



TEXAS FUNERAL SERVICE COMMISSION

FY20 - 1ST QUARTER NEWSLETTER

September 2019 - November 2019

December 18, 2019

Happy Holidays and Seasons Greetings!!! I hope everyone had a great Thanksgiving.

First let me apologize for the late 1st Quarter Newsletter. It has been a busy three months, and before I knew it, the Holidays were upon us.

In September, the Commissioners asked me to act as the Interim Executive Director, and I agreed to do so. My goal has been to help the Commission, staff, the licensees, and the citizens of the State of Texas, during this period of transition.

I want to personally say thank you to each member of the staff of the Commission. Each staff member has worked professionally, with great zeal and diligence during this quarter. Each division of the agency, Licensing, Compliance, and Legal, has performed their duties diligently and maintained the Commission's high standards, while working to fulfill our mission.

The staff and I are here to serve both you, the professionals who work as licensees and owners, and the citizens of the State of Texas, who are consumers of the services of the funeral care profession.

I welcome your suggestions, expressions of concern, and even your constructive criticism. Let us know what we can do better, and how we can better serve you.

Sincerely,

Kyle E. Smith
Interim Executive Director

Updates at the Commission

Facts About Funerals Brochure

As a result of the Sunset legislation, as of September, licensees are no longer required to purchase the *Facts About Funerals* brochure from the agency. There is currently an updated version of the brochure on the Commission website. A funeral establishment may download the brochure to be provided to customers in compliance with Tex. Occ. Code 651.404.

The agency will continue to sell the brochure for those funeral homes which prefer the convenience of purchasing pre-printed brochures in bulk.

Commission Rule Changes

The new Commission Rules were approved by the Commission at the September Commission Meeting. The Rules officially went into effect on October 3, 2019.

Three Rules, 203.8 Continuing Education, 203.16 Consequences of Criminal Conviction, and 203.32 Requirements Relating to Embalming, were resubmitted for proposal with additional changes to the Texas Register; they will be become effective at a later date. More information will be provided on the Commission website.

Upcoming Commission Meetings

The next TFSC meeting will occur on **Tuesday, January 21, 2020** at 9:00 a.m. in Room 2-225 of the William P. Hobby Building in Austin, Texas.

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

FY 19 Fourth Quarter (June-July-August) Updates

Legal

During the fourth quarter of 2019, the Staff Attorney was asked to mediate 9 complaints in which staff found violations had occurred. All 9 complaints were successfully resolved with an Agreed Order between the Commission and the Respondent for a total penalty amount of \$5,375.00. Three of the 9 mediated settlements, resulted in a Letter of Warning. Five cases were closed with the Respondent not contesting finding of violation for a total penalty amount of \$1,850.00.

The Legal Assistant issued 4 Cease and Desist Orders and repealed 3 Orders during the same quarter. The Cease and Desist Orders were issued for operating with an expired license and failure to pay administrative penalties.

Enforcement

During the fourth quarter, the compliance division conducted 284 inspections of its licensed facilities – 260 funeral homes, 8 commercial embalming facilities, and 29 crematories. 121 of the entities were found to have deficiencies, but most were corrected within the 15-day allotted time frame. Four of the inspections were for new establishments – all funeral homes.

The compliance division received 31 new complaints during the fourth quarter. It resolved 29 complaints during the fourth quarter with 11 of the investigations resulting in disciplinary action. At the end of the quarter, there were 42 pending complaints. On average, it took 116 days to resolve a complaint.

Licensing

During the fourth quarter, the licensing division issued 78 new provisional licenses and 9 reciprocal licenses. A total of 599 individual licenses were renewed. There were 12 new entities licensed – 10 funeral homes and 1 crematory. The division renewed 373 facility licenses.

Agency Contact Information

Texas Funeral Service Commission
 333 Guadalupe Street, Ste. 2-110
 Austin, TX 78701

Web Address

www.tfsc.texas.gov

Agency Directory

Interim Executive Director	Kyle E. Smith	(512) 936-2480 kyle.smith@tfsc.texas.gov
Staff Attorney	Kyle E. Smith	(512) 936-2480 kyle.smith@tfsc.texas.gov
Legal Assistant/PIO	Kathy Sparks	(512) 936-2469 kathy@tfsc.texas.gov
Administrator of Compliance	Rodney van Oudekerke	(512) 936-2470 rodney@tfsc.texas.gov
Administrator of Licensing / Individual, Establishment & Crematory Licensing Specialist	Nikki Smith	(512) 936-2479 nikki@tfsc.texas.gov
Accountant	Maria Haynes	(512) 936-2468 maria@tfsc.texas.gov
Provisional Licensing Specialist	Angie Pena	(512) 936-6552 angie@tfsc.texas.gov
Administrative Assistant	Open	(512) 936-2421
Investigator	Marty Manzi	(512) 936-2484 marty@tfsc.texas.gov
Inspector	Kyle Bass	(512) 936-2488 kyle.bass@tfsc.texas.gov
Inspector/Investigator	Kyle Stanton	(512) 936-2490 kstanton@tfsc.texas.gov
Main Number		(512) 936-2474
Toll Free Number		(888) 667-4881
Fax Number		(512) 479-5064
Email		info@tfsc.texas.gov