

NORTH CAROLINA
BOARD OF FUNERAL SERVICE



Minutes
January 11, 2023, Board Meeting

The North Carolina Board of Funeral Service met for a duly scheduled Board meeting on January 11, 2023, at the NC Board of Funeral Service office suite at 1033 Wade Avenue, Suite 108, Raleigh, NC 27605.

Present: Dr. Steven Lyons, President; Thomas Hilderbrand, Vice-President; Darrell McCormick, Secretary; Steve Herndon; Chris Watson; LeShekia Coleman; Robert Jansen; Dr. Kimberly Kelsey; and Richard Hinchler.

Staff and Counsel: Stephen Davis, Executive Director; Amy Acord, Assistant Director; Catherine Lee, General Counsel; and Brett Lisenbee, Compliance Officer.

Guests and Visitors: Chase Noble, Executive Director, NCFDA; Fred Jordan, Miracles in Sight.

Dr. Lyons called the meeting to order at 9:03 a.m. and led members and staff in a recitation of the Pledge of Allegiance followed by the invocation which Mr. Watson offered. He proceeded by reading the Statement of Ethics and asked if any members would be recusing themselves. Mr. Herndon announced that he would be recused from Board Case Number C22-0099 and that Mr. Watson would present the matter to the Board during the Disciplinary Committee report. Dr. Lyons then asked if any guests were present and if they wished to offer any public comment. Mr. Noble and Mr. Jordan offered self-introductions. himself. Dr. Lyons then introduced and welcomed the Board's newest members, Mr. Richard Hinchler and Dr. Kimberly Kelsey.

Dr. Lyons continued and asked Mr. McCormick to present the minutes from the December 14, 2022, Board meeting.

Approval of Minutes

The minutes were presented to the Board with an invitation to offer any changes or edits. Hearing none, Dr. Lyons asked for a motion.

Upon a motion by Mr. Hilderbrand and a second by Mr. Watson, the Board voted to adopt the December 14, 2022, minutes as presented.

Dr. Lyons then presented the Finance and Personnel Committee report.

Finance and Personnel Committee Report

Dr. Lyons reported that the Finance and Personnel Committee convened by Webex teleconferencing on January 6, 2023, and noted that all Committee members were in attendance along with the Executive Director, Mr. Davis, and the Assistant Director, Ms. Acord. Dr. Lyons said that Board staff had sent the financial reports for the period ending November 2022 to each Board member for their review prior to the meeting, and he invited any questions or comments pertaining to the Statement of Net Position and the Statement of Revenue and Operating Expenses. Hearing none, Dr. Lyons said that he would entertain a motion for acceptance.

Upon a motion by Mr. McCormick and a second by Mr. Watson, the Board voted unanimously by roll call to accept the recommendation from the Finance and Personnel Committee for approval of the November 2022 financial reports.

Dr. Lyons noted that there were no personnel-related matters that came before the Committee, and he recognized Board staff for their diligent performance on behalf of the Board, licensees and consumers. He then announced that the Exam Committee met on January 9, 2023, to discuss agenda items proposed by Board staff. He asked Mr. Davis to summarize and highlight the Committee's discussion on those items.

Exam Committee Report

Mr. Davis reported that the Exam Committee would be fully engaged throughout 2023 to review and discuss a number of issues pertaining to Board examinations. He said that the first agenda item presented to the Committee was the transition by The Conference from dual Board exams to a single Board exam for licensees. He explained that traditionally, The Conference has administered State Board examinations referred to as the SBE but that beginning January 1, 2023, they would administer a single Board examination for both funeral director and funeral service license candidates. He reported that The Conference had initiated this transition to streamline the examination process and that they had sent Letters of Understanding to the Board outlining these provisions.

Mr. Davis continued and said that the other primary agenda item concerned the Pathology Examination. He said that this examination is required for candidates for licensure in Funeral Directing but that the new license category which allows for provisional licensure in Funeral Directing does not require this examination for those candidates. He explained that individuals may pursue licensure in Funeral Directing either by the traditional pathway which required State Board Examination-The Arts, Laws and Rules of NC, and Pathology. He said that in contrast, the examination requirements for candidates seeking licensure in Funeral Directing through the provisional license pathway are not required to take the Pathology examination. He noted that this difference creates an inconsistency in examination for those seeking a Funeral Director license since some will be required to take Pathology while others will not. He said that the Committee discussed this issue at great length and agreed that further discussion would be needed before the development of a specific recommendation to the Board concerning the possible elimination of the Pathology Examination. Discussion among Board members ensued.

Dr. Lyons indicated that the Exam Committee would be meeting prior to the February Board meeting to continue their discussion on this particular matter. He noted that the Committee Report was for the Board's information and that no recommendation had been presented. He then recognized Mr. Herndon for the Disciplinary Committee report.

Disciplinary Committee Report

Mr. Herndon said that the Disciplinary Committee met on January 6, 2023, to consider the following disciplinary cases along with recommendations and rationale for each case number:

Dismissal

C22-0097 C22-0098 C22-0099 C22-0100 C22-0101 C22-0103

C22-0104

Letter of Caution

C22-0083 C22-0088

Notice of Hearing

C22-0081 C22-0091 C22-0093

Upon the conclusion of his report, Mr. Herndon invited questions or comments. He then offered a motion for approval with the exception of C22-0099. He indicated that Mr. Watson would present that particular case to the Board.

Mr. Hilderbrand asked if the Letter of Caution in Case Number C22-0083 was based on the concurrent cases, and Ms. Lee affirmed that this case was based on the facts and circumstances of this particular matter. Brief discussion ensued. Ms. Lee reported that there was insufficient evidence in this matter to recommend a Notice of Hearing.

Dr. Lyons said that a motion had been made and invited a second.

Upon the motion by Mr. Herndon and a second by Mr. Watson, the Board voted unanimously by roll call to accept the recommendations from the Disciplinary Committee except for Case Number C22-0099.

Dr. Lyons then recognized Mr. Watson for presenting Case Number C22-0099. Mr. Watson noted that the facts and circumstances in this case resulted in a recommendation to dismiss. He invited any questions or comments. Hearing none, Mr. Watson said that he was offering a motion to approve.

Upon Mr. Watson's motion and a second by Mr. Herndon, the Board voted unanimously by roll call to approve the recommendation from the Disciplinary Committee in the matter of C22-0099.

Mr. Watson then recognized Mr. Davis for the Executive Director's report.

Executive Director's Report

Mr. Davis presented the following items for the Board's information and discussion:

- He asked Mr. Lisenbee to let the Board know about a letter from a licensee commending Ms. Karen Davis-Brunson for excellence in providing inspection and compliance services to his establishment during a recent inspection.
- The Conference 119th Annual Meeting is planned for March 1st and 2nd in Chandler, Arizona. The Executive Committee attends along with the Executive Director and Assistant Director. The agenda includes an Administrators Forum, Board Member Training, and a presentation by The Conference Legal Counsel on regulatory cases having impact on occupational licensing boards. The Conference offers a Delegate Grant to the Board which pays for lodging, transportation and registration for those eligible to apply.
- Board staff is developing guidelines for the application of the new administrative rule for preneed sales licenses which became effective January 1, 2023. These guidelines are for staff in assuring a consistent, "on the same page" approach when issuing preneed sales licenses, and they will be the basis for an advisory that will be sent out to all licensees in the next few days. Mr. Richardson is prepared to conduct regular training sessions on preneed statutes and rules so that those seeking initial licensure will be able to acquire the 3 hours of CE that are now required for first-time licensees.

- Update on license renewals for 2023
- Dr. Lyons and Mr. Davis will be meeting with a Research Assistant in the General Assembly for a brief discussion on NCDAVE and its implementation among professional funeral service.

Mr. Davis thanked the Board for its consideration and concluded his report by referring to the licensure and inspections reports. He invited any questions or comments concerning those reports.

Dr. Lyons thanked Mr. Davis for his report and then asked Ms. Lee for the Legal Case Report.

Legal Case Report

Ms. Lee reported the following information concerning legal cases to the Board:

DISCIPLINARY MATTERS

Current Active Cases: 33

Pending Investigation: 12
 Pending Review by Disciplinary Committee: 0
 Pending Dispositive Action: 12
 Pending Hearing: 6
 Post-Hearing: 0
 Other: 3

New files opened since last Board meeting: 8

Notices of Hearing sent since last Board meeting: 1

Consent Orders received since last Board meeting: 0

Cases reviewed by Disciplinary Committee since last Board meeting: 12

PRENEED RECOVERY FUND CLAIMS

Current Active Preneed Recovery Fund Claims: 0

Pending Investigation: 0
 Pending Dispositive Action: 0

Preneed Recovery Fund Claims received since last Board meeting: 0

Preneed Recovery Fund Claims re-opened since last Board meeting: 0

Preneed Recovery Fund Claims reviewed by Committee since last Board meeting: 0

Ms. Lee concluded her report and invited any questions or comments.

Dr. Lyons then asked for any New Business or Old Business items.

New Business

No New Business items were offered.

Old Business

Mr. Lisenbee reminded the Board that he had been asked to research an issue pertaining to the completion of death certificates through NC DAVE. He said he was responding to the question regarding the registration of alkaline hydrolysis or crematory business licensees through NC DAVE. Mr. Lisenbee said he had reached out to the administrators at NC DAVE and learned that their system enables alkaline hydrolysis and crematory businesses to register as a representative of their alkaline hydrolysis or crematory registration. Mr. Watson asked how representatives from an alkaline hydrolysis or crematory business actually affix a signature to the death certificate since there is no dedicated space for them sign in that capacity. Mr. Lisenbee explained that the death certificate allows for a party to sign in an "acting" capacity. He said that alkaline hydrolysis or crematory representatives would sign as "acting."

Guest Presentation: Mr. James Bullard, Fayetteville Technical Community College

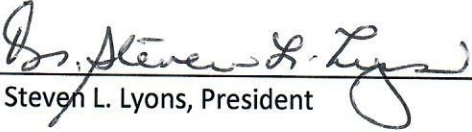
After a brief recess, Dr. Lyons recognized Mr. James Bullard, Chair, Department of Funeral Service Education at Fayetteville Technical Community College, for any comments or statements he wished to make in addressing the Board as an invited guest. Mr. Bullard offered the Board a detailed explanation of the funeral service education curriculum at FTCC and summarized the academic preparation of students planning to seek licensure through the Board. He shared thoughts on trends associated with enrollment in the funeral service education program as well as students' perception and expectations of a licensee. He also briefly discussed the program's academic standards and examinations as a way to measure their mastery of the course material presented in their curriculum. His discussion included thoughts on the Board's discussion centered on the Pathology examination and whether it should be eliminated as a way to restore balance in examination requirements for candidates seeking licensure in funeral directing. He acknowledged the current imbalance created by the provisional license for funeral directing which has no requirement for a pathology examination.

Discussion ensued on a range of topics associated with the Fayetteville Technical Community College program; on trends in funeral service education; on the preparation of students who would attain licensure and the subsequent impact on the availability of qualified licensees available for employment; and any anticipated changes in the funeral service education program.

After the discussion with Mr. Bullard, Dr. Lyons surveyed Board members and staff for their thoughts on the meeting format particularly regarding the invitation of guest speakers from various disciplines to share information on the nature of their work, their roles, and how their work relates to the regulation of professional funeral service in North Carolina. Members responded affirmatively. Dr. Lyons continued and asked Board members for their thoughts on the Board's meeting schedule and whether the Board should consider meeting in alternating months rather than monthly. Dr. Lyons asked Ms. Lee for any impact on administrative hearings that require the Board's deliberation, and she indicated that the Board's docket of cases was manageable to the extent that meeting in alternate months would not have negative impact. Discussion ensued and included comments on the feasibility of meeting in alternate months. Mr. Herndon noted that he was understanding that the Board could meet in business session every other month and would conduct administrative hearings in alternating months. He questioned Ms. Lee about the impact of that arrangement. Discussion followed. Mr. Davis asked the Board to consider a change in the date for the March meeting since the Annual Meeting of The Conference would require staff to be out-of-state the week prior to the Board meeting and making it difficult to prepare. Dr. Lyons asked Board members to consider these issues and requests.

Without further business before the Board and upon proper motion and vote, the Board adjourned at 11:07 a.m.

Affirmation:



Dr. Steven L. Lyons, President

Mr. Darrell McCormick, Secretary

Date