

ADVISORY COMMITTEE MEETING MINUTES

Wednesday, May 24, 2023 - 10:00 a.m.

Advisory Committee Members

Rev. Jason E. Bense
Jasmine Berrios
Jolena Grande
Margaret "Maggie" McMillan
Chanel O'Farrill
Jean Okuye
Rev. Jacob Jett
Rev. Jason E. Bense

Stakeholder Members

Patrick Barlett
Claudine Desmond
Jerry Desmond
Russell Chemerisov
Korrina Smith
SG

Cemetery and Funeral Bureau (Bureau or CFB) Staff: Gina Chiaverini Sanchez, Bureau Chief, Michelle Arthur, Audit Manager, Alexxia Gallegos, Program Operations Manager, Lita McFaddin, Licensing Analyst, and Carolina Sammons, Legislative Analyst.

Department of Consumers Affairs (DCA or Department) Staff: Korrina Smith, Bureau Liaison, Michael Kanotz, Staff Counsel, Elizabeth Rose Turner, Legislative Affairs Office, Elizabeth Dietzen-Olson, Regulations Counsel, Ann Fisher and Sara Irani, meeting moderators.

1. Introduction and Opening Remarks.

Bureau Chief, Gina Sanchez, called the meeting to order at approximately 10:00 a.m. welcoming those in attendance. Ms. Sanchez indicated that the meeting is open to the public in Sacramento and available via the WebEx and teleconference platforms. Ms. Sanchez thanked former Members, Maria Mangini and Nichole Montague for their time, commitment, and participation in multiple terms. Ms. Sanchez provided instruction on the conduct of the meeting including how to make public comment, and introduced the meeting moderators. Ms. Sanchez conducted roll call and asked the newly and reappointed 2023-2025 Advisory Committee Members to introduce themselves.

2. Updates on The International Conference of Funeral Service Examining Boards Annual Meeting.

Ms. Sanchez indicated The International Conference of Funeral Services Examining Board, also known as "The Conference", administers the science section of the national embalmer examination. The annual meeting was held in Chandler Arizona and Advisory Committee Member Jolena Grande attended.

Committee Member Grande indicated The Conference met on February 28 through March 2, 2023. This meeting is attended by regulatory representatives from across the United States as well as the provinces of Canada. Items of discussion included:

- Deregulation movement
- Arizona changes made to their licensing and regulation requirement of funeral services practice.
- Professional development sessions on compassion fatigue as well as model disposition

standards, conversations with best practices from funeral service education entities regarding preparation for the national board exam.

- The National Board Exam updates on its testing program, and their 2022 job task analysis.
- The Conference next meeting will be held February 28 and 29, 2024, in Myrtle Beach, South Carolina.

Ms. Sanchez opened it for public comment. No public comments were received on this agenda item.

3. Public Comment Items Not on Agenda.

Public comment from Patrick Bartlett described his sister's experience when dealing with an individual running a business in California to have their mother's cremated remains incorporated into a reef and deployed into the ocean. Mr. Bartlett believes that Business and Professions Code section 7672 is inadequate pertaining cremated remains disposer license requirements and no exemptions should apply.

Ms. Sanchez indicated that this is a public comment item not on the agenda and cannot respond; however, the Bureau will consider discussion of Business and Professions Code section 7672 for a future meeting.

No other public comments were received.

4. Update from the Department of Consumer Affairs' Representative.

Ms. Korrina Smith with the Division of Program and Policy Review congratulated Ms. Berrios and Mr. Bense on their appointment to the Advisory Committee, and provided the following DCA updates:

- DCAs participation, since 2017, in the State of California Public Service Recognition Week (May 7-13, 2023) and expressed appreciation for civil servants and the essential work they do.
- DCA's printing provider experienced technical difficulties that paused the printing of renewals certificates, licenses, and letters for certain board and bureaus from April 13 through May 15, 2023. The printing has resumed, and the printing vendor is addressing the backlog.
- DCA's first Diversity, Equity, and Inclusion Steering Committee (DEI) that was established last fall and is comprised of 12-executive leaders from the boards and bureaus in the Department.
- The strategic planning process was updated to embed DEI into the process, which includes a survey, DEI section in the environmental scan, video messages, and a brief training video. All DCA SOLID trainers will complete a 50-hour diversity, equity, and inclusion training certification program through the University of Massachusetts.
- On April 28, 2023, Director Kirchmeyer issued a memorandum committing to employees to increase the availability of the DEI courses through DCA training unit. There are three training DEI courses that have been added in the Learning Management System (LMS) homepage.

- DCA employees and committee members must complete the Sexual Harassment Prevention training this year. The training is available in LMS.
- Board Members must complete the Board Member Orientation Training (BMOT) within one year of assuming office.
- The current Bagley-Keene Open Meeting Act exemptions will end on June 30, at which time board and bureau meetings will return to in-person. However, recent legislation introduced Senate Bill (SB) 143 (Committee on Budget and Fiscal Review) that includes the Bagley- Keene Open Meeting Act changes reverting back to allowing for more remote public meetings without noticed locations accessible to the public.
- On January 1, 2023, the Federal License Portability Law for Servicemembers was implemented and an overview of this new law was provided. The DCA is determining the best way to implement the new law.
- DCA 2021-22 Annual Report was released, and it is available on DCA's website.

Ms. Sanchez thanked Ms. Smith for her presentation and indicated that the Bureau's renewal and initial licenses printing has resumed, and licenses will be mailed soon. Ms. Sanchez also shared that the Bureau Strategic Plan expires this year and will be beginning that process. Ms. Sanchez indicated Carolina Sammons is also available to assist members with the required Sexual Harassment Prevention training this year. Ms. Sanchez indicated that the Advisory Committee Meeting in October is slated to be in-person pursuant to the current Bagley-Keene Open Meeting Act. Ms. Sanchez will follow up with the members and provide status update.

Committee Member Ms. Grande asked about the Portability Licensure Act and the Temporary License for military spouses and how the Bureau will implement and if there was a fee.

Ms. Sanchez responded that she is currently working with DCA to determine the best way to implement the Portability Licensure Act. The implementation could be more of a review and registration process versus obtaining a California license. This is separate from AB 107 that requires the Bureau to grant temporary licensure to the spouse or domestic partner of an active-duty member stationed in California. The Bureau has not received any requests under the Portability Licensure Act, but will work with staff counsel to ensure compliance. Ms. Sanchez responded, there is no fee for the Portability Licensure Act or for AB 107, Temporary Licensure.

Ms. Sanchez opened the meeting for public comment. There were no public comments received.

5. Update on Bureau Activities: Ms. Sanchez reported on:

a. Sunset Review Report:

Ms. Sanchez indicated that every four years (five this cycle due to COVID-19) the Bureau prepares its Sunset Review Report which is a report on bureau activities submitted to the Legislature. Ms. Sanchez introduced Rose Turner with the Division of Legislative Affairs to provide an overview of the Sunset Review Report.

Ms. Turner explained the scope of the sunset review process, the methodology used, and that the completed report is then submitted to the legislature in early 2024 with tentative hearings in March or April of 2024.

b. Staffing:

Ms. Sanchez reported the Bureau is currently recruiting for two positions: field representative in the Los Angeles area and an associate governmental program analyst at headquarters in Sacramento. For more information about vacancies, join to the Bureau's "[Join Our Email](#)", Facebook page.

c. Budget:

Ms. Sanchez provided an overview of the Bureau's Fund Condition for fiscal year (FY)2021-22 referencing the handout provided.

Member Grande asked if the number of licenses that are being renewed has decreased because of the fee increase.

Ms. Sanchez responded, that so far all renewals have stayed consistent and a large number of renewals will be in May/June for the cemetery salesperson license. Ms. Sanchez expects to see a full renewal cycle in statistics provided at the October 2023 meeting with a better comparison to the previous fiscal year.

d. Business Modernization:

Ms. Sanchez announced that on May 23, 2023, the funeral director application went live online. Applicants can apply at [CFBconnect](#).

e. Audit Unit Update:

Ms. Arthur stated the Audit Unit has scheduled communications to be sent via ListServ email blast and Facebook reminding licensees of the due dates for required reports, and reported on the handout provided for this report.

Oversite of Funds – 2021 Annual Reporting

The Bureau has oversight of over 3 billion dollars. These funds include the 1.4 billion in Endowment Care Funds (ECF), over 930 million in Special Care Funds (SCF), and over 787 million in funeral preneed funds. There are 191 individual cemetery licenses that hold ECF and 142 cemetery licensees that hold SCF, and 685 funeral establishments that hold preneed funds, representing over 550,000 individual consumer preneed contracts.

f. Consumer Guide to Funeral and Cemetery Purchases

Ms. Sanchez reported the release of the revised Consumer Guide to Funeral and Cemetery Purchases. The guide is available in English and Spanish on the Bureau's website, www.cfb.ca.gov.

g. Cremated Remains Disposer Booklet

Ms. Sanchez announced the release of the draft version of the revised Cremated Remains Disposer booklet. This booklet now includes alkaline hydrolysis. Ms. Sanchez asked the stakeholders and committee members to review the draft and welcomed any comments or recommendations by July 31, 2023.

Committee Member McMillan stated that as a practitioner, the business modernization is great and is happy to hear about it. Ms. McMillan also asked for clarification on what application has been released in CFB Connect? Committee Member McMillan asked if CFB Connect will allow for multiple licenses?

Ms. Sanchez responded that the funeral director application is the only one that has been released and that one account will allow a licensee to link multiple licenses.

Ms. Sanchez opened the meeting for public comment for items a – g. There were no public comments received.

6. Legislation Update: Ms. Sammons reported on the handouts for this agenda item.

2022 Legislation Chaptered:

- Assembly Bill (AB) 351 (Garcia, Chapter 399, Statutes of 2021).
- Senate Bill (SB) 1443 (Roth, Chapter 625, Statutes of 2021).

Legislation Update as of May 1st, 2023.

- AB 528 (Irwin) Regulation of cemeteries: pet burial.
- AB 1560 (Flora) Crematories: change in ownership.

Ms. Sanchez reported that she and Sandra Patterson, Bureau Deputy Chief toured three reduction facilities in Washington State. Ms. Sanchez provided an overview of the reduction of human remains process. This visit will aid the Bureau when promulgating regulations for this new method of disposition. The Bureau is also looking forward to working with Department of Public Health because they are tasked in approving the container to be used in this process.

Ms. Sanchez indicated AB 1560, Crematories change in ownership, will allow an option on how to change the ownership either obtain a new license, or have the license assigned to a new owner.

Ms. Sanchez stated that these Legislature updates are only Bureau related, they do not include all the bills that affect DCA as a whole.

Advisory Member Jett commented regarding AB 528, Regulation of cemeteries: pet burial. He works with hospice patients and is happy to learn more about this bill because pets have become companions for a lot of elderly people, and it might bring them piece knowing that they will be buried next to their companion pet.

Ms. Sanchez then opened the meeting for public comment. There were no public comments received.

7. Regulatory Update: Ms. Sammons reported on the handouts for this agenda item.

- Office of Administrative Law (OAL) approved [AB 293](#), (Kalra, Chapter 514, Statutes of 2021), Preneed funeral arrangements: unclaimed property on February 9, 2023.
- Office of Administrative Law (OAL) approved Section 100 Change Without Regulatory Effect on February 2, 2023. SB 1443, (Roth, Chapter 625, Statutes of 2021) enacted amendments to Business and Professions Code (BPC) sections which fixes fees the Bureau has established.
- Office of Administrative Law (OAL) approved regulatory package for [SB 800](#) on April 1, 2023.
- The Bureau continues to work on Regulatory package for [AB 1381](#), (Oberholte, Chapter 150, Statutes of 2017).

Ms. Sanchez stated AB 1381, funeral establishments: apprenticeship training regulatory action is more of a clean-up of the regulation. There is minimal effect on the industry and or licenses. Ms. Sanchez asked for feedback as this is a great opportunity to work on any issues that may come up before it is released for the 45-day comment period under the rulemaking process. Comments may be submitted to Gina Sanchez or Carolina Sammons at email, emailcfb@dca.ca.gov.

Committee Member Grande asked will the form be available on the online platform. Ms. Sanchez indicated that there are approximately 47 forms that will be moving into the CFB Connect.

Ms. Sanchez opened the meeting for public comment. There were no public comments received.

8a. Licensing Statistical Report and Update on Examination Development. Ms. Sanchez led the discussion on this topic. Ms. Sanchez referred participants to the handouts provided and identified that data is for the first half of the fiscal year 2022-2023 (July-Dec 31/2023).

Ms. Sanchez spoke to the below statistics:

1. Licensing Performance Measures,
2. Licenses Issued Statistics,
3. License Renewal Statistics,
4. Exam Pass Rate Statistics, and
5. Most Common Application Deficiencies.

8b. Update on Examination Development: Ms. Sanchez led the discussion on this item. The Bureau continuously works on examination development for the five examinations we administer. They are funeral director, embalmer, crematory manager, cemetery manager, and cemetery broker.

The Bureau has completed the examination development for the funeral director's license. The new exam will be released in August of 2023. Ms. Sanchez thanked all the subject matter expert licensees that participated in this examination development. Also, in July 2023 the Bureau will begin the occupational analysis examination for the crematory manager license. The Bureau will kick off with a survey which will allow all licensed crematory managers who are working or have worked in the industry in the last year to provide information on industry trends. Ms. Sanchez provided an overview on the recruitment process for the crematory manager workshops participation, qualifications and compensation. All licensed crematory managers are encouraged to apply to participate in this occupational analysis.

Ms. Sanchez opened for public comment. No public comment was received.

9. Enforcement Statistical Report. Ms. Sanchez led the discussion on this topic. Ms. Sanchez referred participants to the handouts provided and stated data is for the first half of the fiscal year 2022-2023 (July-Dec 31/2023). Ms. Sanchez noted that there are three corrections needed on three of the meeting materials posted online. The affected documents are Complaint Received, Total Citations Issued along with the percentage. The Bureau will be posting a corrected version of these three categories as soon as possible. Ms. Sanchez spoke to the below statistics:

1. Inspections Conducted,
2. Complaint Received Statistics,
3. Citation Issued Statistics, and,
4. Most Common Violations for cemetery and funeral establishments.
5. Most Common Violations Pre - Pandemic

Committee Member Grande asked about the most common violations and if the Bureau has compared violations from previous years.

Ms. Sanchez stated that the Bureau will review and potentially provide something at the October 2023 meeting.

Ms. Sanchez opened the meeting for public comments. There were no public comments were received.

10. Adjournment – meeting was adjourned at 11:40 a.m.