



NORTH CAROLINA BOARD OF FUNERAL SERVICE

Minutes July 12, 2019, Emergency Board Meeting

The North Carolina Board of Funeral Service met in Emergency Session on July 12, 2019, by conference call at 9:00 a.m. after proper notice in accordance with the NC Open Meetings Law. The meeting took place at the Board's office located at 1033 Wade Avenue, Suite 108, Raleigh, North Carolina.

Present: Steve Herndon, President; Mark Blake, Vice-President; Don Brown, Secretary; Valdus Lockhart; Craig Olive; Charles Graves; Hubert Saunders; and Chris Watson. Mike Stone was not present for the meeting.

Staff: Stephen Davis, Executive Director; Assistant Director Amy Mauldin; and Compliance Officer Brett Lisenbee.

Guests and Visitors: Gary Overcash, NCFDA President; John Harris, FDMANC President; Henry Lancaster, FDMANC General Counsel; Royal David, licensee; Latisha Crooke, apprentice.

Mr. Herndon called the meeting to order at 9:09 a.m. and read the Statement of Ethics. He asked if any members found it necessary to recuse themselves from the meeting. None recused.

Mr. Herndon then asked guests to introduce themselves and invited any public comment. None was offered.

Mr. Herndon welcomed members of the Board and guests. He announced that it was necessary to convene the Board in emergency session because Senator Andy Wells, Chair of the Senate Agriculture/Environment/Natural Resources Committee and member of the Committee on Rules and Operations of the Senate had offered an amendment to House Bill 554, as amended. He reminded the Board that HB554 was the technical corrections bill intended to restore the Board's ability to issue the Funeral Director's license among other provisions. When the bill was sent to the Senate for deliberation, it was assigned to the Senate Agriculture/Environment/Natural Resources Committee where it was amended to include a provision for provisional licensure of funeral directors. Mr. Herndon noted the substantive opposition to this amendment from the FDMANC and the NCFDA as well as significant press coverage in both print and broadcast media. He further noted discussions by Mr. Blake, Mr. Davis, Ms. Mauldin, Mr. Lancaster and Mr. Hubert Pope with the Senate Committee members regarding the impact of the amendment on licensing standards and the need to clarify the specific duties and responsibilities of a provisional licensee.

Mr. Herndon said that Senator Wells had offered an amendment to NCGS 90-210.27(e) which would prevent a provisional licensee from sole or partial ownership of a licensed funeral establishment. Members and some guests discussed the matter in detail and questioned the impact of the amendment on reciprocal licensure as well as the Senate procedures for moving the bill to a vote on the Senate floor. Mr. Lancaster briefed members on the procedural requirements in the Senate for moving legislation through committee prior to a floor vote.

Mr. Herndon asked members for comments on the amendment from Senator Wells. Members noted that a pilot study would be the best alternative to allow the Board sufficient time to study the feasibility of provisional licensure and then to report its findings to the Senate prior to the start of the next legislative session. Members also discussed expanding the language in Senator Wells' amendment to assure that provisional licensees could not execute or independently negotiate preneed or at need contracts. Members further discussed the critical need for provisional licensees to work under the supervision of a licensee comparable to the requirements currently expressed for resident trainees.

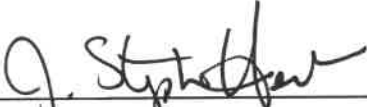
After discussion and debate on these issues, members focused on a response to Senator Wells' proposed amendment.

Upon a motion by Mr. Blake and a second by Mr. Graves, the Board voted unanimously to direct Mr. Davis to draft a letter on the Board's behalf to Senator Wells to include additional limits on the duties of a provisional licensee; to require supervision comparable to that of a resident trainee; and to propose an option for a feasibility study for provisional licensure.


Mr. Herndon asked members if there were other items for discussion or consideration. Hearing none, he invited a motion for adjournment.

Upon a motion by Mr. Olive and a second by Mr. Blake, the Board voted unanimously to adjourn the emergency session.

Affirmation:



J. Stephen Herndon, President



Don Brown, Secretary

8-14-19

Date