



# NC BOARD OF FUNERAL SERVICE

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## NORTH CAROLINA CREMATORY AUTHORITY MINUTES August 31, 2023

The NC Crematory Authority met for a duly scheduled meeting on Thursday, August 31, 2023, at the NC Board of Funeral Service office suite at 1033 Wade Avenue, Suite 108, Raleigh, North Carolina. The meeting was conducted via Webex remote connection. Attending were Edward Kosmos, David Miller, Mitchell Ward, Richard Hinchler, Charlie Neal and Bobby Keller. Staff in attendance were Stephen Davis, Executive Director; Amy Acord, Assistant Director, and Brett Lisenbee, Compliance Officer.

Mr. Davis welcomed Authority members to the meeting and offered to moderate the proceedings since officers had not been elected for 2023. Members agreed and Mr. Davis opened the meeting by reviewing the Authority's statutory responsibility for advising the NC Board of Funeral Service on matters pertaining to administrative rules that govern cremations. He noted that the primary agenda item would be discussion on current administrative rules and any suggestions for the Board regarding the promulgation of new rules or amendments to existing rules. Mr. Davis asked if any members had any other rule-related agenda items they wanted to suggest. Mr. Kosmos said that he wanted to present issues regarding certain procedural requirements for alkaline hydrolysis. Mr. Davis acknowledged his request. He then reported that the election of Authority officers was another agenda item and asked how members wished to proceed. He said that members could nominate a colleague on the Authority or self-nominate for one of three positions: Chair, Vice-Chair and Secretary. Alternatively, he said that members could send him their nominations by email and that he would then create a ballot which he would send to members for their vote. Members agreed that they preferred to nominate or self-nominate at the present time in electing Authority officers.

Mr. Davis then asked for nominations for Chair. Mr. Edward Kosmos was duly nominated and elected Chair by majority vote. Mr. Davis then asked for nominations for Vice-Chair. Mr. David Miller was duly nominated and elected Vice-Chair by majority vote. Mr. Davis then asked for nominations for Secretary. Mr. Mitchell Ward was duly nominated and elected Secretary by majority vote.

Mr. Davis continued and recognized Mr. Kosmos for the concerns regarding alkaline hydrolysis he wanted to present. His concerns centered on the specific rules that govern alkaline hydrolysis, the description of the specific container used for placing the decedent in the hydrolysis chamber, and the proper authorization form that must be used for alkaline hydrolysis. Mr. Lisenbee addressed these issues and explained that the legislation ratified in 2018 included amending relevant statutes to include alkaline hydrolysis as an approved method for the disposition of human remains. Mr. Lisenbee also noted that there is a suggested model Alkaline Hydrolysis Authorization Form on the Board website which could be used for documenting consent by next-of-kin for this method of disposition. Brief discussion ensued.

Mr. Kosmos also spoke briefly about the language on an authorization form suggesting that the hydrolysis container must be leak-proof, rigid and combustible as reported to him by two licensees. Mr. Lisenbee noted that the term "leakproof" does not appear on the authorization form for alkaline hydrolysis, and he said that he would review the form to determine if language regarding a hydrolysis container would require any amendment to assure consistency between statute and rule. Mr. Kosmos responded that he would highlight the pertinent provisions on the form that prompted the concerns and would email those to Mr. Lisenbee to facilitate his review of the language.

Following the discussion regarding alkaline hydrolysis procedural requirements, Mr. Davis raised an issue pertaining to 21 NCAC 34C .0101, Elections. He briefly gave members an overview of the Authority's creation in 1989 and subsequent rules governing cremations. He noted that the provisions in rules for the election of Authority members are onerous and exceptional in their detailed requirements for securing nominations, creating numbered ballots, and other procedures that could be streamlined. He asked Authority members if they would support amendments to this particular rule to lessen the stringent, unnecessary requirements for conducting elections to fill vacant seats on the Authority. Mr. Kosmos asked members if they had any comment on Mr. Davis' proposal. Members expressed agreement and support for Mr. Davis' proposal with the understanding that any solicitation of nominations for vacant seats would be sent directly to licensed crematories. Mr. Kosmos emphasized the importance of nominations from crematory licensees rather than inviting letters of interest from those desiring to be elected to the Authority. Discussion ensued. Mr. Davis said that he, Ms. Acord, Mr. Lisenbee and General Counsel Catherine Lee would develop an amended rule which would streamline the election of Authority members. He said that he would bring a proposal to a future Authority meeting for review and assessment and whether to recommend a rule change to the full Board.

Mr. Davis continued and invited comments on other administrative rules. Mr. Kosmos asked about any updates to the rules regarding the removal of pacemakers at the time of cremation. Mr. Lisenbee responded that updates have been made to address the removal of pacemakers from human remains prior to cremation. Mr. Miller commented that the online Cremations Report portal was a real benefit and advantage for the submission of monthly cremation reports and fees to the Board. Mr. Davis recognized Ms. Acord for her efforts in planning and implementing the cremation reports portal, and Mr. Miller agreed that the portal has been an important benefit for the timely submission of these reports. He further recommended that the Board make utilization of the cremations report portal mandatory. He noted that this information is most helpful when compliance inspectors conduct an onsite inspection and have immediate online access to cremation reports which are organized by month which facilitates the inspection. Mr. Davis thanked members for their feedback.

Continuing the meeting, Mr. Davis asked if there were other issues to come before the Authority. Mr. Miller asked about situations where stillborn infants are declared by a hospital as medical waste. Mr. Lisenbee explained that the Board does not have rules or statutes that address medical waste and thus have no mandatory forms that must be completed prior to cremation. Members discussed this issue at length. Mr. Lisenbee noted that the Board's statutes do not cover medical waste and thus are not within the Board's jurisdiction which enables the cremation of medical waste without any Board form required. Discussion continued. Members discussed the issue in terms of explaining to families seeking cremation of an infant when the remains are classified by a hospital as medical waste. Mr. Lisenbee affirmed that a funeral licensee is not required to convey to a family that the stillborn infant remains are classified as medical waste.

Mr. Davis thanked members for their attendance and participation in the meeting. Mr. Kosmos said that he hoped there would be future opportunity for a discussion on aquamation or cremation by water and the statutes and rules that govern this disposition method. Mr. Davis noted his comment and acknowledged that the Authority would likely meet in early 2024 which would provide such an opportunity to discuss the issue.

Mr. Davis asked if there were any other items for the Authority's consideration. Hearing none, he invited a motion to adjourn. Upon proper motion and vote, the NC Crematory Authority adjourned the meeting.

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Prepared by:



Stephen E. Davis, Executive Director, NC Board of Funeral Service

on behalf of the NC Crematory Authority

