

# North Carolina Board of Mortuary Science **NEWSLETTER**

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## **New Statute ..... House Bill 440**

On July 21, 2001 Governor Easley signed the "Act to Amend the Embalmers and Funeral Directors Law of North Carolina;" thereby making it officially law. This new law takes effect December 1, 2001. Many of you are aware of this new statute and its provisions, but this article will highlight some of the more important changes it makes.

Individuals engaged in the transportation or removals of dead human bodies for a fee are now subject to regulation. Unless they are exempt from the statute, these transporters must apply for and receive a permit from the Board. In addition to this permit requirement, these transporters must also comply with the following requirements:

1. Cannot transport a dead human body in the open cargo area or passenger area of a vehicle or in any vehicle in which the body may be viewed by the public.
2. The transporter must either:
  - a. cover the body; place it upon a stretcher designed for the purpose of transporting humans or dead human bodies; and secure such stretcher in the vehicle used for transportation; or
  - b. enclose the body in a casket or container designed for common carrier transportation and secure the casket or container in the vehicle used for transportation.
3. Must not use profanity, indecent, or obscene language in the presence of a dead human body.
4. Shall not take a photograph or video recording of a dead human body without the consent of a member of the deceased's immediate family or next of kin.

Licensees, to include funeral service licensees, funeral directors and embalmers, and their employees do not have to apply for a permit. They are exempt from the permit requirement. Nonetheless, they must otherwise comply with the above listed requirements for transporting dead human bodies.

The following are exempt from the permit requirement and requirements for transporting remains:

(a) emergency medical technicians and rescue squad workers; (b) employees of public or private hospitals, nursing homes and long-term facilities; (c) state and county medical examiners and their investigators; (d) any individual transporting cremated remains; (e) any individual transporting or removing a dead human body of his or her immediate family or next of kin; or any individual who has exhibited special care and concern for the decedent.

Individuals who desire to obtain a permit must meet certain requirements such as being 18 years old, possessing a valid drivers license, maintaining liability insurance for the vehicle to be used in transporting decedents, and be of good moral character. In addition, they are required to provide three written character affidavits-one of which must be from a licensed funeral director. Thus, some of you should expect to be contacted to provide an affidavit.

The permit fees will most likely be set by the Board at its October meeting. The fee for an initial application cannot exceed \$125.00 and the renewal fee cannot exceed \$100.00. A late fee not to exceed \$75.00 may also be set by the Board.

The Board currently consists of nine members. Six of those members are elected by funeral service licensees. The other three members are appointed. Prior to this new law, the three public members were appointed by the Governor. In the future, one public member will be appointed by the Governor, one by the Pro Tempore of the Senate and one by the Speaker of the House of Representatives.

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**NORTH CAROLINA  
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Ruth Britt ..... Senior Program Assistant  
Valencia B. Brown ..... Program Assistant  
Laura Rogers ..... Program Assistant  
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*From the Executive Director:.....*

I am delighted that the Board chose me to be the Executive Director. Since my arrival at the Board as General Counsel in May, I have enjoyed working for the Board. I am impressed by the Board members and believe that I can help to improve the Board's operations.

I want all licensees to be aware of my philosophy concerning the role of the Board and its staff. I believe that the mission of the Board and its staff is two-fold. First, the Board must protect the consumer. This is done primarily by enforcing the Board's statutes through inspections and the investigation of both consumer complaints and other items that come to the attention of the Board and its staff. Second, the Board provides a service to the licensees. I believe that the Board and its staff need to be more responsive to the licensees. To this end, the Board and its staff need to ensure that lines of communication with licensees are always open and that administrative matters, such as issuing licenses, are handled efficiently. The Board and its staff also need to ensure that complaints are handled quickly and fairly.

The Board has taken several steps to improve communications between the Board and the licensees and general public. Our web site, which is found at [www.ncbms.org](http://www.ncbms.org), has a new link entitled "Current Events." This link takes you to a page that I can update instantaneously. Thus, whenever an event occurs that is of interest to the licensees or the general public, I will post it there. For example, in the afternoon following a Board meeting, I will add any information that may be of interest to the licensees or general public. In addition, the Board will publish this newsletter quarterly rather than semi-annually.

In order to improve the fairness of the complaint process, the Board has changed its policy for processing complaints. Previously, complaints were sometimes dismissed by staff. Although this is permitted by the statutes, I believe such a practice can lead to inconsistent treatment and creates the perception that preferential treatment is being given to some individuals. Henceforth, all complaints will go to the Disciplinary Committee for its recommendation and then to the Board for final disposition. The goal is for the system to be fair.

Finally, in the legal field we call our customers "clients"! I have always believed that it is important to know and understand your clients in order to better serve them. During my 14 years as an attorney in the United States Army, I learned and studied much about military operations in order to better understand my clients. As Executive Director, I intend to continue my personal emphasis on knowing my clients. I have already read several books on the funeral profession and plan to continue to read and learn more about the funeral profession. I look forward to meeting each of you and getting to know you better. I am always available to discuss any issues that concern you, so please do not hesitate to contact me to express your concerns. I look forward to serving the Board in the coming years.

## Meet the Staff.....

The Staff of the Board of Mortuary Science is working hard to protect the public and to improve service to licensees. In order to provide better service, you should be aware of who makes up the staff and what each staff member does.

**Laura Rogers** is a **Program Assistant**. Laura is our receptionist and is the person you most often talk to when you call the office. She also assists Liz with licensing, trainees, and administering exams. She can be reached at our main extension.

**Elizabeth (Liz) Stegall** is the **Administrative Services Supervisor**. Liz manages all of the licensing of funeral homes and individuals. She also manages the trainee program and handles the elections. Liz can be reached by calling extension 102.

The **General Counsel** position is vacant, but should be filled sometime in September. This attorney is responsible for handling all complaints and other legal matters that are before the Board. He or she is also available to answer legal questions that licensees may have. The attorney can be reached at extension 103.

**Ruth Britt** is the **Senior Program Assistant** and is in charge of preneed. She is responsible for processing the 1500 plus preneed contracts that our office receives each month. She is also responsible for processing any updates or amendments of existing contracts. Questions concerning preneed should be directed to Ruth at extension 104.

**Valencia B. Brown** is a **Program Assistant**. Valencia is primarily responsible for entering the preneed contract information into our computer database. She also processes the confirmation forms and verification forms. She also answers questions concerning preneed issues. Valencia can be reached at extension 108.

**Lyn Cochrane** is the **Executive Assistant**. She performs a wide variety of duties. Her primary responsibility is ensuring the Board's financial records are accurate and that the bills are paid on time. She also assists in preneed and in a variety of other areas. She can be reached at extension 106.

**Jimmy Featherston** is a **Program Assistant**. Although he only works part-time, he is working hard at updating our preneed database. His efforts will greatly improve the accuracy of the annual reports that are sent out to preneed funeral establishments. He can be reached through our main extension.

**Virginia W. Harris** is also a part-time employee and she handles the Burial Associations. She can be reached at extension 110.

In addition to the staff in this office, we also have four individuals who travel around the state and conduct inspections. **Lloyd H. Davis** audits preneed funeral establishments and Burial Associations. **Carolyn Connor (West)**, **Corrine Culbreth (Central)** and **Henry Rowan (East)** inspect funeral establishments, audit preneed records and conduct investigations. Should you desire to contact one of our field inspectors, please call our main extension. All of our inspectors have voice mail and they check it daily.

**Mark Henderson** is the **Executive Director** and he is overall responsible for ensuring that the Board and staff operate efficiently and effectively. If you have any questions or concerns about the actions or direction of the Board, you may direct those concerns to him. He will ensure that the Board is aware of your concerns. If you have any questions or concerns about the staff, please bring them to his attention so that he can take whatever steps are necessary to improve our operations. Mark can be reached at extension 105.

## BOARD MEMBER ELECTIONS

At the Board of Mortuary Science Elections meeting on August 15, 2001 the Board of Elections decided to mail the ballots on September 7, 2001.

The ballots are due back in the office no later than **5:00 pm on October 1, 2001** and will be canvassed at 1:00 pm on October 3, 2001.

The following candidates are running:

### Category I:

<i>J. Scott Green</i>	<i>Gastonia</i>
<i>Harvey H. Leavitt, III</i>	<i>Wadesboro</i>
<i>Beacham McDougald</i>	<i>Laurinburg</i>

### Category II:

<i>Jack D. Briggs</i>	<i>Denton</i>
<i>Dorman H. Caudle</i>	<i>Advance</i>
<i>Seth D. Martin</i>	<i>Raleigh</i>
<i>Betty Lynn Snelling</i>	<i>Lillington</i>
<i>Jody Craig Tyson</i>	<i>Snow Hill</i>

*On September 5, 2001 the Board will elect a replacement for Michael McGhee, who recently resigned. This member will serve until December 31, 2002.*

## EXAM DATES FOR 2001

The North Carolina Laws and Rules Exam will be given on the following dates:

September 11	October 9
November 13	December 11

The Funeral Service / Funeral Director Exam will be given on the following date:

September 11

**REMINDER FOR BOTH EXAMS  
YOUR APPLICATION MUST BE IN  
30 DAYS PRIOR TO THE EXAM  
YOU WISH TO TAKE**

The new statute requires trainee reports to be submitted monthly instead of quarterly. Although this will place some burdens on both the licensees who have a trainee and on the office staff who process these reports, the advantage is that problem cases will be identified earlier. Unfortunately, when there were problems with a trainee or a sponsor of a trainee, the old system would not identify that problem for four months or more.

The statute also gives the Board more flexibility in handling cases before it. Previously, when there was no consent agreement, the only options for the Board were to either revoke a license or place the licensee on probation. There were several cases in which the Board thought the misconduct did not merit revoking the license, but warranted some punishment other than simple probation. The new law gives the Board the option of allowing the licensee to keep his or her license and impose a fine up to \$5,000.00.

The statute also provides some guidance for the Board to consider in determining the amount of penalty that the Board should impose. These criteria are (1) the extent of harm to the public health, safety and welfare; (2) the duration and gravity of the violation; (3) whether the violation was committed willfully or intentionally or reflects a continuing pattern; (4) whether the violation involved elements of fraud or diction; (5) the violator's prior disciplinary record with the Board; and (6) whether and the extent to which the violator profited by the violation.

The new law also provides for stricter guidelines concerning the fulfillment of preneed contracts. Apparently, some individuals were not processing preneed trust accounts promptly. Effective December 1, 2001 preneed trust account contracts must be settled and a completed copy of the certificate of performance or similar claim for evidencing the final disposition of any financial institution preneed trust account funds must be filed with the Board by the contracting licensee within 30 days.

Finally, the statute makes all public health laws and rules apply to funeral establishments. This change will not result in "white-glove" inspections. The purpose of this change was to give health authorities the ability to act in situations where conditions are so bad that public health is at risk.

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