

BOARD MEETING
MINUTES
January 10, 2018

The North Carolina Board of Funeral Service met for a duly scheduled Board Meeting at 9:00 a.m. on January 10, 2018, at the Board's office, 1033 Wade Avenue, Suite 108, Raleigh, North Carolina.

Present: Matt Staton, President; Charles Graves, Vice President; Steve Herndon, Secretary; Craig Olive; Mark Blake; Don Brown; and Mike Stone.

Also Present: Catherine Lee, Executive Director; Staff member Amy Mauldin; Bill Forsberg, Executive Director of the North Carolina Funeral Directors Association; Dorman Caudle with Carolina Donor Services; Fred Jordan, Miracles in Sight; and Chris Watson.

Mr. Staton called the meeting to order and led the Pledge of Allegiance. Mr. Graves had the invocation.

Mr. Staton read the Ethics Statement.

Mr. Staton reminded everyone to turn off their cell phone ringers and the guests introduced themselves.

December Minutes: Mr. Herndon stated the draft December meeting minutes were available and then made the motion to approve the minutes. Mr. Olive seconded and the motion carried.

Public Comment: Mr. Staton reminded everyone that this was not a question and answer session. There was none.

Preneed Committee Report: Mr. Blake stated that the Preneed Committee met by teleconference at 8:00am on January 5, 2018. In addition to the items below, the Committee reviewed the revised instructions for the 2017 preneed annual report that will be sent to preneed licensees, and a pending preneed application for a preneed establishment.

Recommendation No. 1: Approve the request for a preneed bond waiver for five (5) preneed establishments.

Recommendation No. 2: Approve 2018 preneed establishment renewal application, on the condition that the preneed establishment maintain a preneed surety bond in the amount of \$50,000 until it can demonstrate solvency or until January 2021, whichever occurs later.

Ms. Lee offered additional information regarding the Pending 2018 Preneed Renewal Application in question.

Recommendation No. 3: Approve Preneed Recovery Fund Claim # P17-045 in the amount of \$2,200.00.

Mr. Stone asked about reforming the solvency definition. Discussion ensued.

Mr. Graves asked for clarity regarding the increase in the amount from preneed contract filing fees deposited into the Preneed Recovery Fund. Discussion ensued.

Mr. Blake made a motion to accept the recommendations of the Preneed Committee. Mr. Brown seconded and the motion carried.

Finance and Personnel Committee Report:

All members of the Finance & Personnel Committee met via teleconference on Friday, January 5, 2018. The Committee discussed the following items:

- Review of Balance Sheet and P/L Statement, as of December 31, 2017;
- Review of medical insurance coverage benefits offered to Board employees; and
- Discussion of applicants for the Executive Director position;

The Committee did not bring any recommendations to the Board.

Mr. Herndon discussed the Profit and Loss Statement and the Balance Statement. Mr. Graves made a motion to accept the Profit and Loss Statement and the Balance Statement. Mr. Blake seconded and the motion carried.

Mr. Blake asked for clarification regarding medical insurance coverage benefits offered to Board employees. Discussion ensued.

Disciplinary Committee Report: Mr. Herndon stated that the Disciplinary Committee met on January 5, 2018 and discussed the possibility of a backlog in hearings due to Ms. Lee covering two roles. The Committee also made the following recommendations:

Dismissals – C17-074; C17-081

Letters of Caution – C17-083; M17-039; M17-041; M17-042; M17-044;

Notices of Hearing – C17-082; M17-043

Ms. Lee asked to table the recommendation for M17-040 until the February Board meeting.

Mr. Blake asked for more information regarding M17-041. Discussion ensued. Mr. Blake asked that an article be put in the Newsletter regarding the use of Board-mandated forms.

Mr. Blake asked for more information regarding M17-042. Discussion ensued.

Mr. Herndon made a motion to accept the report, with the modification that M17-040 be tabled until the February Board meeting. Mr. Graves seconded and the motion carried.

Executive Director's Report: Ms. Lee offered the following information:

Board staff is continuing to process renewals received electronically and in hard copy. As of January 9, Board staff has processed the following renewal applications:

- Approximately 630 individuals online (compared with 232 online in Jan. 2017)
- 1,174 individuals by paper (compared with 1,434 by paper in Jan. 2017)
- Approximately 170 at-need establishments online (compared with 163 online in Jan. 2017)
- Approximately 460 at-need establishments by paper (compared with 326 by paper in Jan. 2017)

Approximately 1,300 recipients opened the December 2017 e-newsletter. The Board had approximately 900 visitors to our website in the last week and approximately 3,200 within the last month.

The Joint Legislative Administrative Oversight Committee met on January 9th and discussed issues related to ABC permitting issues; pending litigation between the Physical Therapy Board v. the Acupuncture Board; a report on State Board of Education v. Rules Review Commission lawsuit; and the Rules Review Commission report on the periodic review of rules.

The Ethics Commission is accepting 2018 SEI forms that Board members must file by April 15th, 2018. Questions about the 2018 SEI forms should be directed to Brett Lisenbee, the Board's Ethics Liaison.

The migration of the Board's IT regulatory platform is underway. Board staff is working with the vendor to transition data from the existing database to the new system, with a tentative projected go-live date of April.

As a reminder, North Carolina Vital Records intends to forward with a purchase of an Electronic Death Registration System. The Executive Director will be participating in an Electronic Death Registration Business Partners Advisory Group on January 23, 2018 at the NC Division of Public Health.

The Board still is awaiting confirmation of the gubernatorial appointments of Mr. Lockhart, Mr. Herndon, and Mr. Watson, as the nominees from FDMANC and NCFDA respectively.

Mr. Stone asked if the 2018 SEI forms would be given to Board members by Board staff. Discussion ensued.

Mr. Watson indicated that the SEI forms are available online and simple to complete.

Mr. Blake stated circumstances regarding the signing of death certificates by a paramedic and a lack of knowledge by law enforcement personnel regarding the release of bodies to funeral homes and the responsibilities for the signing of death certificates. Discussion ensued.

Discussion ensued regarding a plan of action to be taken regarding educating various agencies statewide regarding signing death certificates. Board staff offered to draft educational outreach materials to law enforcement personnel for the Board's consideration.

Ms. Lee offered the following pre-need activity report:

PRENEED CONTRACTS:

- As of the last Report to the Board, 809 preneed contracts were recorded. Of that amount, 148 were trust funded whereas 661 were insurance funded contracts. For the reporting period, an overage of 74 new preneed contracts were filed daily.
- Approximately 731 Certificates of Performance have been processed.
- There are 181,790 active contracts as of January 9, 2018.
- Preneed contracts received as of December 29, 2017 have been entered.
- There are 1,509 individuals licensed to sell preneed as of January 9, 2018.
- One new funeral home has been licensed since the last Board meeting
 - Beach Funeral Home & Cremation Services, Elizabeth City

No funeral homes have had a change of ownership since the last Board meeting.

Ms. Lee offered the following at-need licensure report:

Chapels	None
Crematories	None
Transporters	None
Unaffiliated Licensees	None
Funeral Establishments	Stanly Funeral Home, Incorporated d/b/a Stanly Funeral & Cremation Care – Locust, NC
Funeral Service Licensees	Kathryn McLean Windell – Gastonia – 12/7/2017 Christopher D. Weaver – Durham – 12/20/2017 Brandy P. Hampton – Blowing Rock – 12/6/2017 Kirsty M. Casper – Clayton – 12/13/2017
Funeral Directors	Frances E. Dattolo – Charlotte – 12/14/2017 Jessica Miller Harper – Beulaville – 12/14/2017
Trainees (Starting January 1, 2018)	Christina Alvarado – McEwen Funeral Home of Monroe James C. Davis – Parrish Funeral Home Alexas R. Gorbey – Forest Lawn West David A. Hawkins – Hope Valley Funeral Service & Cremations Brandon R. Owens – Kirksey Funeral Home Chase E. Ramsey – Blue Ridge Funeral Service Leslie Van Pelt – McLean Funeral Director’s

Ms. Lee also offered the following traineeship statistics:

- There are currently 186 active Trainees
- 5 Trainees were certified in the month of December
- 7 new Trainees started their traineeships on January 1, 2017
- 14 Trainee applications currently are pending
- 8 Trainees submitted late work reports for the month of December
- 0 Trainees failed to submit a work report for the month of December
- 5 Trainees submitted deficient work reports for the month of December
- 1 Trainee failed to timely renew their Traineeship

Mr. Blake asked that a meeting of the traineeship committee be scheduled. Discussion ensued.

Compliance Liaison / Lead Inspector's Report: Ms. Lee offered the following information:

- 23 Funeral Establishments were inspected
- 20 Preneed Establishments were inspected
- 3 Crematories were inspected
- 1 Chapel was inspected
- 2 Mutual Burial Associations were inspected
- 1 Notice of Hearing was served
- 137 Compliance calls were received
- 5 Compliance emails were issued

Legal Report: Ms. Lee offered the following information:

DISCIPLINARY MATTERS

- Current Active Cases: 27
 - Pending Investigation: 4
 - Pending Review by Disciplinary Committee: 3
 - Pending Dispositive Action: 11
 - Pending Hearing: 8
 - Post-Hearing: 0
 - Other: 1 (stayed per Board Order)
- New files opened since last Board meeting: 5
- Notices of Hearing sent since last Board meeting: 2
- Consent Orders received since last Board meeting: 0
- Cases reviewed by Disciplinary Committee since last Board meeting: 11

PRENEED RECOVERY FUND CLAIMS

- Projected Active Preneed Recovery Fund Claims: 0

- Preneed Recovery Fund Claims reviewed by Preneed Committee since December Board meeting: 1
- Preneed Recovery Fund Claims received since December Board meeting: 0
- Preneed Recovery Fund Claims re-opened since last Board meeting: 0

Old Business: There was none.

New Business: Ms. Lee discussed student prep room work being done in a North Carolina Funeral Establishment for credits to be received from an out-of-state funeral education facility. Discussion ensued.

Mr. Nichols entered the meeting at this time.

Mr. Staton asked for a 5-minute recess.

The Public Hearing on Notice of Intent to Repeal 21 NCAC 34A .0122; 21 NCAC 34A .0127; 21 NCAC 34B .0120; 21 NCAC 34B .0208; 21 NCAC 34B .0211; 21 NCAC 34B .0510; 21 NCAC 34B .0610 convened at this time. There was no public comment and the hearing was adjourned.

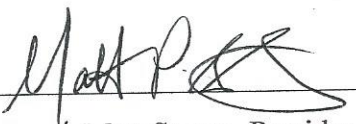
Mr. Graves made a motion to go into closed session for the purpose of consulting with in-house counsel and Jack Nichols, the Board's outside counsel, in order to preserve attorney-client privilege, pursuant to NCGS 143-318.11. Mr. Brown seconded and the motion carried.


Mr. Graves made a motion to go back into open session. Mr. Brown seconded and the motion carried. The meeting was brought back into open session.

Mr. Olive made a motion to go into closed session for the purpose of discussing the qualifications, competence, and performance of an applicant for employment, pursuant to NCGS 143-318.11. Mr. Herndon seconded and the motion carried.

Upon proper motion, the meeting was brought back into open session. Mr. Herndon indicated that the Board would conduct interviews of certain applicants for the Executive Director position in February. Discussion ensued.

Mr. Graves made motion to adjourn. Mr. Blake seconded and the motion carried.


Matt Staton, President


Steve Herndon, Secretary