i.e.- insurance, the Attorney General's Office)	1	2	3	4	5

BOARD AUTHORITY:

TOPIC	RANKING				
3. Rulemaking authority for the Board	1	2	3	4	5
4. Changing/clarifying the Board's audit					

authority (i.e.- allowing random/regularly scheduled audits)	1	2	3	4	5
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LICENSING/REGISTRATIONS:

TOPIC	RANKING				
5. Changing a preneed "registration" to a preneed "license"	1	2	3	4	5
6. Registering/licensing of individuals selling on behalf of preneed sellers	1	2	3	4	5
7. Clarifying/changing preneed requirements for cemeteries	1	2	3	4	5
8. Addressing preneed provider/seller fees	1	2	3	4	5
9. Granting Board authority to set fees	1	2	3	4	5
10. Late fees for late annual report filings	1	2	3	4	5

REPORTING/NOTIFICATIONS:

TOPIC	RANKING				
11. Changing/clarifying preneed provider/seller annual report requirements	1	2	3	4	5
12. Changing/clarifying information reported by preneed providers/sellers to the Bd.	1	2	3	4	5
13. Changing/clarifying provider/seller reporting requirements to third parties (i.e.- reporting to consumers/sellers)	1	2	3	4	5

PRENEED SELLER/PROVIDER ISSUES

TOPIC	RANKING				
14. Allowing/prohibiting third party sellers	1	2	3	4	5
15. Requiring all preneed providers to be funeral					

establishments	1	2	3	4	5
16. Requiring bonding/insurance for preneed providers/sellers	1	2	3	4	5
17. Allowing insurance funded preneed plans only	1	2	3	4	5
18. Restricting preneed sales by to insurance agents only	1	2	3	4	5
19. Addressing preneed provider obligations on default by the seller	1	2	3	4	5

HANDLING OF PRENEED CONTRACTS

TOPIC	RANKING				
20. Changing/clarifying portability requirements (changing providers or transferring to another seller)	1	2	3	4	5
21. Changing/clarifying basic requirements for preneed contracts	1	2	3	4	5
22. Adopting/requiring standard forms for preneed contracts	1	2	3	4	5
23. Requiring the filing or approval of preneed forms & contracts with/by the Bd. or other agency	1	2	3	4	5
24. Changing/clarifying provisions for cancelling preneed contracts	1	2	3	4	5
25. Changing/clarifying record keeping requirements for preneed providers/sellers (i.e.- what and how long records have to be maintained)	1	2	3	4	5

PRENEED FUNDS

TOPIC	RANKING				
26. Depositing of preneed funds	1	2	3	4	5
27. Prohibiting or adopting standards for the collections of funds by	1	2	3	4	5

preneed providers					
28. Changing/clarifying record keeping for preneed payments	1	2	3	4	5
29. Adopting/requiring notification to consumers of preneed fund payments, deposits, interest or about account statements	1	2	3	4	5
30. Changing/clarifying amount of preneed funds required to be trusted (100%, 80%, etc.)	1	2	3	4	5
31. Changing/clarifying preneed refund provisions	1	2	3	4	5
32. Changing/clarifying requirements for payments to providers for at-need services (time periods, recordkeeping, amount, etc.)	1	2	3	4	5

TRUST ISSUES:

TOPIC	RANKING				
33. Clarifying whether trust accounts are required for all preneed sellers	1	2	3	4	5
34. Changing/clarifying trustee duties/responsibilities	1	2	3	4	5
35. Changing/clarifying allowed use of independent investment advisors	1	2	3	4	5
36. Changing/clarifying trustee reporting/notification requirements (i.e.- trustee reports to the Bd., consumers sellers, providers, the AG, etc.)	1	2	3	4	5
37. Record keeping requirements for trustees	1	2	3	4	5
38. Changing/clarifying permitted trust disbursements	1	2	3	4	5
39. Proper investment of trust funds (term life, whole life, “reasonable person” standard)	1	2	3	4	5

40. Location of trustees/trust accounts (Does the trust/trustee have to be in Missouri?)	1	2	3	4	5
41. Location of trust records	1	2	3	4	5
42. Commingling of trust funds	1	2	3	4	5
43. "Rollover"/transfer of trust funds	1	2	3	4	5
44. Notification of trust changes/transfers (i.e.- notification to the Bd., sellers, consumers, etc.)	1	2	3	4	5
45. Allocation of preneed interest	1	2	3	4	5

INSURANCE ISSUES

TOPIC	RANKING				
46. Prohibiting/restricting insurance funded preneed plans	1	2	3	4	5
47. Changing/clarifying trust requirements for preneed sellers issuing insurance funded preneed contracts	1	2	3	4	5
48. Changing/clarifying regulation of preneed sellers selling insurance funded preneed plans only (Should this go to the Bd. or the Department of Insurance?)	1	2	3	4	5
49. Addressing/clarifying cancellation of insurance funded preneed plans	1	2	3	4	5
50. Portability of insurance funded preneed plans (transferring providers/insurers/sellers)	1	2	3	4	5

COMPLAINTS/DISCIPLINE

TOPIC	RANKING				
51. Changing/clarifying the Board's current					

investigative/examination/audit process	1	2	3	4	5
52. Modifying the Board's current disciplinary authority (Should it be limited/expanded?)	1	2	3	4	5
53. Allowing/modifying release of complaint information to the public	1	2	3	4	5
54. Allowing/modifying release of complaint information to providers/sellers with contractual relationships	1	2	3	4	5
55. Allowing civil penalties/fines for 436 violations	1	2	3	4	5
56. Assessment of audit/examination/investigation fees	1	2	3	4	5
57. Allowing the Board to hire legal counsel	1	2	3	4	5
58. Expanding/modifying investigative, audit or examination powers of the Attorney General's Office	1	2	3	4	5
59. Expanding/modifying criminal/civil authority of the Attorney General's Office	1	2	3	4	5

JOINT ACCOUNTS

TOPIC	RANKING				
60. Allowing or prohibiting the use of joint accounts	1	2	3	4	5
61. Changing/clarifying reporting requirements for joint account holders	1	2	3	4	5
62. Amending consumer notification requirements for joint account contracts	1	2	3	4	5
63. Changing/clarifying requirements for cancellation of joint account contracts	1	2	3	4	5
64. Amending/modifying refund requirements for preneed funds held in joint accounts	1	2	3	4	5

65. Portability of joint accounts	1	2	3	4	5
66. Trust requirements for entities with joint accounts	1	2	3	4	5
67. Allowing/modifying auditing or examination of joint accounts	1	2	3	4	5

MISCELLANEOUS
(Please list general topic area)

TOPIC

