

## ***Legal Basics for Regulatory Board Members***

International Conference of Funeral Service  
Examining Boards  
106<sup>th</sup> Annual Convention  
Anaheim, CA  
February 25, 2010  
11:00-12:15pm

## **Congratulations & Thank You**

**Interactive**  
**Ask questions**  
**Interrupt**

## **Presentation Outline**

### **Outline of presentation**

**Me**  
**Y'all**  
**All y'all**

## **Me**

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## **More Me**

<b>ASWB</b>	<b>ACE</b>
<b>ACPE</b>	<b>PACE</b>
<b>ARBO</b>	<b>RACE</b>
<b>AAVSB</b>	<b>PAVE</b>
<b>FCLB</b>	<b>VIPPS</b>
<b>FARB</b>	<b>VAWD</b>
<b>FSMTB</b>	<b>ELTP</b>
<b>EBPHI</b>	<b>NAPLEX</b>
<b>JRCERT</b>	<b>FPGEC</b>
<b>NABP</b>	<b>NAVLE</b>
<b>NABPF</b>	<b>VIVA</b>
	<b>Registry.....and so on.</b>

## **Y'all**

**Board members**  
**Professional members**  
**Public members**  
**Other**  
**Tenure on board**  
**Department/Composite/Autonomous**  
**Staff/Administrators**  
**Investigators**  
**Attorneys**  
**Other**

Y'all

## Funeral Service Examining Boards

### How do they exist?

- Legislatively created and empowered
- Enabling legislation (practice act)
  - Sets forth board make-up & powers
- Read the practice act
- Read the regulations
- Understand applicability of other legislation
  - FOIA
  - APA
  - Confidentiality laws
  - Others

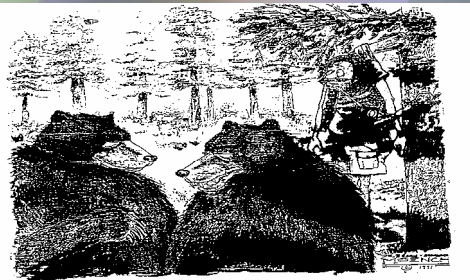
Y'all

## State Funeral Service Examining Boards

### Why do they exist?

#### **PUBLIC PROTECTION!**

- Distinguish between board and professional association.
- Board members with funeral service knowledge-NOT funeral service practitioners on the regulatory board.



"His name's Bradshaw. He says he understands I came from a single parent den with inadequate role models. He senses that my dysfunctional behavior is shame based and codependent and he urges me to let my inner cab heal ..... I say we eat him."

Y'all

## Funeral Service Examining Boards

### Why do they exist?...continued

- Conflict of interest
- Appearance of conflict
- License = property right (practitioner & facility)
- Due process
- Fair and impartial tribunal
- Immunity

Y'all

## State Funeral Service Examining Boards

### Why do they exist?...continued

- Grant/deny license
- Renewals
- Discipline
- Approve educational programs
- Approve examinations
- Promulgate rules
- **PUBLIC PROTECTION...remember, applicants/licensees are members of the public**

Y'all

## State Funeral Service Examining Boards

### Why do they exist?...other factors

- Board meetings
- Role of board members
- Relationship with staff
- Relationship with attorney
- Sunset review

## All Y'all

### International Conference of Funeral Service Examining Boards (Conference)

#### How does it exist?

Incorporation in Indiana

- \* Not-for-profit corporation

Corporate formalities

- \* Articles of Incorporation
- \* Bylaws

## All Y'all

### Conference

#### Why does it exist?

##### • Purposes:

- Educational
- Examinatorial
- Professional

- Tax exempt status under Internal Revenue Code

## All Y'all

### Conference

#### Governance

Articles of Incorporation

Bylaws

Membership

Delegate Assembly

Board of Directors

Committees

Executive Director

Staff

## All Y'all

### Conference

Robert's Rules

Quorum

Resolutions

Conference policies

Elections

## All Y'all

### Examples of programs of associations/federations of regulatory boards

#### • Uniform licensure examinations

- Development
- Maintenance
- Administration

#### • Exam score transfers

#### • Endorsement services

#### • Primary source registry

## All Y'all

### Examples of programs of associations/federations of regulatory boards

- Continuing education provider approval
- Continuing education program approval
- Licensure application processing
- Board member training
- Foreign graduate equivalence determinations

All Y'all

Examples of programs of associations/federations of regulatory boards

- Model practice act
- Model regulations

All Y'all

Again, THANK YOU and CONGRATULATIONS!

Questions and (maybe) answers....