



North Carolina Board of Funeral Service

NC Board of Funeral Service Approves Waivers In Response to Coronavirus Pandemic

At its meeting on June 10, 2020, the NC Board of Funeral Service approved two waivers in support of licensees and in response to the public health emergency posed by the novel coronavirus also known as COVID-19. In April, the Board promulgated an emergency rule which allows the Board to waive rules that are not statutorily required upon consideration of the following factors:

- Degree of disruption to the Board
- Cost to the Board
- Degree of benefit to the public
- Whether the requesting party had control over the circumstances that required the requested waiver
- Notice to and opposition by the public
- Need for the waiver, and
- Previous requests for waivers submitted from the requesting party

In May, the NC General Assembly legislation [Session Law 2020-3] entitled “*An Act to Provide Aid to North Carolinians in Response to the Coronavirus Disease 2019 (COVID-19) Crisis.*” This legislation allows the Board to delay or modify educational requirements implemented by the Board pursuant to its statutes. It also authorizes the Board to review additional regulatory relief in modifying the method for collecting fines assessed by the Board.

After careful deliberation and consideration through its Laws, Rules & Legislation Committee, the Board voted at the June 10th meeting to adopt two resolutions regarding **Continuing Education** requirements and **Payment of Civil Penalties** pursuant to a Consent Order or Final Agency Decision. Both resolutions are in compliance with the Board’s Emergency Rule found at 21 NCAC 34A .0128 in response to the COVID-19 pandemic as well as Session Law 2020-3 enacted on May 4, 2020.

These measures are intended to help licensees in a meaningful way as they continue their essential services to families throughout North Carolina who have experienced the loss of loved ones. Board President Mark Blake [Manager, Brown-Wynne Funeral Home, Raleigh, NC and NCFDA Representative]

said that “the pandemic has presented a number of unanticipated challenges for us, and licensees in North Carolina have demonstrated remarkable consideration and sensitivity in helping families deal with restrictions on funeral services, visitations and burials.” In their discussion regarding the resolutions, the Board acknowledged the dedicated service by licensees and the impressive professional manner in which they have met the challenges imposed by the pandemic.

Following are brief summaries of the Resolutions that the Board has approved on behalf of licensees:

Resolution I: Continuing Education

The Board requires licensees to complete at least five (5) hours of Continuing Education annually as a prerequisite for license renewal. Of these 5 hours, no more than 2 hours can be completed through online instruction. The Board has waived the 2-hour limit for online continuing education instruction and will now permit all 5 hours of the mandatory CE instruction to be completed online. The waiver applies only to Continuing Education requirements for the 2021 renewal period which means that licensees may complete their 5-hour CE requirement through December 31, 2020, via online instruction. All CE courses, whether instructor-led, by online instruction or by webinar, are posted on the Board’s website at www.ncbfs.org.

Resolution II: Payment of Civil Penalties

The Board voted at its June 10th meeting to grant licensees an extension of time for the payment of civil penalties assessed pursuant to a Consent Order or Final Agency Decision, provided that said licensees make a written request for such an extension of time on or before the date that the civil penalties are due. This resolution remains in effect until October 1, 2020, unless rescinded by the Board or amended prior to that date.

The NC Board of Funeral Service continues to review and consider those measures and options including waivers of administrative rules which are feasible and practical and which consider the factors listed above. The novel coronavirus has prompted many changes in the way that business is conducted and services are provided in North Carolina to its citizens. As we continue to consider these impacts, the Board will carefully and deliberately consider any reasonable modification or adjustment in its regulatory responsibilities as we all find ways to effectively adapt to the challenges we have encountered in responding to the pandemic.

The Board deeply appreciates and recognizes your dedication and commitment to professional funeral service during such an unprecedented time for us as well as those we serve. While our primary roles in regulatory oversight and consumer protection are critical to assuring the highest possible standards in professional funeral service, we are equally committed to reinforcing and sustaining the important work you do each day in assuring families can honor and celebrate their lost loved ones with dignity and respect.

June 12, 2020