



TEXAS FUNERAL SERVICE COMMISSION

FY19 – 3RD QUARTER NEWSLETTER

March 2019 – June 2019

April 4, 2019

Spring time . . . I don't know about the rest of the state, but Spring in Austin means oak pollen. Lots and lots of oak pollen. I'm ready for a good rain storm to wash it all away!

Spring almost always arrives on March 20 or 21, but sometimes on the 19th. Interesting facts about the equinox -- early Egyptians built the Great Sphinx so that it points directly toward the rising sun on the spring equinox. And the Mayans built the El Castillo pyramid so on the evening of the spring equinox the setting sun creates a triangular shadow that looks like a descending snake. Both places sound like two good ideas for Spring Break trips in the future.

The Legislative Session is moving fast. As of today, our Sunset legislation has passed out of the House Committee on Public Health. The Senate Finance Committee has adopted our appropriations requests into its version of the budget. So far, the agency is on track for a successful session.

Our stakeholders' meetings reviewing our administrative rules have started. Be sure to check out our website for more information as we work to update and review our administrative rules.

As always, please feel free to share your thoughts and concerns with me.

Yours truly,

A handwritten signature in cursive script that reads "Janice".

Janice S. McCoy
Executive Director

Updates at the Commission

Fee Rule Changes Proposed

At its March meeting, the Commission adopted a proposal to amend 22 Tex. Admin. Code Chapter 204 regarding its fee structure. The agency needs to amend its fees as a result of action by the Department of Information Resources (DIR). Under the proposal, the fees paid by licensees either decrease or stay the same. The amendment will be published in the Texas Register for public comment. A copy of the proposal can be found on the Commission's website.

Quadrennial Rules Review + Stakeholder Committees

Texas law asks state agencies to review its rules every four years. As our last major rules review was in 2014-2015, the agency will again be looking at necessary changes to its rules. We have already held two stakeholder meetings with four more scheduled. Our next meeting will take place on April 9th with a focus on rules related to individual licensing. After each meeting, notes and proposed changes can be found on the Commission's website. Final amendments will be presented to the Commission at the June 18 Commission meeting.

Sunset Legislation Update

On Wednesday April 3rd, the House Committee on Public Health voted to move HB 1540 by Rep. Senfronia Thompson to the Calendars Committee. The next step will be consideration and adoption by the full Texas House of Representatives. Once engrossed by the House, the bill will move to the Texas Senate for consideration. Sen. Bob Hall will be shepherding the bill through the Senate. The House Committee did adopt a substitute bill that addressed technical issues raised by the agency.

Legislative Appropriations Request

As discussed in last quarter's newsletter, the Commission submitted its Legislative Appropriations Request asking for an additional \$24,000 per fiscal year over base funding. These funding requests were both directly related to decisions adopted by the Texas Sunset Advisory Committee. The budget passed by the Texas House included the agency's funding requests in Article 11 (the wish-list). However, the Texas Senate adopted the agency's full funding request. Being in both versions of the budget means our funding request will be considered by the budget conference committee.

Upcoming Commission Meetings

The next TFSC meeting will occur on **Tuesday, June 18, 2019** at 9:00 a.m. in Room 2-225 of the William P. Hobby Building in Austin, Texas.

The Commission has tentatively scheduled the following dates for 2019:

- September 10, 2019
- December 10, 2019

If you, as a licensee in good standing, are interested in giving the invocation at a future meeting, please contact the Executive Director at janice.mccoy@tfsc.texas.gov to have your name added to the agency's Invocation Registry.

FY 19 Second Quarter (December-January-February) Updates

Legal

During the second quarter, the staff attorney was asked to mediate 11 complaints in which staff found violations had occurred. All 11 complaints were successfully resolved with an Agreed Order between the Commission and the respondent for a total penalty amount of \$8,750. One complaint was resolved following a hearing at the State Office of Administrative Hearings.

The agency issued 24 cease and desist orders and repealed 13 of those orders during the same quarter. The cease and desist orders were issued for FDIC violations, failure to renew license, and failure to pay administrative penalties.

Enforcement

During the second quarter, the compliance division conducted 184 inspections of its licensed facilities - 163 funeral homes, 7 commercial embalming facilities, and 13 crematories. 63 of the entities were found to have deficiencies. Five of the inspections were for new establishments - 3 funeral homes, 1 commercial embalming facility, and 1 crematory.

The compliance division received 32 new complaints during the second quarter. It resolved 33 complaints during the second quarter with 18 of the investigations resulting in disciplinary action. At the end of the quarter, there were 32 pending complaints. On average, it took 102 days to resolve a complaint.

Licensing

During the second quarter, the licensing division issued 115 new provisional licenses and 7 reciprocal licenses. A total of 597 individual licenses were renewed. There were 11 new entities licensed - 8 funeral homes, 1 commercial embalming facility, and 2 crematories. The division renewed 376 entity licenses.

Just for Fun

Spring in Texas



Agency Contact Information

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Web Address

www.tfsc.texas.gov

Agency Directory

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Chief Financial Officer	Jennifer Noack	(512) 936-2474
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** as of October 2018*