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## VIRTUAL/TELECONFERENCE

### **FUNERAL DIRECTORS EXAMINING BOARD** **Room 121A, 1400 East Washington Avenue, Madison** **Contact: Brittany Lewin (608) 266-2112** **February 24, 2015**

*The following agenda describes the issues that the Funeral Directors Examining Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a record of the actions of the Funeral Directors Examining Board.*

#### **AGENDA**

**9:30 A.M.**

#### **OPEN SESSION – CALL TO ORDER – ROLL CALL**

##### **A. Adoption of Agenda (1-3)**

##### **B. Approval of Minutes of November 18, 2014 (4-6)**

##### **C. Administrative Updates – Discussion and Consideration**

- 1) Staff Updates
- 2) Election of Board Officers **(7)**
- 3) Appointment of Liaison and Delegation of Authorities **(7)**
  - a) Delegation to Monitoring Liaison and Department Monitor **(8-9)**

##### **E. Credentialing Matters – Discussion and Consideration**

- 1) Consumer's Guide to Preplanning a Funeral Booklet – Update

##### **F. Items Added After Preparation of Agenda:**

- 1) Introductions, Announcements and Recognition
- 2) Administrative Updates
- 3) Election of Board Officers
- 4) Appointment of Board Liaisons
- 5) Education and Examination Matters
- 6) Credentialing Matters
- 7) Practice Matters
- 8) Legislation/Administrative Rule Matters
- 9) Liaison Reports
- 10) Informational Items
- 11) Disciplinary Matters
- 12) Presentations of Petitions for Summary Suspension
- 13) Presentation of Proposed Stipulations, Final Decisions and Orders

- 14) Presentation of Proposed Decisions
- 15) Presentation of Interim Orders
- 16) Petitions to Vacate Orders
- 17) Petitions for Designation of Hearing Examiner
- 18) Requests for Disciplinary Proceeding Presentations
- 19) Motions
- 20) Petitions
- 21) Speaking Engagement(s), Travel, or Public Relation Request(s)

G. Public Comments

**CONVENE TO CLOSED SESSION to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85 (1)(b), and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.).**

**H. Monitoring Matters (10-21)**

- 1) Melissa Wachholz – Request for Surrender of License

**I. Case Status Report (22)**

**J. Case Closings**

- 1) 13 FDR 018 **(23-26)**
- 2) 14 FDR 001 **(27-31)**
- 3) 14 FDR 013 **(32-36)**
- 4) 14 FDR 002 **(37-41)**

**K. Consultation with Legal Counsel**

**L. Deliberation of Items Added After Preparation of the Agenda**

- 1) Education and Examination Matters
- 2) Credentialing Matters
- 3) Disciplinary Matters
- 4) Monitoring Matters
- 5) Professional Assistance Procedure (PAP) Matters
- 6) Petitions for Summary Suspensions
- 7) Proposed Stipulations, Final Decisions and Order
- 8) Administrative Warnings
- 9) Proposed Decisions
- 10) Matters Relating to Costs
- 11) Case Closings
- 12) Petitions for Extension of Time
- 13) Proposed Interim Orders
- 14) Petitions for Assessments and Evaluations
- 15) Petitions to Vacate Orders

- 16) Remedial Education Cases
- 17) Motions
- 18) Petitions for Re-Hearing
- 19) Appearances from Requests Received or Renewed

**RECONVENE INTO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION**

Vote on Items Deliberated Upon in Closed Session if Voting is Appropriate

**ADJOURNMENT**

**FUNERAL DIRECTORS EXAMINING BOARD  
MEETING MINUTES  
NOVEMBER 18, 2014**

**PRESENT:** Thomas Bradley (via GoToMeeting), Marc Eernisse, Eric Lengell, Marla Michaelis, Dean Stensberg

**EXCUSED:** Kristen Piehl

**STAFF:** Brittany Lewin, Executive Director; Gretchen Mrozinski, Legal Counsel; Kimberly Wood, Bureau Assistant

Thomas Bradley, Chair, called the meeting to order at 9:37 a.m. A quorum of five (5) was confirmed.

**ADOPTION OF AGENDA**

**MOTION:** Dean Stensberg moved, seconded by Marla Michaelis, to adopt the agenda as published. Motion carried unanimously.

**APPROVAL OF MINUTES**

**MOTION:** Dean Stensberg moved, seconded by Eric Lengell, to approve the minutes of August 5, 2014 as published. Motion carried. Abstained: Marla Michaelis

**LEGISLATIVE AND ADMINISTRATIVE MATTERS**

**Proposals for Amending FD 1, 4, Wis. Admin. Code, Relating to Applications, Examinations, Renewal and Approved Continuing Education**

**MOTION:** Marla Michaelis moved, seconded by Eric Lengell, to designate Marc Eernisse to serve as liaison to DSPS staff for drafting FD 1, 4, Wis. Admin. Code, relating to applications, examinations, renewal and approved continuing education. Motion carried unanimously.

**CREDENTIALING MATTERS**

**Review and Update of a Consumer's Guide to Preplanning a Funeral Booklet**

**MOTION:** Dean Stensberg moved, seconded by Marc Eernisse, to designate Marla Michaelis to work with Credentialing staff to assist in the review and update of form # 2357: Consumer's Guide to Preplanning a Funeral. Motion carried unanimously.

**CLOSED SESSION**

**MOTION:** Marc Eernisse moved, seconded by Eric Lengell, to convene to closed session to deliberate on cases following hearing (s.19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85 (1)(b), Stats.); to consider closing disciplinary investigation with administrative warning (s. 19.85(1)(b), Stats. and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85(1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.). Thomas Bradley read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Thomas Bradley – yes; Marc Eernisse – yes; Eric Lengell – yes; and Marla Michaelis – yes. Motion carried unanimously.

The Board convened into closed session at 9:58 a.m.

*(Dean Stensberg was out of the room for the vote to convene to Closed Session.)*

### **RECONVENE TO OPEN SESSION**

**MOTION:** Eric Lengell moved, seconded by Dean Stensberg, to reconvene into open session. Motion carried unanimously.

The Board reconvened into open session at 10:28 a.m.

### **VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION**

**MOTION:** Dean Stensberg moved, seconded by Marla Michaelis, to affirm all motions made and votes taken in closed session. Motion carried unanimously.

### **DELIBERATION ON PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS**

**MOTION:** Dean Stensberg moved, seconded by Marc Eernisse, to accept the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against **M.J.W.**, DLSC case number **13 FDR 009**. Motion carried unanimously.

**MOTION:** Eric Lengell moved, seconded by Marc Eernisse, to accept the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against **P.F.S.**, DLSC case number **13 FDR 010**. Motion carried unanimously.

### **CASE CLOSINGS**

**MOTION:** Marc Eernisse moved, seconded by Marla Michaelis, to close DLSC case number **12 FDR 004**, for Insufficient Evidence. Motion carried unanimously.

**MOTION:** Dean Stensberg moved, seconded by Marla Michaelis, to close DLSC case number **13 FDR 009**, against W.F.F.H., for No Violation. Motion carried unanimously.

**MOTION:** Marc Eernisse moved, seconded by Eric Lengell, to close DLSC case number **13 FDR 010**, against D.P., for No Jurisdiction. Motion carried unanimously.

#### **ADJOURNMENT**

**MOTION:** Marla Michaelis moved, seconded Marc Eernisse, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 10:31 a.m.

**ELECTION OF OFFICERS  
APPOINTMENT TO LIAISON AND DELEGATION OF AUTHORITIES**

<b>2014 OFFICER ELECTION RESULTS</b>	
Board Chair	Thomas Bradley
Vice Chair	Eric Lengell
Secretary	Marla Michaelis

<b>2014 SCREENING PANEL APPOINTMENTS</b>	
January -December 2014	Marla Michaelis, Thomas Bradley, Eric Lengell

<b>2014 LIAISON APPOINTMENTS</b>	
Credentialing Liaison	Brian Langendorf
DSLCL (PAP/Monitoring)	Brian Langendorf

## AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request:  Ashley Horton  Department Monitor Division of Legal Services and Compliance		2) Date When Request Submitted:  January 13, 2015  Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> <li>▪ 10 work days before the meeting for Medical Board</li> <li>▪ 14 work days before the meeting for all others</li> </ul>	
3) Name of Board, Committee, Council, Sections:			
4) Meeting Date:	5) Attachments:  <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page?  Delegation to Monitoring Liaison and Department Monitor	
7) Place Item in:  <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled?  <input type="checkbox"/> Yes ( <a href="#">Fill out Board Appearance Request</a> ) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed:  Delegated Authority Motion:  <p style="text-align: center;"><i>“_____ moved, seconded by _____ to adopt/reject the Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor document as presented in today’s agenda packet.”</i></p>			
11) Authorization			
		January 13, 2015	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

## Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor

The Monitoring Liaison (“Liaison”) is a Board/Section designee who works with department monitors to enforce Board/Section orders as explained below.

### Current Authorities Delegated to the Monitoring Liaison

The Liaison may take the following actions on behalf of the Board/Section:

1. Grant a temporary reduction in random drug screen frequency upon Respondent’s request if he/she is unemployed and is otherwise compliant with Board/Section order. The temporary reduction will be in effect until Respondent secures employment in the profession. The Department Monitor (“Monitor”) will draft an order and sign on behalf of the Liaison.
2. Grant a stay of suspension if Respondent is eligible per the Board/Section order. The Monitor will draft an order and sign on behalf of the Liaison.
3. Remove the stay of suspension if there are repeated violations or a substantial violation of the Board/Section order. In conjunction with removal of any stay of suspension, the Liaison may prohibit Respondent from seeking reinstatement of the stay for a specified period of time. The Monitor will draft an order and sign on behalf of the Liaison.
4. Grant or deny approval when Respondent proposes continuing/remedial education courses, treatment providers, mentors, supervisors, change of employment, etc. unless the order specifically requires full-Board/Section approval.
5. Grant a maximum of one 90-day extension, if warranted and requested in writing by Respondent, to complete Board/Section-ordered continuing education.
6. **Grant a maximum of one extension or payment plan for proceeding costs and/or forfeitures if warranted and requested in writing by Respondent.**

*Monitoring Liaison currently has the authority to grant an extension up to 90 days. This change will allow the Liaison to grant payment plans and longer extensions on a case-by-case basis, which will be particularly helpful for Board/Sections that do not meet every month.*

7. **Grant full reinstatement of licensure if Respondent has fully complied with all terms of the order without deviation. The Monitor will draft an order and obtain the signature or written authorization from the Liaison.**

*This addition was initiated and approved by the Medical Examining Board in October 2014. The Liaison may choose to defer a particular request to the full Board/Section for review if needed.*

### Current Authorities Delegated to the Department Monitor

The Monitor may take the following actions on behalf of the Board/Section, draft an order and sign:

1. Grant full reinstatement of licensure if CE is the sole condition of the limitation and Respondent has submitted the required proof of completion for approved courses.
2. Suspend the license if Respondent has not completed Board/Section-ordered CE and/or paid costs and forfeitures within the time specified by the Board/Section order. The Monitor may remove the suspension and issue an order when proof completion and/or payment have been received.