

# North Carolina Board of Funeral Service

1033 Wade Avenue, Suite 108, Raleigh, NC 27605

(919)-733-9380 or 1-800-862-0636

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

**E-NEWS** September 2008 Volume 5, Issue 5

The next meeting of the Board will be held at 9 a.m. Wednesday, September 10, 2008 at the Board offices, 1033 Wade Avenue, Suite 108, Raleigh, NC 27605. The Board has also scheduled hearings for Thursday, September 11, 2008. The agenda for the meeting can be viewed by [following this link.](#)

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## BOARD ACTIONS-

Actions and Results of the August 13th Board meeting:

- Approved the following recommendations from the **Laws, Rules and Legislation committee:**
  - A. Notify all transport and removal services that the permit only allows the transportation and removal of a deceased and does not convey any ability to arrange for embalming or other services unless they also hold an appropriate license from the Board. In addition, the Board has not enforced the statute to require ALL individuals be permitted. The permit is not designed to be an "umbrella" permit allowing more than one individual to operate under a single permit. With the previous notice, include advisory that beginning immediately all individuals who are working for another permit holder are to submit fingerprint cards and the appropriate processing fee for the cards. Beginning with the 2009 renewal cycle **ALL** individuals working as transporters shall apply for the permit.
  - B. Crematory licensees not otherwise licensed by the Board can only perform the following other activities in addition to cremating the body: remove and transport the deceased from the place of death to the crematory, file vital records information in compliance with NC G. S. 130A- 115, and return the ashes to the authorizing agent. The staff is further directed to request an opinion from the Federal Trade Commission to clarify under what circumstances a crematory must comply with the Funeral Rule.
- Approved the following recommendations from the **Finance & Personnel committee:**
  - A. To accept the proposal from the current mortgage lender which would reduce the current mortgage interest rate to a fixed rate of 5.75% with the same maturity date as the current mortgage, July 2011. The Board will save about \$10,000 in interest over the loan period to maturity. The committee also recommends making a lump sum payment of \$44,000 from reserves in conjunction with the new agreement which will lower the balance at maturity date. The staff was directed to request a complete waiver of any fees and to report back to the committee with the response to that request.
  - B. The staff recently learned the State of NC increased the meal per diem effective July 1, 2007. The committee recommended the meal per diem be paid retroactively to the effective date.

### BOARD ACTIONS- (Cont.)

- Approved the following recommendation from the **Disciplinary Committee**:
  - A. With regard to the late filing or unfiled death certificates. If investigation determines the licensee is responsible, issue a Letter of Caution in the first instance. If repeat or multiple instances, a strongly worded letter of caution, with a copy to the deputy registrar in the location. Also inform State Vital Records and copy them on the policy for distribution to deputy registrars.
- Approved the ballot for Crematory Authority elections. The following persons, in alphabetical order, have been properly nominated for the election: Jason L. Benton, Cecil M. Burton, Joseph Andrew Thompson, James D. Weatherspoon, Philip Douglas Young.

### RULE MAKING-

The Board has initiated rule making by submitting proposed changes to Title 21, Chapter 34 of NC Administrative Code. The Notice of Text may be [viewed here](#) and the proposed changes may be viewed by following the links: [21 NCAC 34A](#), [21 NCAC 34B](#), [21 NCAC 34C](#), and [21 NCAC 34D](#). A public hearing to receive comment will be held 9 a.m. September 10, 2008 at the Board offices, 1033 Wade Avenue, Suite 108, Raleigh NC 27605. Written comments may be submitted by mail to the Board address, via fax to (919)-733-8271 or via email to [wpharris@ncbfs.org](mailto:wpharris@ncbfs.org). The deadline for written comments is October 14, 2008.

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

The staff is 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. He has notified the staff that he is receiving contact from licensees interested in participating. Those licensees interested in participation may contact Mr. Taaffe via email- [Tom.Taaffe@ncmail.net](mailto:Tom.Taaffe@ncmail.net)

### DISCIPLINARY MATTERS

CASE FILE NUMBER: M07-002.

LICENSEES: Jernigan-Warren Funeral Home, Fayetteville (FE #283); James Lancaster (FSL #2084).

SUMMARY: During an inspection, the Board's inspector found that a mortuary student who was not enrolled in an embalming class or as a trainee was assisting embalming and left unattended while two bodies were being embalmed. A clerical person listed the wrong embalmer on the death certificates for the two bodies. Funeral Establishment states that it was unaware the enrolled mortuary student could not assist with embalming.

BOARD ACTION: The Board adopted two consent orders. The first consent order placed the funeral home and its manager on probation for two years each and assessed a combined \$5,000 civil penalty. The second consent order placed the mortuary student on probation for duration of his traineeship.

EFFECTIVE DATE: August 13, 2008.

OUR SYMPATHIES ARE EXTENDED TO THE FAMILIES OF:

Walter Barfield, Jr., President of Garris Funeral Home, Mount Olive who died August 22.

James Delbert "J.D." Boone, former owner of Reins-Sturdivant Funeral Home, West Jefferson and Ashelawn Memorial Chapel and Gardens, Jefferson who died September 2.