

North Carolina Board of Funeral Service

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The next meeting of the Board will be held at 9 a.m. Wednesday, September 9, 2009 at the Board offices, 1033 Wade Avenue, Ste. 108, Raleigh, NC 27605. The agenda for the meeting can be viewed by [following this link](#). Hearings are scheduled for 9 a.m. Thursday September 10, 2009 at the Board offices.

[CLICK HERE FOR CONTINUING EDUCATION PROGRAMS](#)

BOARD ACTIONS-

Actions and Results from the August 12 Board meeting:

- A. Approved a recommendation from the Finance & Personnel committee to adopt the State's increase to the travel and subsistence amounts effective August 1.
- B. Approved Laws, Rules & Legislation committee recommendation to direct the publisher to delay publication of new law books until September 1 in order to include any relevant law and rule changes.
- C. Pursuant to 21 NCAC 34C .0101 6(E) declared J. Barry Bowman and James D. Weatherspoon elected to the NC Crematory Authority. Two seats were subject to election this year and Mr. Bowman and Mr. Weatherspoon were the only nominees.
- D. Received a staff report on recent actions by the Division of Air Quality to impose new requirements on certain crematories performing high numbers of cremations annually.

LEGISLATIVE MATTERS:

Session Law 2009-566 (House Bill 1166) makes changes to insurance laws that provide funeral directors procedures to request certain information from life insurance companies. Life insurance companies are required to confirm existence of a policy, beneficiary and proceeds information to authorized persons once the individual complies with the provisions of the law. The effective date of this legislation is October 1, 2010. Please follow this link <http://www.ncleg.net/Sessions/2009/Bills/House/PDF/H1166v7.pdf> to read the full text of the enacted legislation.

FTC EXTENDS "RED FLAG" COMPLIANCE DEADLINE TO NOVEMBER 1

The Federal Trade Commission (FTC) extended the compliance deadline for its "Red Flag" regulations to November 1, 2009. This was to give those required to comply more time to review the regulations and develop written identity theft prevention programs. Licensees should consult business or legal advisors as to whether compliance with this regulation is required for their funeral home.

Link to FTC Red Flag guidelines: <http://www.ftc.gov/redflagrule>

TRANSPORTATION SECURITY ADMINISTRATION REGULATIONS:

Effective August 1, the TSA began enforcing an existing policy that requires all human remains shipments originating in the U.S. or its territories, to be tendered by a "known shipper." This policy requires funeral homes to register as a "known shipper" for each airline they use to ship bodies, and might require both a facility inspection and payment of a fee. Licensees should contact the airlines to obtain more information on this matter.

TSA website: <http://www.tsa.gov/index.shtm>

TSA regulations for traveling with cremated remains:

http://www.tsa.gov/travelers/airtravel/specialneeds/editorial_1296.shtm

OUR SYMPATHIES ARE EXTENDED THE FAMILIES OF:

- **J. B. Rhodes, Sr.**, founder of Rhodes Funeral Homes in Goldsboro and Warsaw, who died January 2009.
- **Joseph D. Jefferies**, of Townson-Rose Funeral Home, Murphy, who died August 13, 2009.

FRAUD NOTICE Beware of attempted fraud using the relay operator for the hearing impaired. So far these have been a variation of previously reported instances involving deaths outside the United States. The recent reports include these common factors:

- A. Use of the relay operator for the hearing impaired by a person claiming to be a "family member" of the deceased.
- B. The "family member" is out of state or the country and cannot be reached except through the relay operator.
- C. The deceased is out of state and a funeral home in the other state has custody of the remains. In at least one case, the "family member" provided the name of a real funeral home. In the other reports, the local funeral home could not confirm the existence of the out of state funeral home.
- D. The telephone number for the out of state funeral home is provided by the "family member". (This did not match the published number in the case of the real funeral home cited in item C above.) Reports are consistent that a male with a heavy foreign accent answered when the local funeral homes called to confirm the details.
- E. The "family member" requests the local funeral home to arrange for a grave space at a local cemetery.
- F. The "family member" provides a credit card number for the local and out of state expenses and then directs the local funeral home to arrange a wire transfer of money for the charges from the out of state funeral home.

DISCIPLINARY ACTIONS

CASE FILE NUMBER: V07-009; V08-033.

LICENSEES: Don Dion Brown (FSL #2060); Don Brown Funeral Home, Ayden (FE #703; PNE #781).

SUMMARY: In V07-009, Preneed Establishment sold a preneed contract with two family members present for an incompetent person. Preneed Establishment states that it obtained permission to sign the name of the insured from the person who did not purchase the contract. Preneed Establishment also made a refund directly to the preneed contract purchaser instead of sending it to the Clerk of Court.

In V08-033, three children had the right to make arrangements. Only one lived in North Carolina, and another child lives in a nursing home. When the North Carolina child came to Funeral Establishment to make arrangements, Funeral

Establishment called Complainant to inquire about the policies. Although Complainant and Funeral Establishment disagree on whether Complainant gave the North Carolina child consent to sign her name to the form, Funeral Establishment assisted the North Carolina child with obtaining a notarized assignment of Complainant's name on the insurance claim form.

BOARD ACTION: The Board adopted a consent order placing all licenses of Don Brown Funeral Home and Don Brown on probation for one year. Restitution and a \$3,500.00 civil penalty were assessed.

EFFECTIVE DATE: August 12, 2009.

CASE FILE NUMBER: M09-001.

LICENSEES: Woodard Funeral Home, Greensboro (PNE #797).

SUMMARY: The funeral establishment failed to file its preneed annual report and did not respond in a timely manner to Board correspondence concerning its preneed contracts.

BOARD ACTION: The Board entered into a consent order extending the probation of the preneed establishment by one year and assessing a civil penalty of \$1,000.00. Continuing education was also ordered.

EFFECTIVE DATE: August 12, 2009.

The Board offices will be closed Monday, September 7, 2009 in observance of Labor Day.