

State Board of Mortuary Science of New Jersey

August 7, 2001

Open Session Meeting Minutes

IN ATTENDANCE

Gerald P. Scala, Esq., President, Public Member
Donald R. Codey, Secretary
Peter P. Horvath
Kevin G. Quinn
Charles D. Sidun
John DeCicco, Esq., Public Member (left 2:40 p.m.)
Marius R. Lombardi (arrived at 11:45 a.m.)
Bernadette Stoecker-Rossi

ALSO ATTENDING

Paul C. Brush, Executive Director
Jodi C. Krugman, Deputy Attorney General
Sabrina Riles, Secretarial Assistant

ELECTION OF OFFICERS

Pursuant to the provisions of N.J.S.A. 45:7-37, the Board held elections for the following offices:

President: Gerald P. Scala, Esq. - motion by Mr. DeCicco, seconded by Mr. Quinn.
Secretary: Donald R. Codey - motion by Mr. DeCicco, seconded by Mr. Sidun.

All voted in favor of the above motions.

EXECUTIVE DIRECTOR'S REPORT

- A) Mr. Brush reported that seven (7) complaints were received in July.
- B) The next monthly Board meeting will be held Thursday, September 6, 2001.
- C) The Regulations Committee will hold their next meeting on August 8, 2001 at 9:00 a.m.
- D) Mr. Brush stated there have been recent media reports of the use in Texas and New York of embalming fluids with cigarettes being used as a CDS. The Enforcement Bureau is aware of the potential for problems and is part of their inspection procedure. This was for the Board's information only.

APPROVAL OF MINUTES

April 3, 2001 - On motion made by Mr. Horvath, seconded by Mr. DeCicco, the Board voted to approve the

minutes. All voted in favor of the motion.

May 1, 2001 - On motion made by Mr. Horvath, seconded by Mr. DeCicco, the Board voted to approve the minutes. All voted in favor of the motion.

INTERN REGISTRATIONS

Carla Flippen, E.J. Flippen FH, Camden
Angelo Marchesani, Saul Colonial Home, Hamilton Square
Kelly Myzner, Carmona-Bolen Home For Funerals, Toms River
Carmen F. Spezzi, Carmen F. Spezzi FH, Parlin
Meaghan Spezzi, Maliszewski Memorial Home, Sayreville
Christine A. Lorentzen, M.J. Murphy FH, Monmouth Junction
Paul J. Figalora, Conroy FH, Bound Brook

NEW LICENSEES

Sunny T. Strowbridge
Christopher J. Knoll
Angelina Ruocco
Stephen H. Lankenau
JoDina Errichetti
Gerianne Bates Cox
David Umphlett
Kim Wilson

NEW INSTALLATIONS

Ford Memorial Home, Washington/Richard Maquire, Mgr.
Timothy E. Ryan Home For Funerals - O'Connell Chapel, Bayville/Timothy E. Ryan, Mgr.
Laurelton Memorial FH, Brick/Charles Hoxie, Mgr.
Pancoast FH, Vineland/James R. Hoffman, Mgr.
Chubenko FH, Inc./Gregory B. Chubenko, Mgr.
Sha'arei Shamayim Chapel, Somerville/Antonio Genise, Mgr.,

CONTINUING EDUCATION

A) Credentials Committee Report. On motion made by Mr. DeCicco, seconded by Mr. Sidun, the Board voted to accept the attached report. All voted in favor of the motion.

B) Paul Chickene, Batesville Casket Co., letter stating that under current regulations, the Board only allows a licensee to use three credits from a casket company towards their continuing education requirements. He requested that the limit be removed. The Board noted that Mr. Chickene was incorrect in his interpretation of the regulation, N.J.A.C. 13:36-10.3, in that the three credit limitation refers to funeral merchandise as the content of the program; the limitation does not refer to the provider of the program. Mr. Brush will send Mr. Chickene a copy of the regulations..

CORRESPONDENCE

A) NJ Cemetery Board public minutes May 10, 2001. This was for the Board's information only.

- B) NJ Cemetery Board public session agenda August 9, 2001. This was for the Board's information only.
- C) Lyndsay Boscarelle, Bentley Partners, Inc., letter requesting information on cremations and crematories. The Board determined to provide them with a copy of the statute and regulations.
- D) Lyndsay Boscarelle, Bentley Partners, Inc., letter requesting information on physicians. The Board determined to provide them with a copy of the statute and regulations.
- E) Christopher R. Whalen, CPA, Cohen & Whalen LLC, letter requesting approval of a new business model. The Board determined to provide them with a copy of the statute and regulations.
- F) Thomas A. Blackman, counsel to the Pennsylvania State Board of Funeral Directors. DAG Krugman reviewed his letter to all PA licensees in which he advised them that the PA Board was rescinding their previous notice to all licensees informing them that they must be affiliated with a Pennsylvania funeral home or their license would be placed on inactive status. He also stated in this letter that the PA Board was negotiating with contiguous states for a limited license agreement whereby a licensee from a contiguous state could enter PA to remove, transport or bury a dead human body and to direct a funeral, but may not maintain a funeral establishment in PA. DAG Krugman advised that such an agreement is not yet in place with NJ.

REGULATORY MATTERS

- A) Executive Commission on Ethical Standards proposed readoption and new rules N.J.A.C. 19:61 and 19.61.7. The proposed readoption of the rules, which are scheduled to expire in January 24, 2002 were reviewed by the Board in addition to the proposed new rule on the recusal process. DAG Krugman reviewed the rules with the Board and provided guidance on the recusal process.
- B) Mr. Brush informed the Board that the following Board rules should be published in the NJ Register on August 6, 2001:

Proposed amendments: N.J.A.C. 13:36-1.8, 3.7, 5.1, 5.6, 5.12, 8.2, 8.10, 8.11, 9.7

Proposed repeals: N.J.A.C. 13:36-5.19, 5.20

Proposed new rules: N.J.A.C. 13:36-8.6, 8.12, 8.13

In addition, the rule proposals will be published on the Division's website at:
<http://www.state.nj.us/lps/ca/proposal/mortpro.htm>. This was for the Board's information only.

DISCIPLINARY MATTERS

- A) #00-31 Eternity Funeral Service LLC, Garfield; uniform penalty letter issued 6/20/01. The Board reviewed a written statement submitted by respondent and on motion made by Mr. Horvath, seconded by Mr. DeCicco, voted to reduce the fine to \$750.00. All voted in favor of the motion.
- B) #01-29 Carl Miller Funeral Home, Lawnside; uniform penalty letter issued June 19, 2001; penalty \$3,500.00 paid July 30, 2001. This was for the Board's information only.

LICENSING MATTERS

- A) The Board discussed the reinstatement process for those individuals whose licenses have lapsed for long periods of time. Three former licensees have requested information on reinstating their licenses, when they have not been licensed for over ten years, and in one case, as many as eighteen years. DAG Krugman

reviewed the matter with the Board. Mr. Brush informed the Board that the National Board Examination does not provide for re-examination of candidates who have previously passed the examination. DAG Krugman advised the Board to be guided by its regulation governing reinstatement of lapsed licenses, N.J.A.C. 13:36-4.1(c), as well as the spirit of the requirements for reinstatement set forth in the new Uniform Enforcement Act.. On motion made by Mr. Horvath, seconded by Ms. Stoecker-Rossi, the Board voted to grant reinstatement under the following conditions:

- 1) Achievement of a scaled score of not less than 70 on the Mortuary Jurisprudence examination administered by the Board within one year after application for reinstatement;
- 2) Payment of a reinstatement fee pursuant to N.J.A.C. 13:36-1.6;
- 3) Practice under supervision for a minimum of three months or other period of time to be determined by the Board;
- 4) Submission of monthly reports of embalmments and funerals with a minimum of twenty-five (25) of each; such reports to be signed by the licensee and supervisor;
- 5) Taking and passing the practical examination, pursuant to N.J.A.C. 13:36-3.7, at the completion of the period of supervised practice and the minimum embalmments and funerals;
- 6) Satisfaction of the continuing professional competency requirements pursuant to N.J.A.C. 13:36-10.11(a).

All voted in favor of the motion. The Board also referred the matter to the Regulations Committee for review.

PUBLIC COMMENTS

Allan Kriso wanted to speak with the Board regarding a complaint that he filed. Mr. Scala advised him that complaints are discussed in Executive Session and offered him the opportunity to meet with the Board in Executive Session to discuss his issue.

EXECUTIVE SESSION

10:30 a.m. - Motion made by Mr. DeCicco, seconded by Mrs Stoecker-Rossi to go into executive session to discuss consumer complaints and/or conduct investigative inquiries. All voted in favor of the motion. The results of these deliberations will be made known when and if the Board determines to initiate disciplinary or other law enforcement action. If the Board determines to issue uniform penalty letters, that action will be taken in public session immediately after the executive session.

12:05 p.m. The Board returned to open session for the election of officers.

12:45 p.m. On motion made by Mr. DeCicco, seconded by Mr. Sidun, the Board returned to executive session for the aforementioned purposes. All voted in favor of the motion.

3:00 P.M. Motion to adjourn by Mr. Horvath, seconded by Mr. Codey. All voted in favor of the motion.

Respectfully submitted,

Donald R. Codey
Secretary

Date



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Posted August 2001