

REGULAR BOARD MEETING

MINUTES

October 9, 2013

The North Carolina Board of Funeral Service met for a duly scheduled Board Meeting at 9:00 a.m. on October 9, 2013, at the Board's office, 1033 Wade Avenue, Suite 108, Raleigh, North Carolina.

Present: Harris High, President; J. T. Willoughby III, Vice-President; Ken Stainback, Secretary; Stephen Aldridge III, Tryphina Wiseman, Broadus Combs, John Shields, and Kelly Byrd.

Absent: Lawrence Jackson III.

Also Present: Peter M. Burke, Executive Director, Stephen N. Dirksen, General Counsel, Patricia Hayes with North Carolina Funeral Directors Association, Fred Jordan with NC Eye Bank, Dorman Caudle with Carolina Donor Services, Lyn Cochrane and Angela Rubbo.

Mr. High called the meeting to order at 9:03 a.m., led the Pledge of Allegiance, had a generic prayer and read the Ethics Statement. Ms. Wiseman and Willoughby stated they had attended the Board Meeting of the Funeral Directors & Morticians Association of NC, Inc.

Mr. High asked the guests to introduce themselves.

Mr. Stainback presented the September 11, 2013, minutes. Mr. Combs made the motion to approve and Mr. Shields seconded and the motion carried. The September 13, 2013 minutes were presented and Mr. Byrd made the motion to approve. Ms. Wiseman seconded and the motion carried.

Preneed Committee: Mr. High stated the Committee met by e-mail on Thursday, October 3, 2013. Two consumers have relocated to Michigan and requested their preneed contracts be revoked and funds transferred to a provider in Michigan. Recommendation is to approve their request. Mr. Byrd made the motion to approve the transfer. Mr. Aldridge seconded and the motion carried.

Mr. Burke provided a graph regarding performed or cancelled contracts for 2013 as requested in the September meeting. Discussion ensued.

Mr. High presented the Activity Report for information only. There are 171,272 active contracts as of October 7, 2013; 663 licensed preneed funeral establishments; 1,177 individuals licensed to sell preneed as of October 4, 2013.

Discussion ensued regarding the procedure for the handling of preneed contracts with a firm that is closing or has closed. Mr. Byrd made a motion to include on the Consent Order for a firm the Board has closed that they must to include fees for notifying the customers as a part of the settlement terms. Mr. Aldridge seconded and the motion carried.

Disciplinary Committee: Mr. Byrd stated the Committee met by teleconference on October 3, 2013 and presented the recommendations. There was an addendum. Ms. Wiseman made the motion to accept the recommendations for V12-064, C13-066, C13-073, C13-059, C13-062, M13-001, M08-013 and M13-004. Mr. Byrd seconded and the motion carried. Ms. Wiseman made the motion to accept the recommendations for the Addendums M10-013, C13-045 and M12-020. Mr. Byrd seconded and the motion carried.

Finance/Personnel Committee Mr. Willoughby stated the Committee last met by teleconference on July 1. Mr. Willoughby reviewed the monthly financials and submitted them for information only. Discussion ensued.

Laws & Rules Committee: The Committee met by teleconference on October 7, 2013 to discuss whether the Individual Customer Preneed Contract Journal (PN-8) should be rendered obsolete. Committee recommends change in the rule to allow for the elimination of this PN-8. This change will be combined with additional unrelated rulemaking submissions in the future. Discussion ensued. Mr. Aldridge made the motion to discontinue the use of this form pending a formal repeal in the rulemaking process. Mr. Byrd seconded. Discussion ensued. Mr. High called for the vote and the motion carried.

The Committee discussed a request from a licensee to allow that incentives such as small-dollar value gift cards be permitted as thank you gifts for discussing (with no commitment and no contract required) preneed funeral arrangements with potential clients. The Committee does not support the suggestion. Mr. Willoughby made the motion to accept the recommendation and Mr. Byrd seconded. The motion carried.

Traineeship Committee: Ms. Wiseman stated the Committee had met prior to the Board meeting. Two trainees had late reports twice. Committee was recommending no credit for the two late reports and resume traineeship on October 1. One trainee did not appear and recommendation is to terminate until an appearance before the Traineeship committee. Ms. Wiseman made the motion to accept the recommendations. Mr. Byrd seconded and the motion carried.

Discussion ensued regarding protocol for completing traineeship and taking the exams.

Attorney Report: Mr. Dirksen presented his report and stated the report was for information only. The six hearings for today and Thursday were settled by four signed consent orders and one continuance by the Board's regular process and two continuances approved by Mr. High.

Ms. Wiseman asked if physician's assistants could now sign death certificates. Mr. Burke responded, yes...Physician Assistants and Nurse Practitioners may now sign under the supervision of a physician.

Executive Director's Report: Mr. Burke presented the report.

New Funeral Service Licensees: Justin Barfield, Samuel Gregory, Tyler Mace, Kelley Marzka, Scott Peek.

New Funeral Director Licensees: Kelly Emory, Donald Harris.

New Trainees: Kenneth Cox II, Elizabeth Harbin, Jesse Marzka, Terri Matthews, Claude Myers III, Loretta Whitaker, Gary Wilking.

New Transport Registrations: Jerry Byerly, Jr., Arica Lee Mack

Exam Notes: Four applicants were eligible to take Laws & Rules Exam. As of 10-04-13, one passed, one failed, no results for two.

The card is ready to mail out from Vital Records and the Board to notify funeral homes about the new Death Certificate as soon as Vital Records has their website updated.

Fee Increase: If this Rule passes, it will be effective November 1st. The Board should have information by Friday, October 18.

Mr. Byrd and Mr. Burke and The Conference Model Practice Committee met by teleconference last week.

One upcoming State report is due: Occupational Licensing Board Financial Report due 10/31.

The North Carolina Funeral Directors Association has nominated Charles Graves and re-nominated Kenneth Stainback to the Board and the information has been sent to the Governor's Office.

A Preneed/FTC Review will be held in the Board's office October 30, 2013 and is limited to 25 participants.

Mr. Burke attended the Rules Review Meeting on September 17 and the next one is scheduled for next week.

Discussion ensued regarding the Inspector Reports.

Old Business: There was none.

New Business: There was none.

Public Comment: There was none.

Mr. High called for a five-minute recess.

Upon return, Ms. Wiseman made the motion to go into closed session to discuss the qualifications, competence, performance, character, fitness, and conditions of employment of an employee. Mr. Byrd seconded and the motion carried.

Mr. Byrd made the motion to return to open session and Mr. Combs seconded. Mr. High stated a personnel performance matter had been discussed in closed session.

Mr. Aldridge made a motion to adjourn and Ms. Wiseman seconded. The meeting then adjourned at 12:20.

Harris High, President

Ken Stainback, Secretary