

# North Carolina Board of Funeral Service

1033 Wade Avenue, Suite 108, Raleigh, NC 27605

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[www.ncbfs.org](http://www.ncbfs.org)

***E-NEWS*** June 2008 Volume 5, Issue 2

The next meeting of the Board will be held at 9 a.m. Wednesday, June 18, 2008 at the Board offices, 1033 Wade Avenue, Suite 108, Raleigh, NC 27605. The agenda for that meeting can be viewed by [following this link](#). The Board will also meet for hearings at 9 a.m. Thursday, June 19. Hearing schedules are subject to change due to settlement or continuances.

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## BOARD ACTIONS-

Results of the Board meeting held on May 14, 2008:

- Issued a Resolution of Sorrow and Appreciation of Service for Windell Daniels.
- Referred two requests by NCFDA to the Continuing Education committee: 1- to review the Board's policy on allowing funeral directors to attend CE programs related to embalming and 2- to explore increasing the credit allowed for web based or online programs and courses.
- The Laws Rules and Legislation committee reported comments on the guidelines document were received and will be considered in preparing the next draft.
- The Traineeship committee reported comments on the proposed supervisor certification program were received and will be considered in preparing the next draft.
- The Clinics committee reported the next clinic will be held on Tuesday, August 5 at the McKimmon Center in Raleigh. Presenters will be representatives from Carolina Donor Services, The NC Eye Bank, NC Vital Records and Board staff.
- The staff reported on the meeting with the NC Medical Board and NC Vital Records on the difficulties licensees are having in getting death certificates signed by the attending physician.
- The Board approved the dissolution of Nixon MBA and Joyner's MBA of Farmville.
- Staff also reported on a conversation with Carolyn McClanahan, Chief of Recipient Services for the Division of Medical Assistance, NC DHHS. Ms. McClanahan stated she agreed that social workers in the jurisdictions should not be requiring funeral home's to own policies funding pre-need since an alternative irrevocable assignment was available per the Adult Medicaid Manual. **Please see the next item for further information.**

## IF A SOCIAL WORKER DIRECTS THE FUNERAL HOME MUST BE OWNER OF A POLICY:

As part of the discussion with Ms. McClanahan with the Division of Medical Assistance, she asked the staff to begin tracking the counties and locations where funeral homes are being told by social workers they have to own the policies funding pre-need contracts. Licensees who are experiencing this should contact Paul Harris at 800-862-0636, [wpharris@ncbfs.org](mailto:wpharris@ncbfs.org), or by fax at 919-733-8271.

DISASTER PLANNING AND S-MORT

Tom Taaffe is the S-MORT coordinator for North Carolina. Those licensees interested in participation may contact Mr. Taaffe via email- [Tom.Taaffe@ncmail.net](mailto:Tom.Taaffe@ncmail.net)

DEATH CERTIFICATES

The Board staff recently met with representatives of the NC Medical Board and NC Vital Records to discuss resolutions to delays in filing of death certificates caused by difficulty in obtaining physician signatures on the certificates.

OUR SYMPATHIES ARE EXTENDED TO THE FAMILY OF

**Mr. Richard N. Locklear, Jr.** of Boles Funeral Home and Crematory, Southern Pines who died June 10, 2008.

DISCIPLINARY

CASE FILE NUMBER: V05-049.

LICENSEES: Kenneth Ezzell (FS #231).

SUMMARY: Complainant purchased a preneed contract with a casket. At the time of the funeral, Mr. Ezzell's employer no longer carried the casket in its floor stock. Complainant alleged that Mr. Ezzell told her that the casket was no longer manufactured and was required to select from the casket selection. However, the original casket could have been provided by the manufacturer and was less expensive than the casket in stock.

BOARD ACTION: The parties entered into a Consent Order issuing a letter of caution to Mr. Ezzell. Mr. Ezzell's future license renewal was conditioned on completion of a preneed continuing education course.

EFFECTIVE DATE: May 14, 2008.

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CASE FILE NUMBER: V08-004.

LICENSEES: Brock Memorial & Worley Funeral Home (FE #46); Anthony Worley (FSL #1987).

SUMMARY: The funeral home only obtained authorization for cremation from one daughter who held a durable power of attorney for the deceased. The next-of-kin was actually three daughters of the deceased. The funeral home knew the other daughters existed but failed to obtain the required two signatures to authorize the cremation.

BOARD ACTION: The parties entered into a Consent Order paying a \$500.00 compromise penalty and issuing a letter of caution to Mr. Worley.

EFFECTIVE DATE: May 14, 2008.

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CASE FILE NUMBER: V07-061.

LICENSEES: Lonnie P. Davis, Sr. (FD #2490); Davis & Mangum Mortuary (FE #140).

SUMMARY: The Board found Mr. Davis sold a preneed contract without filing it with the Board, did not timely deposit preneed funds in a trust account, and converted preneed trust funds to a use other than a preneed funeral contract.

BOARD ACTION: The Board issued a final agency decision revoking the funeral director license of Mr. Davis and the funeral establishment permit of Davis & Mangum Mortuary.

EFFECTIVE DATE: May 14, 2008.

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CASE FILE NUMBER: M08-006.

LICENSEES: McIntyre Funeral Home Ministries (PNE #810, 912).

SUMMARY: During a recent inspection, the inspector found that McIntyre Funeral Home Ministries had failed to timely deposit preneed funds, did not keep records as required by the Board's rules, and failed to timely file contracts and certificates of performance.

BOARD ACTION: The Board issued a final agency decision placing both preneed establishment licenses on probation for a period of three (3) years. The Board also suspended all preneed sales for each location during the period of probation. The licensees could petition for reinstatement of its preneed sales after one (1) year if certain conditions are satisfied.

EFFECTIVE DATE: May 14, 2008.

**THE BOARD OFFICES WILL BE CLOSED ON JULY 4 IN OBSERVANCE OF INDEPENDENCE DAY.**