



North Carolina Board of Funeral Service NEWSLETTER

North Carolina Board of Funeral Service
1033 Wade Avenue, Suite 108, Raleigh, North Carolina 27605

Volume 3, Issue 1, Fall 2006

CONTINUING EDUCATION CLINIC

The North Carolina Board of Funeral Service is proud to sponsor the fall 2006 Continuing Education clinic to be held on Tuesday October 10, 2006 at the McKimmon Center on the Campus of NC State University. The clinic will offer two programs that will run simultaneously. This offers licensees an opportunity to receive up to 5 hours of CE.

Registration will be from 8 a.m. - 9 a.m. Registration fee is \$35.00

ROOM 1-

9 a.m. - 12 noon Mr. Jim Blackburn, author and former US attorney "Ethics in Funeral Service"
1:30 p.m. - 4 p.m.- FTC Compliance refresher and Cremation regulations

ROOM 2-

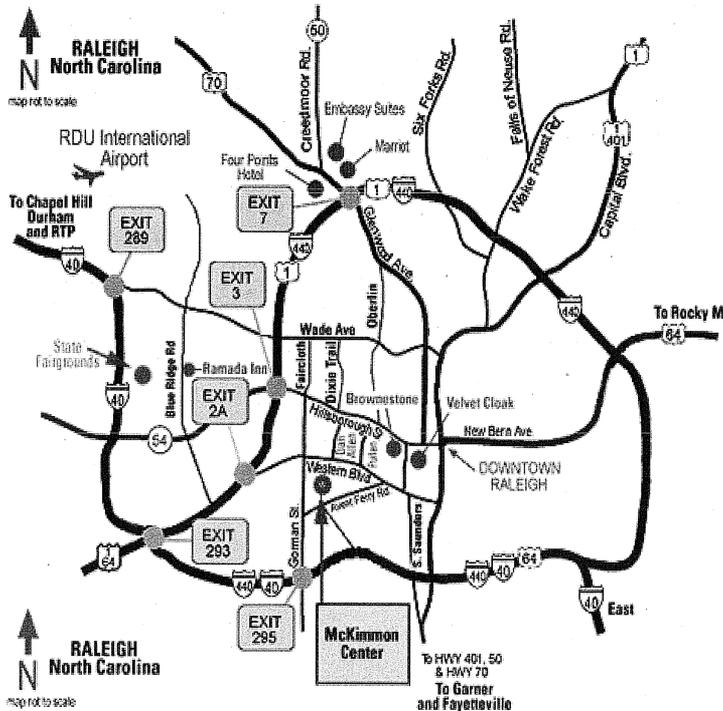
9 a.m. - 4 p.m. Mr. Nelson Hayes, North Carolina FSL #11; CFSP; Chairman and Secretary, North American Division, **British Institute of Embalmers**, Member of the **American Society of Embalmers** will present a wide ranging program including Avian Flu, Pandemic Events, and Plastination.

Licensees and trainees may attend either CE session

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MAP FOR SPRING CE CLINIC



NORTH CAROLINA BOARD OF FUNERAL SERVICE

1033 Wade Avenue, Suite 108
 Raleigh, NC 27605
 1-919-733-9380.
 1-800-862-0636
 Fax 1-919-733-8271

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The North Carolina Board of Funeral Service Newsletter is published bi-annually. Any questions or comments should be directed to the office at 919-733-9380 or 1-800-862-0636

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2006 Board Holiday Schedule

Labor Day	September 4, 2006
Veteran's Day	November 10, 2006
Thanksgiving	November 23 & 24, 2006
Christmas	December 25 & 26, 2006

ONLINE CHANGES

- The forms available online are now in an editable format.
- Work continues on allowing online completion and filing of pre-need annual reports
- The Board staff is researching online license renewal.

EXAMINATION DATES 2006

- September 18, 2006
- October 17, 2006
- November 14, 2006
- December 19, 2006

OUR SYMPATHY IS EXTENDED TO THE FAMILIES OF

Carnice Barfield-Pettit of Garris Funeral Home, Mt. Olive who died April 26.

Cassie Coote Brown of Perry J. Brown Funeral Directors, Greensboro who died June 16.

NEW POLICY MATTERS

The Board's physical and mailing address is 1033 Wade Avenue, Suite 108, Raleigh, NC 27605.

Some mailings continue to be sent to previous or incorrect mailing addresses. As a result the Board has adopted a policy, effective until October 31, 2006:

Mailings that are misaddressed will be considered filed within the statutory deadline so long as the postmark or other date indication shows the original item was sent by the statutory deadline.

As stated above, this policy will be effective until October 31, 2006. After that date, all items sent to an incorrect Board mailing address and as a result are received after the statutory deadline shall be considered late.

NEW POLICY FROM THE OFFICE OF THE CHIEF MEDICAL EXAMINER: Effective August 1, 2006, the Office of the Chief Medical Examiner in Chapel Hill began returning internal viscera with autopsied bodies. If you have any questions regarding this policy, please contact:

Kevin Gerity, Office of the Chief Medical Examiner, Campus Box 7580, Chapel Hill, NC 27599
800-672-7024 or kgerity@ocme.unc.edu

CREMATION

Recent crematory inspections have resulted in citations of several crematories for incomplete documents. Cremation authorizations, the forms for tracking of the remains through the cremation process and death certificates have been found lacking minimum required information. To address these issues, the Board will consider the use of a staff letter of warning and instruction to be used within certain guidelines. Licensees are reminded of the legal obligation to ensure all documents required for cremation are complete

Minimum information required on a death certificate: Pursuant to North Carolina law (NCGS 90-210.129), in deaths certified by the attending physician, the following minimum information shall be included on the death certificate: Decedent's name; date of death, date of birth, sex, place of death; facility name (if not institution, give street and number), county of death, city of death and time of death if known.

NC CREMATORY AUTHORITY

The NC Crematory Authority met on Wednesday, July 19, 2006. During the meeting the Authority elected Jay R. Roberts as Chair, Peter M. Burke as Vice-Chair and Philip D. Young as Secretary. In other actions the Authority approved the use of a letter of warning and instruction issued by the Board staff to those crematories and funeral establishments found to possess incomplete cremation documents. In addition the Authority recommends a letter sent to all crematories co-signed by the President of the NC Board of Funeral Service and the Chair of NC Crematory Authority reminding them of the legal requirements for the documents. The Board's disciplinary committee will be working on a draft of the letter and guidelines for its use.

Nominations for election to the NC Crematory Authority are now closed. Ballots will be mailed in September for two available seats.

Legislative News

Session Law 2006-183 (House bill 2060)-Victims compensation changes that would increase the payment for expenses related to funeral, cremation, burial and transportation of the body. The effective date is July 1, 2006 and applies to claims filed on or after that date. This has been ratified and presented to the Governor.

Session Law 2006-169 (Senate bill 1833) - Would prohibit disruption of funerals. This originally began as a bill to prohibit disruptions at *military* funerals but was later modified to encompass all funerals. The effective date is December 1, 2006.

NC General Assembly modifies sales tax rate

On December 1, 2006, the North Carolina State's sales tax rate will be reduced from 4.5% to 4.25%, and on July 1, 2007, will be reduced from 4.25% to 4.0%. Local taxes will be added to this in order to determine the total sales tax rates. This will affect the computation of sales tax on funeral goods. Please see the article in the preneed section regarding disposition of excess sales taxes collected.

Minimum Wage Increase-

On Thursday July 13, Governor Easley signed into law an increase to the state's minimum wage. Effective January 1, 2007, the minimum wage for all employees in North Carolina will increase from \$ 5.15 an hour to \$ 6.15 per hour. This will affect those trainees and employers participating in the NC Department of Labor traineeship program.

PRE NEED

NC LAW ON EXCESS SALES TAXES

The change to sales tax treatment of funeral expenses that went into effect January 1, 2006 and the changes noted in the previous section increase the potential for excess funds in the non-guaranteed portion of pre-need contracts executed prior to January 1, 2006. Preneed licensees can legally charge more in the event the non-guaranteed portion of the preneed contract (including growth applied to that portion) does not cover the same items at the time of death. Likewise excess funds, including a difference in funds originally collected for sales taxes under the previous tax law and what is actually paid under the current tax law, should be refunded pursuant to NC preneed law. The Board staff is consulting with the NC Department of Revenue Sales and Use Tax division and has requested written opinion from them.

PRENEED REVIEW

The Board's Preneed Review is scheduled for presentation on Thursday, August 24, 2006 at the Holiday Inn Select in Hickory. This will be presented in two sessions, one from 9 a.m. - 12 noon and the second from 1 p.m. - 4 p.m. For additional information please see the Board's website CE page.

PANDEMIC FLU RESPONSE PLAN

The Board reminds licensees to seek information regarding a potential pandemic flu event. The Board is in the process of developing a pandemic event response plan and will provide information as it becomes available

In cooperation with NC Division of Public Health, the Board will participate in a presentation on Avian/Pandemic flu on September 28, 2006 in Greenville and on October 9, 2006 in Greensboro.

The article which appears below has been provided courtesy of Kristina Simeonsson, MD, MSPH, Medical Epidemiologist with the NC Division of Public Health. The Board staff has been working with Dr. Simeonsson in the Pandemic Event Response planning.

According to the World Health Organization an influenza pandemic will occur when a new influenza virus appears against which the human population has no immunity. Multiple, simultaneous epidemics worldwide will result with the potential for enormous numbers of deaths and illness.

Influenza is a highly contagious respiratory virus that is responsible for annual epidemics in the United States and other countries. Each year, approximately 200,000 people are hospitalized and 36,000 die in our country from influenza infection or a secondary complication. During an influenza pandemic, these numbers could be much higher.

During the 20th century, three influenza pandemics occurred. The "Spanish" influenza pandemic of 1918 killed over 500,000 people in the United States and had a worldwide mortality of 20 to 40 million. The 1918 pandemic was notorious for its predilection for healthy young adults. After 1918, two global outbreaks of influenza A occurred. In 1957, Asian influenza caused approximately 70,000 deaths in the United States. During the Hong Kong pandemic in 1968-69, mortality in the United States was estimated at 33,000 deaths, with 51 million Americans affected by influenza and a total economic burden of \$3.9 billion.

Based on observations from previous pandemics, the Centers for Disease Control and Prevention (CDC) has estimated that the economic losses in the United States associated with the next pandemic will range from approximately \$71 billion to \$166 billion. The level of economic loss will depend on the attack rate of the virus and the resulting morbidity and mortality.

The impact of an influenza pandemic on the healthcare system could be devastating. It has been estimated that in the United States with a population over 290 million, a moderate pandemic could result in 90 million people becoming ill; 45 million outpatient visits; 800,000 hospitalizations; and 200,000 deaths. The potential for high levels of morbidity and mortality, coupled with the significant disruption to society, make planning for the next influenza pandemic imperative.

The purpose of planning for pandemic influenza is to:

- › *reduce mortality*
- › *reduce morbidity*
- › *minimize social disruption*

The threat of pandemic influenza is not as much a question of if, but a question of when.

Pandemic influenza planning efforts are underway across the globe. Many different entities need to plan. Federal, state, and local governments are planning, but planning must take place in hospitals, businesses, schools, and volunteer organizations, just to name a few.

Pandemic Flu Cont.-

Here in the United States, the federal government has been working diligently to plan for a pandemic. They are funding research to produce a pandemic vaccine which could be manufactured quickly in response to an influenza pandemic. They are stockpiling medications and medical equipment to distribute throughout the country. They are providing resource materials to the public as well as those groups that need to be actively planning for a pandemic.

In North Carolina, the planning efforts have been ongoing for several years. The North Carolina Pandemic Influenza Response Plan addresses critical tasks that must take place in response to a pandemic: surveillance, vaccine and antiviral distribution, medical surge capacity, community containment measures, and communications. There has also been planning around mental health support, legal authority and travel-related issues.

The North Carolina Division of Public Health (NC DPH) has recently begun the task of planning for the "worst case scenario" which includes mass fatality planning. A moderate pandemic could result in 6,700 deaths across our state from pandemic influenza; many of these may occur in a six to eight week period. A severe pandemic could result in a significantly higher number of deaths.

Funeral homes across the state may face challenges during an influenza pandemic, especially if it manifests in a severe form. NC DPH is working with the North Carolina Board of Funeral Service to address these challenges. Funeral service personnel should inquire locally regarding the planning that is taking place by public health, emergency management, and the healthcare sector.

Suggested Information Resources

- The US Department of health and Human Services maintains a website with planning tools and resources that is updated regularly:
www.pandemicflu.gov
- The National Strategy for Pandemic Influenza
http://www.whitehouse.gov/homeland/nsipi_implementation.pdf
- The North Carolina Pandemic Influenza Response Plan can be found at the North Carolina Division of Public Health website.
www.ncpublichealth.com
<http://www.epi.state.nc.us/epi/gcdc/pandemic.html>
- Guidelines for the Management of Mass Fatalities during an Influenza Pandemic have been developed by the Public Health Agency of Canada. The PDF version of these guidelines can be accessed at the link below.
<http://www.phac-aspc.gc.ca/cpip-pclcpi/pdf-cpip-03/cpip-appendix-i.pdf>
- The National Mass Fatalities Institute website offers a very broad range of information on a variety of topics that may be useful to funeral professionals
<http://www.nmfi.org/resources.htm>

TRAINEESHIP

Trainees are reminded of their obligation to complete and review monthly work reports and submit them to the Board no later than the 10th day of the month following the reporting period. Trainees should also review the information materials included when they register to ensure proper reporting and understanding of how the Board assesses credit for cases on the report form. If there is uncertainty trainees or the trainee supervisor should contact the Board office for assistance.

VICTIMS ASSISTANCE

In addition to the Victims Compensation Funds, licensees may also be interested in knowing the MADD, Mothers Against Drunk Drivers has a variety of resources available in the event they may be serving a family in which a death occurred as a result of an impaired driving incident. The State office in Raleigh handles initial contact and may refer the matter to a Community Action site.

- Triangle (Orange, Durham, Wake, Johnson)
- Metrolina (Gaston, Mecklenburg, Union)
- Foothills (Polk, Rutherford)
- Heartlands (Davidson, Rowan)
- Western NC (Haywood, Buncombe, Henderson)
- Catawba (Catawba)
- Cabarrus (Cabarrus)
- Surry/Yadkin (Surry, Yadkin)
- Triad (Alamance, Guilford, Randolph)
- Sandhills (Robeson, Cumberland, Sampson)
- Eastern (Beaufort, Pitt, Martin)
- Carteret (Carteret)

MADD VICTIM SERVICES

MADD provides a 24 hour helpline for victims and families of impaired driving crashes. (1-877 MADD HELP)
MADD provides emotional support, information and assistance with community referrals.

MADD provides free victim literature including:

Brochures for the grieving and injured victims and families

Posters, CDs, tapes and videos

Workbooks for children and teens, plus victim impact statement workbooks

For more information or questions contact:

Barbara Blackburn, MADD NC Victim Assistance Coordinator

5104 B Western Blvd.

Raleigh, NC 27606

919 787-6599 / 800 248-6233 / www.madd.org/nc

DISCIPLINARY ACTIONS

Since the last newsletter the Board has taken the following actions:

CASE FILE NUMBER: M06-006

LICENSEES: David Wujastyk

VIOLATION: N.C.G.S. § 90-210.25(e)(1)a.

BOARD ACTION: The Board agreed to renew the inactive license for licensee on certain conditions but deferred action on an active license pending a hearing.

EFFECTIVE DATE: May 10, 2006.

CASE FILE NUMBERS: #V04-054; V05-039; V05-041

LICENSEES: Thomas Anderson (FSL #1332); Lane-Anderson Funeral Home (FE #321; PN #380).

VIOLATIONS: N.C.G.S. §§ 90-210.25(e)(1)b., 90-210.61(a); 90-210.61(b); 90-210.61(e); 90-210.67(d); 90-210.68; 90-210.69(c)(4); 90-210.70(a). 21 NCAC 34D .0301(a)(1); .0301(c)(3); .0301(f); .0302.

BOARD ACTION: The Board revoked the funeral service and preneed sales licenses of Mr. Anderson and the funeral establishment and preneed establishment licenses of Lane-Anderson Funeral Home. Mr. Anderson may be considered for an embalmer license in one year.

EFFECTIVE DATE: April 14, 2006.

CASE FILE NUMBER: #V05-019; V05-022

LICENSEES: Rhodes Funeral Home (FE #501, PNE #318); J.B. Rhodes, Sr. (PN #537).

VIOLATIONS: N.C.G.S. §§ 90-210.25(e)(1)b., 90-210.61(a)(1); 90-210.63(a); 90-210.69(c)(4); 90-210.70(a).

BOARD ACTION: The licensees entered into a consent order with the Board whereby the licenses of Rhodes Funeral Home were revoked with the revocation stayed for a period of probation of three years. Terms include payment of a \$2,000.00 fine, making restitution, and having all preneed sales licensees take continuing education. The preneed sales license of Mr. Rhodes was surrendered pending continuing education and examination.

EFFECTIVE DATE: June 21, 2006.

CASE FILE NUMBER: #M05-004; V06-012.

LICENSEES: Davis & Mangum Mortuary (FE #140; PNE #455); Lonnie Davis, Sr. (FD #2490).

VIOLATIONS: N.C.G.S. §§ 90-210.25(e)(1)b., 90-210.61(a)(1); 90-210.63(a)(2); 90-210.67(d); 90-210.69(c)(4); 90-210.70(a), probation violation.

BOARD ACTION: The Board and the licensees entered into a consent order whereby their preneed licenses were surrendered voluntarily. The funeral establishment permit and funeral director license of Mr. Davis were revoked with the revocation stayed pending one year of probation for each. Terms of probation included making restitution.

EFFECTIVE DATE: June 21, 2006.

CASE FILE NUMBERS: #M06-010

LICENSEES: Toodle's Funeral Home. (FE #584).

VIOLATIONS: N.C.G.S. §§ 90-210.25(e), 90-210.25(e)(1)j. 21 NCAC 34B .0704.

BOARD ACTION: The Board entered into a consent order revoking the funeral service license of Toodle's Funeral Home but stayed the revocation pending a period of probation of one year. The funeral home paid a compromise penalty of \$250.00 and a reinspection fee.

EFFECTIVE DATE: July 12, 2006.

CASE FILE NUMBER: M04-021; V06-001

LICENSEES: Flanagan Funeral Home (FE #169); Esther Hammond-Mayo (FSL #2340).

VIOLATION: N.C. Gen. Stat. §§ 90-210.25(d)(1), 90-210.25(e)(1)b., 90-210.27A(e), 90-210.69(c)(6); violation of prior consent order.

BOARD ACTION: The parties entered into a consent order suspending Flanagan Funeral Home's funeral establishment permit for sixty (60) days during an existing period of probation. Flanagan Funeral Home also agreed to separate its unlicensed owner from ownership and operation of the business unless the Board consents to his reinstatement. Esther Hammond was placed on probation for three (3) years and paid a \$2,000.00 civil penalty. The consent order also orders restitution and proper disbursement of the preneed funeral funds.

EFFECTIVE DATE: June 26, 2006. The period of suspension for the establishment permit began July 26, 2006.

Congratulations to these funeral professionals who have been licensed since the Spring newsletter.

New Funeral Director Licensee's

Kellie Diane Dellinger	Lincolnton
Plummer Christopher Hart	Rocky Mount
David L. Heckel	Chapel Hill
Delbra Ann McIntyre	Dudley
Judie Michelle Moore	Brown Summitt
Johnny L. Porter	Lillington
Joseph R. Smolenski, III	Raleigh
Timothy Lee Spencer	Shallotte
Lynwood Earl Tucker	Wilson
Michael C. Tucker	Fayetteville
Donnie D. Young	Mount Holly

New Funeral Service Licensee's

Oceanus Christine Arrington	Kernersville
James A. Baron	Raleigh
Rebecca Watkins Brogden	Hendersonville
Jeremy Brent Burr	Wadesboro
Stanley Eugene Combs, Jr.	Canton
Gregory Franklin Crouse	Crumpler
Jennifer Duran	Hendersonville
Jean Newman Fisher	Black Mountain
David Marsel Foye	Fuquay-Varina
Chad Thomas Hefner	Greenville
Steven E. Hundley	Asheville
Ephraim Johnston Irvin, II	Concord
Alex L. Maness	Kinston
Uronda McKay	Greensboro
Alison Nicole McNeir	Wilmington
Clifton James Miller, Jr. (converted)	Pink Hill
David Dean Murray	Newton
Deana P. Norton	Sophia
Brandy Danyell Pegg	Julian
James P. Richardson, III	Lexington, SC
Thomas S. Sapikowski	Charlotte
Nicholas R. Sincore	Otto
Rodney K. Stark	Spruce Pine

NEWLY LICENSED ESTABLISHMENTS AND OWNERSHIP CHANGES REGISTERED

The following list represents establishments that have been licensed since the spring newsletter:

- Rivers Community Funeral Home- Elizabeth City
- McLeod and Purcell Funeral Home- Laurinburg
- Morgan Funerals & Cremations- Rocky Mount
- Salem Funeral and Cremation Services- Winston-Salem
- Tri-County Funeral Service Professionals- Ayden

The following list represents establishments that have registered ownership changes since the spring newsletter:

- Strickland Funeral Home-White Memorial Chapel- Louisburg
- Lea & Pope Funeral Home- Enfield
- Gentry-Newell & Vaughan Funeral Home- Oxford

The following represents the new crematories licensed since the spring newsletter:

- Lady's Funeral Home and Crematory- Kannapolis

NOTES