



North Carolina Board of Funeral Service

NEWSLETTER

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Board Proposes New Fees and Fee Increases

The Board has proposed enacting new fees and raising some of its existing fees in order to ensure it has sufficient funds to perform its statutory missions. The Board has operated at a deficit during the past four years due to inflation and a significant drop in preneed contract filing fee revenue, which has fallen during the past few years from just over \$400,000 per year to just over \$320,000 per year. While the Board recognized the need for a fee increase over two years ago, the Board decided to reduce its assets in order to defer the fee increase as long as possible.

The Board will hold a public hearing on the proposed fee increase on December 10, 2003 beginning at 9 a.m. in the Board's office. Anyone wishing to speak on this issue will have the opportunity to do so at this hearing. Anyone who so desires may also submit written comments concerning this proposed fee increase to Mr. Mark Henderson by sending the comments to him at 2321 Crabtree Blvd., Suite 100, Raleigh, NC 27604, faxing them to him at 919-733-8271, or emailing them to him at mhenderson@ncbfs.org. Written comments must be received no later than January 2, 2004.

In its notice, the Board proposes the following new fees:

Inactive status	\$ 30
Voluntary change in supervisor	\$ 50
Late renewal of a chapel	\$ 75
Crematory Manager Permit:	
Application	\$150
Annual renewal	\$ 40
Preneed Establishment Reinspection fee	\$100
Transportation permit:	
Application fee	\$125
Annual renewal	\$ 40
Late renewal fee	\$ 50

In addition to these new fees, the Board proposes the following increases in fees:

	<u>From</u>	<u>To</u>
Per cremation fee	\$ 5	\$ 10
Preneed sales license:		
Application	\$ 10	\$ 20
Renewal	\$ 10	\$ 20
Filing fee for each preneed contract	\$ 18	\$ 20
Preneed funeral establishment license:		
Application	\$100	\$150
Annual renewal	\$100	\$150

**NORTH CAROLINA
BOARD OF FUNERAL SERVICE**

2321 Crabtree Blvd.
P.O. Box 27368
Raleigh, North Carolina 27611
1-919-733-9380
1-800-862-0636
fax 919-733-8271

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should be directed to the office at
919-733-9380 or 1-800-862-0636.

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Board Plans to Purchase Property

The Board has made an offer to purchase an off
condominium. The Board made its decision after reviewing
numerous properties in the Raleigh area. The Board determined
that it is in the best interests of the Board to purchase this property.
The property is centrally located in Raleigh on Wade Avenue with
easy access to local highways and downtown Raleigh.

Given the current interest rate environment, the Board will
be able to make mortgage payments that are less than the Board is
paying in rent. Even when condominium fees, utilities and cleaning
costs are considered, the total monthly payment will be roughly
equivalent to what the Board is currently paying in rent. The obvious
advantage to paying a mortgage over paying rent is that the Board
will some day own the property, which will save the Board money
in the future. In sum, the property should be a good investment for
the Board, and the licensees and consumers will benefit from it.

Since the Board's expenses after purchasing this property,
will be roughly equal to its current expenses, this purchase will not
have any impact on the Board's fees in the near term. Further, the
Board should realize substantial savings in the long term.

EXAM DATES 2004

January 6 th	July 13 th (State Exam)
February 10 th (State Exam)	August 10 th
March 9 th	September 7 th
April 6 th	October 12 th (State Exam)
May 4 th	November 9 th
June 8 th	December 14 th

CONTINUING EDUCATION SEMINAR

(Cont. from pg. 1)

The Board is sponsoring a continuing education seminar on Tuesday, December 9, 2003. The seminar will be held at the McKimmon Center, which is located on the corner of Gorman & Western Boulevard in Raleigh. The cost of the program is \$50.00. Attendees will receive five hours of continuing education credit. The program is open to all licensees, trainees, and mortuary students. The schedule for the program is as follows:

8:00 – 9:00 am Registration

EMBALMING SEMINAR

9:00 – Noon “Workplace Safety Inspection with focus on OSHA Bloodborne and Biohazards Standards”
Ms. Nichole H. Brown
Mr. W. Brent Webber
North Carolina Dept. of Labor

Noon – 1:30 pm Lunch on Your Own

1:30 - 4:00 pm “Embalming the Autopsied Body”
“Easy Way Cosmetic Demonstration”
“Diseases At Our Doorstep”
Mr. Dennis Daulton
The Dodge Company

FUNERAL DIRECTORS SEMINAR

9:00 – Noon “Ethics in The Funeral Profession”
Mr. Christopher C. Layton
Dean of Students,
Commonwealth Institute of
Funeral Service,
Houston, TX

Noon – 1:30 pm Lunch on Your Own

1:30 - 4:00 pm “The Therapeutic Value of the Funeral”
Mr. Christopher C. Layton

If the Board adopts a fee increase at its January 7, 2004 Board meeting, anyone opposed to the fee increase may file written objections to the Rules Review Commission. If the Rules Review Commission receives written and signed objections in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the 6th business day preceding the end of the month in which a rule is approved. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-733-2721.

This article is intended to be a summary of the Board’s proposed rule. To see the full text of the proposed rule as set forth in the Notice of Text, interested individuals should read Volume 18, Issue 9 of the North Carolina Register, which was published on November 3, 2003. This issue is available online at <http://oahnt.oah.state.nc.us/register/Volume18Issue09.pdf>.

IN MEMORIAM

The Board has learned of the deaths of the following licensees. The Board wishes to express its condolences to their families and friends. The Board is grateful for their service to families, communities and the funeral profession.

Mr. Hazel Lee Gill, 81
Founder of J. W. Gill & Sons Funeral Home.

Mr. Jesse Thomas “Jack” Pugh, Jr., 81
Past President and Owner of Pugh Funeral Homes.

Handling of Remains

The Department of Health and Human Services has proposed the following changes to its rules. Obviously, these changes have an impact on licensees of this Board.

The proposed rule change reads as follows:

SECTION .0200 - CONTROL MEASURES FOR COMMUNICABLE DISEASES

10A NCAC 41A .0212 HANDLING AND TRANSPORTATION OF BODIES

(a) It shall be the duty of the physician attending any person who dies and is known to ~~have smallpox, plague, be infected with HIV infection, plague, or hepatitis B infection, or any person who dies and is known or reasonably suspected to be infected with smallpox, rabies, severe acute respiratory syndrome (SARS),~~ or Jakob-Creutzfeldt to provide written notification to all individuals handling the body of the proper precautions to prevent infection. This written notification shall be provided to funeral service personnel at the time the body is removed from any hospital, nursing home, or other health care facility. When the patient dies in a location other than a health care facility, the attending physician shall notify the funeral service personnel verbally of the precautions required as soon as the physician becomes aware of the death. These precautions are noted in Paragraphs (b) and (c).

(b) The body of ~~any person who died and is known or reasonably suspected to be infected with~~ ~~from smallpox~~ smallpox or severe acute respiratory syndrome (SARS) or ~~any person who died and is known to be infected with~~ or plague shall not be embalmed. The body shall be enclosed in a strong, tightly sealed outer case which will prevent leakage or escape of odors as soon as possible after death and before the body is removed from the hospital room, home, building, or other premises where the death occurred. This case shall not be reopened except with the consent of the local health director. Nothing in this paragraph shall prohibit cremation.

(c) Persons handling ~~bodies of persons~~ the body of any person who died and ~~were~~ is known to ~~have~~ be infected with HIV infection, or hepatitis B infection, Jakob-Creutzfeldt, or any person who died and is known or reasonably suspected to be infected with Jakob-Creutzfeldt or rabies shall be provided written notification to observe blood and body fluid precautions.

The public hearing was held on October 22, 2004, but written comments can still be submitted to Chris G. Hoke, JD, 1915 MSC, Raleigh, NC 27699-1915. Phone (919) 715-4168, email: chris.hoke@ncmail.net. Comments must be submitted by December 1, 2003.

DISCIPLINARY ACTIONS

CASE FILE NUMBER: V03-019.

LICENSEE: Juanita Miller (FDL 3530).

VIOLATION: Licensee obtained Board approval to act as an independent preneed sales agent on behalf of several licensed preneed establishments. Licensee sold a preneed contract on behalf of an establishment that misrepresented it was licensed for preneed. Licensee deposited the money into her operating account to make payments on an insurance policy but allowed the policy to lapse. Upon request of the consumer, Licensee returned the money. These acts violate N.C. Gen. Stat. §§ 90-210.67(a), 90-210.61(a), and 90-210.61(e).

BOARD ACTION: The Board and Licensee entered into a Consent Order admitting to these violations. Licensee agreed to be placed on one year probation.

EFFECTIVE DATE: October 8, 2003.

CASE FILE NUMBERS: V01-002; V02-044.

LICENSEE: Elmer Bass (FDL 3354).

VIOLATION: While employed at another funeral home, Licensee did not deposit preneed monies in a trust account within five business days, did not file preneed contracts with the Board within ten business days, and committed fraud or misrepresentation in preneed funeral planning. These acts violate N.C. Gen. Stat. §§ 90-210.61(a)(3), 90-210.67(d), 90-210.70(a), and 90-210.69(c)(4).

BOARD ACTION: The Board and Licensee entered into a Consent Order admitting to the violations. Licensee voluntarily surrendered his preneed sales license and had his funeral director license placed on one year probation. Licensee also placed his current preneed establishment license on probation for three years and agreed not to have any contact with any preneed contracts or preneed funds. Finally, Licensee also agreed to reimburse the Preneed Recovery Fund for the unfiled contracts.

EFFECTIVE DATE: November 5, 2003.

Unlicensed Embalming

The Board's Inspectors have expressed concern about the growing problem of unlicensed embalming practice by mortuary students in North Carolina. North Carolina General Statute § 90-210.29(a) provides that students enrolled at a school of mortuary science may embalm a dead body only if the practice is part of the student's academic training and is under the supervision of the student's instructor or a licensee designated by the school. North Carolina General Statute § 90-210.27A(b) further provides that no person may be in the embalming room when a body is being embalmed other than licensees, resident trainees, public officials in the discharge of their duties, members of the medical profession, officials of the funeral home, next of kin, and other legally authorized people. Thus, mortuary students may not assist in the embalming process or even be present in the embalming room during embalming unless they qualify under North Carolina General Statute § 90-210.29(a).

The Board urges licensees to discontinue the practice of unsupervised and unlicensed embalming by mortuary students immediately. Not only does the funeral establishment place itself at tremendous risk of financial liability for malpractice, the funeral establishment and its licensees risk the possibility that the Board will take disciplinary action. North Carolina General Statute § 90-210.25(e)(1)h. gives the Board the authority to suspend, revoke, or place a license on probation for aiding or abetting unlicensed practice. Mortuary students also risk having their initial application for a license denied if they have engaged in unlicensed practice.

ELECTION RESULTS

Mr. Jerry Wayne Hawks was recently elected to the Board in the November 5, 2003 run-off election. Congratulations to Mr. Hawks. The Board looks forward to his service over the next three years.

ELECTION of 2004 OFFICERS

At its November 5, 2003 Board meeting, the Board elected its officers for 2004 as follows:

President Paul Alexander Lee
Vice-President Jack Briggs
Secretary James L. Boles



NORTH CAROLINA BOARD OF FUNERAL SERVICE

P.O. BOX 27368

RALEIGH, NORTH CAROLINA 27611-7368