

Meeting Notice
Missouri State Board of Embalmers
and Funeral Directors
Chapter 436 Review Committee

July 15, 2008 – 8:30 a.m.
Missouri Council of School Administrators
3550 Amazonas Drive (lower level)
Jefferson City, Missouri

The Missouri State Board of Embalmers and Funeral Directors, Chapter 436 Review Committee, will be meeting on July 15, 2008, beginning at 8:30 a.m. Notification of special needs as addressed by the American with Disabilities Act should be forwarded to the Missouri State Board of Embalmers and Funeral Directors, P.O. Box 423, 3605 Missouri Boulevard, Jefferson City, Missouri 65102 or by calling (573) 751-0813 to ensure available accommodations. The text telephone for the hearing impaired is (800) 735-2966.

Except to the extent disclosure is otherwise required by law, the Missouri State Board of Embalmers and Funeral Directors, Chapter 436 Review Committee is authorized to close meetings, records and votes, to the extent they relate to the following: Sections 610.021(1), (3), (5), (7), (13) and (14), RSMo, and Section 620.010.14(7) RSMo.

The Board may go into closed session at any time during the meeting. If the meeting is closed the appropriate section will be announced to the public with the motion and vote recorded in open session minutes.

Please see attached tentative agenda for this meeting.

Attachment

cc: David Broeker and Janice Sloca

AMENDED OPEN AGENDA
Missouri State Board of Embalmers
and Funeral Directors
Chapter 436 Review Committee

July 15, 2008 – 8:30 a.m.
Missouri Council of School Administrators
3550 Amazonas Drive (lower level)
Jefferson City, MO 65109

8:30a.m. – Open Meeting

The Board will immediately move into closed session pursuant to Section 610.021 Subsection (1) RSMo for discussing general legal actions, causes of action or litigation and any confidential or privileged communications between this agency and its attorney.

8:31 a.m. – 9:30 a.m. – Closed Meeting

Call to Order
Roll Call

9:30 a.m. – 12:00 p.m. – Open Meeting

Call to Order
Roll Call

1. 436 Chapter Review - See Attachment
2. Other

12:15 p.m. – 1:30 p.m. – Closed Meeting

Division of Professional Registration
3605 Missouri Boulevard
Jefferson City, Missouri

Closed Meeting. The Board will move into closed session pursuant to Section 610.021 Subsection (14) and 620.010.14 Subsection (7) RSMo for discussing complaints and/or audits and/or investigative reports and/or other information pertaining to the licensee or applicant for licensure; and Section 610.021 Subsection (1) RSMo for discussing general legal actions, causes of action or litigation and any confidential or privileged communications between this agency and its attorney.

**Call to Order
Roll Call**

1:30 p.m. - 5:00 p.m. – Open Meeting

**Missouri Council of School Administrators
3550 Amazonas Drive (lower level)
Jefferson City, MO 65109**

**Call to Order
Roll Call**

- 1. Chapter 436 Review**
- 2. Other**

Adjournment

JULY 15TH
PROPOSED OPEN AGENDA

A. 436 Discussion

PRENEED FUNDS

| TOPIC |
|---|
| 1. Depositing of preneed funds (when funds are deposited) |
| 2. Collections of funds by preneed providers |
| 3. Record keeping for preneed fund payments |
| 4. Notification to consumers of preneed fund payments, deposits, interest or account statements |
| 5. Amount of funds required to be trusted (100%, 80%, etc.) |
| 6. Refund of preneed funds |
| 7. Amount of funds retained by seller/provider |
| 8. Payments to providers for services rendered (time periods, recordkeeping, amount, etc.) |

TRUST ISSUES:

| TOPIC |
|--|
| 9. Trustee duties/responsibilities |
| 10. Independent investment advisors (prohibiting or restricting IIAs, requirements for selection, clarifying use/duties) |
| 11. Reporting/notification requirements for trustees (reporting/notification to the Bd., consumers sellers, providers, the AG, etc.) |
| 12. Record keeping for trustees |
| 13. Trust disbursements |
| 14. Investment of trust funds (term life, whole life, "reasonable person" standard) |
| 15. Location of trustees/trust accounts (Does the trust/trustee have to be in Missouri?) |
| 16. Location of trust records (Where should records be kept) |
| 17. Commingling of trust funds |
| 18. "Rollover"/transfer of trust funds |
| 19. Notification of trust changes/transfers (i.e.- notification to the Bd., sellers, consumers, etc.) |
| 20. Allocation of preneed interest |

HANDLING OF PRENEED CONTRACTS

| TOPIC |
|--|
| 21. Portability (changing providers or transferring to another seller) |

OPEN AGENDA JULY 8, 2008

HIGHLIGHTED ITEMS IDENTIFIED AS COMPLETED. Items not highlighted will be discussed and included for JULY 15, 2008 meeting OR future meeting date.

A. CHAPTER 436 LEGISLATIVE DISCUSSION:

(To facilitate an orderly discussion, the Board will be discussing the following general topics during this meeting. The Board understands that participants may have additional Chapter 436 concerns. The Board has scheduled additional meetings on July 15th, July 22nd & July 29th to address these additional concerns. Discussion will be reasonably limited to the topics identified below. The topics listed below are not suggestions of the Board. These are general topics/suggestions that have been presented to the Board in prior Chapter 436 meetings/discussions).

GENERAL ADMINISTRATION:

| TOPIC | |
|--------------|--|
| 22. | Transferring Chapter 436 regulatory authority to another agency (i.e.- Insurance, Finance, the Attorney General's Office, etc.) COMPLETED |
| 23. | Transferring auditing functions <u>only</u> to another agency (i.e.- Insurance, Finance, the Attorney General's Office, etc.) COMPLETED |

PRENEED SELLER ISSUES

| TOPIC | |
|--------------|--|
| 24. | Allowing/prohibiting third party sellers COMPLETED |
| 25. | Allowing insurance funded preneed plans <u>only</u> COMPLETED |
| 26. | Restricting preneed sales to insurance agents <u>only</u> COMPLETED |
| 27. | Requiring bonding/insurance for preneed sellers |

INSURANCE ISSUES

| TOPIC | |
|--------------|---|
| 28. | Allowed use of insurance funded preneed plans (Including what type of insurance plans may be used) |
| 29. | Changing/clarifying regulation of preneed sellers selling insurance funded preneed plans <u>only</u> (Should this go to the Bd. or the Department of Insurance?) COMPLETED |

PRENEED PROVIDER ISSUES

| TOPIC | |
|--------------|---|
| 30. | Clarifying who can be licensed as a preneed provider (i.e.- must all preneed providers be licensed funeral establishments) COMPLETED |
| 31. | Requiring bonding/insurance for preneed providers |

LICENSING/REGISTRATIONS:

| TOPIC | |
|--------------|---|
| 32. | Changing a preneed "registration" to a preneed "license" COMPLETED |
| 33. | Registering/licensing of individuals selling <u>on behalf of preneed sellers</u> COMPLETED |
| 34. | Licensing requirements for preneed registrants |
| 35. | Clarifying/changing preneed registration or licensing requirements for cemeteries |
| 36. | Clarifying whether trust accounts are required for all preneed sellers COMPLETED |

JOINT ACCOUNTS

| TOPIC |
|---|
| 37. Clarifying/amending persons authorized to use joint accounts (i.e.- should they be allowed for providers, sellers or both) COMPLETED |

HANDLING OF PRENEED CONTRACTS

| TOPIC |
|---|
| 38. Changing/clarifying basic requirements for preneed contracts |
| 39. Adopting/requiring standard forms for preneed contracts |
| 40. Requiring the filing or approval of preneed forms & contracts with/by the Bd. or other agency |
| 41. Definition of a "preneed contract" |

COMPLAINTS/DISCIPLINE

| TOPIC |
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| 42. Changing/clarifying the current Chapter 436 investigative/examination/audit process |
| 43. Modifying the current disciplinary authority (Should it be limited/expanded?) COMPLETED |
| 44. Allowing/modifying release of complaint information to the public COMPLETED |
| 45. Allowing/modifying release of complaint information to providers/sellers with contractual relationships COMPLETED |
| 46. Allowing civil penalties/fines for Chapter 436 violations |
| 47. Allowing the regulatory agency for Chapter 436 to hire legal counsel |
| 48. Expanding/modifying investigative, audit or examination powers of the Board/Attorney General's Office/Missouri Department of Insurance, etc. |
| 49. Expanding/modifying criminal/civil authority of the Board/Insurance/Attorney General's Office |

B. GENERAL DISCUSSION:

- Summary and general overview of trusting requirements for preneed funds from other states
- Summary and general overview of preneed refund requirements from other states (on cancellation, default, transfer, etc.)