



TELECONFERENCE ADVISORY COMMITTEE MEETING MINUTES

Tuesday, October 20, 2020

Advisory Committee Members

Patrick Collins
Maria Mangini
Nichol Montague
Jean Okuye

Absent Committee Members

Nickolas Martinelli
Jeanne Clark

Cemetery and Funeral Bureau (Bureau or CFB) Staff: Gina Chiaverini Sanchez, Bureau Chief, Sandra Patterson, Deputy Bureau Chief, Cheryl Jenkins, Program Operations Manager, Michelle Arthur, Audit Unit Manager, and Carolina Sammons, Legislative Analyst.

Department of Consumers Affairs Staff: Carrie Holmes, Bureau Liaison. Jason Hurtado, Staff Counsel, and Rose Turner, Legislative Analyst.

1. Introduction and Opening Remarks.

Bureau Chief, Gina Sanchez, called the meeting to order at 10:00 a.m. welcoming those in attendance participating in the Bureau's first virtual public meeting consistent with the provisions of Governor Newsom's Executive Order N-29-20. Ms. Sanchez provided instruction on the conduct of the meeting including how to make public comment, asked the Advisory Committee Members to introduce themselves. introduced the meeting moderator and CFB and Department's staff members and spoke to CFB's mission.

2. Public Comment on Items Not on Agenda.

Ms. Sanchez asked if there was anyone who would like to make public comments about items not on the agenda. No comments were made.

3. Update on Bureau Activities. Staffing, Advisory Committee Recruitment, Annual Trust Reports (Funeral Establishment & Cemeteries), Response to COVID-19 and Effect on Bureau Operations.

Staffing: Ms. Sanchez announced the appointment of Sandra Patterson as the Bureau Deputy Chief, Carla Esquivel as the Field Unit Manager, and Michaela Marr as the Field Representative in the Los Angeles area. Ms. Sanchez announced an opening for a Staff Services Analyst in the Enforcement Unit.

Advisory Committee Recruitment: Ms. Sanchez announced the CFB will be recruiting a few positions on the committee and requested that any current members interested in reappointment to contact her. The application is posted on the CFB's website under the quick links.

Annual Trust Reports: Ms. Sanchez spoke to the reporting percentages of the 2020 mandated annual trust reports submitted to the Bureau by the licensed cemeteries and funeral establishments and reiterated the requirement to submit their annual financial reports to the Bureau. All licensed funeral establishments are required to submit their annual reports by May 1, and all licensed cemeteries are required to submit their annual endowment and special care trust funds by June 1st.

Funeral Establishments: Ms. Sanchez reported that as of May 1, 2020, there are 1,078 funeral establishments that report having no preneed arrangements and filed the Declaration of Non-Reporting Status Report. 36% of these reports were submitted on time, 47% were submitted late and 17% have not been received.

There are 97 funeral establishments that report having preneed arrangements with consumers and submitted the Preneed Funeral Trust Funds Report. 81% of these reports were submitted on time, 13% were submitted late, and 5% have not been received.

Cemeteries: Ms. Sanchez reported that as of June 1, 2020, cemeteries must report on their endowment and special care trust funds. As of today, 67% cemeteries submitted their report on time, 12% were late, and 7% have not been received, and 13% report on a fiscal year and the report is not due yet.

Response to COVID-19 and Effect on Bureau Operations: Ms. Sanchez reported that early March 2020, the Bureau staff transitioned to telework. The transition was with minimal impact to essential operations.

Ms. Sanchez reported the CFB posting of Covid-19 on its website, and dedicated a section titled, "Coronavirus Guidance." As part of the collaboration with statewide focused efforts, the CFB dedicated one staff member to participate in contact tracing efforts. The CFB also kept stakeholders updated by sending email blasts to those who have joined our email list. To join the Bureau's email list, click the link near the bottom of the Bureau's website under the title "Connect With Us."

Ms. Sanchez appreciates the patience of everyone as we navigate our new business flow. Ms. Sanchez asked if there was anyone who would like to make public comments about items not on the agenda.

Public member, Jerry Desmond with the Cemetery Mortuary Association of California (CMAC) had a question regarding the Advisory Committee recruitment – what vacancies are currently available?

Ms. Sanchez stated that potentially there could be four vacancies. She is currently looking at current members who could extend their term. Ms. Sanchez stated the Advisory Committee is composed of four public members and three industry members.

4. Update from the Department of Consumer Affairs' Representative

Ms. Sanchez introduced Carrie Holmes, Deputy Director for Boards and Bureau Relations at the Department of Consumer Affairs (DCA, or Department).

Ms. Holmes gave a brief introduction and provided DCA appointments for the last year: Lourdes Castro Ramirez, Secretary for the California Business, Consumer Services and Housing Agency (BSCH), appointed in January 2020; Jennifer Simoes, Deputy Director, Legislative Affairs, appointed in March 2020; Christine Lally, Chief Deputy Director, appointed in April of 2020; and Kimberly Kirchmeyer, Director for DCA, appointed in October 2019.

Ms. Holmes indicated that the DCA team is devoted to consumer protection and that one of Director Kirchheimer's top priorities is regulations including timelines and transparency. DCA's regulations unit was created by DCA Legal to directly assist the boards and bureaus with regulation packages. DCA also developed, Cherwell, an online system to manage and track the regulation packages and streamline the review process. Cherwell testing is underway as a pilot cohort.

Ms. Holmes stated DCA temporarily closed all offices to the public in March in response to state and local stay at home orders to help reduced the spread of Covid-19. DCA has implemented telework plans and established physical distancing requirements for employees who cannot telework.

Following detailed risk assessments and the implementation of a Covid-19 prevention plan, DCA offices reopened to the public on March 15, 2020, and has implemented preventive measures to safeguard the health and safety of its employees and visitors. Board and Bureau meetings continue remotely to reduce travel and ensure physical distancing. Ms. Holmes thanked all and encouraged all, that if they had questions or concern to contact Boards and Bureau Relations.

Ms. Sanchez thanked Ms. Holmes and asked if there was anyone who would like to make public comments about this agenda item. No comments were made.

5. Legislation Update

Cheryl Jenkins stated that AB 2134 (Chen, Chapter 72, Statutes of 2020) amends Health & Safety Code section 8344.5, and authorizes a crematory to incinerate one or more American flags during the periods within one week before or after Presidents' Day and Veterans' Day, in addition to the other sanctioned flag burning periods listed in existing law. Ms. Jenkins asked if there was anyone who would like to make public comments about this agenda items.

Public member, Jerry Desmond with CMAC, stated that his organization supported AB 2134 and he is pleased the bill was enacted into law.

6. Regulatory Update

Ms. Sanchez stated the Bureau initiated two Rulemaking Files.

1. Rulemaking file to Amend Title 16, California Code of Regulations, section 1252 et seq., and 2330 et seq., to implement AB 2138 (Chiu, Chapter 995, Statutes of 2018) Substantially Related Criteria for Convictions.
2. Rulemaking file to Amend Title 16, California Code of Regulations, section 2310, et seq., to implement AB 967 (Gloria, Chapter 846, Statutes of 2017) Licensure and Regulation of Alkaline Hydrolysis.

Ms. Sanchez provided an update on proposed regulations for Title 16, California Code of Regulations, section 2334 et seq., to implement AB 926 and AB 795 (Irwin, Chapter 750 & 309, Statutes of 2017 & 2019), Cemeteries: Endowment Care Funds (Unitrust). Ms. Sanchez asked if there was anyone who would like to make public comments about these agenda items.

Public member, Jerry Desmond with CMAC, provided comment on the proposed Unitrust regulation as CMAC sponsored both bills. Mr. Desmond urges DCA, Agency, and Office of Administrative Law (OAL) to expedite the process, as he believes this regulation is in the best interest of the cemeteries.

7. Licensing Statistical Report and Update on Examination Development. Ms. Jenkins led the discussion on this subject.

Licensing Performance Measures: The CFB Licensing Performance Measurers were established as target timeframes for processing complete applications. A complete application includes all required fees and documentation. If any deficiencies are identified, a deficiency letter will be sent to the applicant. For complete applications, the target timeframe for issuance of a business license is 90 days and for issuance of a personal license is 20 days, with the exception of the embalmer license which is 30 days. For fiscal year 2019-20, the Bureau's average timeframe for processing complete applications met or exceeded the target in all applications.

Licenses Issued Statistics: During fiscal year 2019-20, the Bureau issued 1,030 new licenses.

License Renewal Statistics: The CFB received requests to renew 11,151 licenses with 3,485 (31%) renewed online and 7,666 (69%) renewed by mail.

Exam Pass Rate Statistics: The CFB had a total of 236 candidates who participated in various licensing examinations. The pass rate for the Funeral Director was 50%, Embalmers was 100%, Cemetery Broker was 44%, Cemetery Manager was 93%, and Crematory Manager was 100%.

Most Common Application Deficiencies: The most common deficiencies are: applicants failing to submit a Request for Live Scan Service form with each application for licensure; applicants failing to provide a contractual agreement to share preparation and/or storage and ensure it is signed and dated; failing to provide a zoning permit or letter from the city or county when submitting an original application or a change of location; and combining cemetery and funeral application fees. Ms. Jenkins opened the session for public comment. No comments were received.

Update on Examination Development: The Bureau works with the Department's Office of Professional Examination Services (OPES) to conduct the exam development for the five different examinations the CFB administers; funeral director, embalmer, crematory manager, cemetery manager, and cemetery broker.

Ms. Jenkins stated the Bureau just completed the last occupational analysis workshop for the cemetery broker and will begin working on the examination development. A letter was emailed to licensed cemetery brokers to recruit for participation in the upcoming workshops.

Ms. Jenkins stated the workshops require licensed individuals to serve as subject matter experts. CFB selects six individuals to participate at each workshop, but a minimum of four individuals are required to conduct the workshop. Ms. Jenkins encouraged the Advisory Committee Members that if

they know of a licensed and eligible cemetery broker that would like to participate to have them contact her.

Ms. Jenkins indicated the next examination development due is for the licensed embalmer, which will include an occupational analysis. There will be two workshops scheduled. Letters will be sent out to all licensed embalmers to begin recruiting for participants as subject matter experts. Travel expenses are reimbursed, and an honorarium is paid of \$250 per day for all workshops. Embalmers are encouraged to participate. Ms. Jenkins opened for public comments. No comments were made.

8. Enforcement Statistical Report and Update on Bureau Disciplinary Actions for fiscal year 2019-20. Ms. Jenkins led the discussion on this topic.

Inspections Conducted – the CFB conducted inspections of 1,224 licensed funeral establishments, cemeteries, crematories, cremated remains disposers, and cemetery brokers. The CFB met its mandate to conduct annual inspections.

Complaint Received Statistics - the CFB received 831 complaints, including non-jurisdictional.

Citation Issued Statistics - the CFB issued a total of 308 citations.

Most Common Violations – The most common deficiencies for cemetery violations are: failure to supervise by manager of record, failure to perform required minimum maintenance standards, unprofessional conduct, failure to file annual endowment care fund reports timely, and failure to designate a licensed cemetery manager. As for the most common deficiencies for funeral violations are: failure to designated manager of record to ensure compliance, failure to have the price ranges on the general price list match the actual prices on the casket price list, failure to conspicuously display a license in the place of business or employment of the licensee, and failure to have a casket price card/tag(s) on each casket.

Disciplinary Actions for FY 2020-21: Ms. Jenkins reported on formal disciplinary actions for fiscal year 2020-21.

9. Adjournment – meeting was adjourned at 10:55am