

North Carolina Board of Funeral Service

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The next meeting of the Board will be 9 a.m. Wednesday, July 21 and Thursday July 22, 2010 at the Board offices, 1033 Wade Avenue, Ste. 108, Raleigh, NC 27605. The Board has set these meetings for primarily hearings dates however there will be some business items discussed. The agenda for the meeting can be viewed by [following this link](#).

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BOARD ACTIONS- Actions and Results from the June Board meeting:

- A. Adopted the form required to request a declaratory ruling
- B. Gave final approval to proposed rule making including new rules designated as 21 NCAC 34A .0203; 21 NCAC 34B ,0311; and 21NCAC 34D .0203. The proposed change would also repeal all MBA rules permanently except 04 NCAC 04 .0301 which will be repealed and moved under 21 NCAC 34.
- C. Approved the payment of an additional pre-need recovery fund claim and a revision to a previous claim both related to Mark Howell and the former Howell Funeral Home in Gastonia.
- D. Approved Clinics committee recommendation to request programs from the Mexican Consulate on shipping remains to Mexico and from the NC National Guard Honor Guard on funeral honors they provide to veterans

NC CREMATORY AUTHORITY MEETING

The North Carolina Crematory Authority will meet 10 a.m. July 20, 2010 at the Board offices. The agenda for that meeting may be viewed [by following this link](#).

TSA CERTIFIED CARGO SCREENING REQUIREMENTS

Effective August 1, 2010 every shipment of cargo carried on passenger aircraft will require screening at piece level, prior to being transported on any passenger aircraft. Skids and pallets will have to be taken apart, screened and reconfigured. The 9/11 Act specifically identifies the types of screening allowed ranging from physical inspection to various technologies. If airlines are forced to screen cargo, similar to how passenger baggage is screened, there is a potential for delays and damage to shipments. The screening process affects **all cargo** including human remains. More information can be found on the TSA website:

http://www.tsa.gov/what_we_do/layers/aircargo/certified_screening.shtm

FTC EXTENDS "RED FLAG" ENFORCEMENT DEADLINE TO DECEMBER 31

The Federal Trade Commission (FTC) extended the enforcement deadline for "Red Flag" regulations from June 1, 2010 to December 31, 2010. This was to accommodate a request from several members of Congress. Please follow the following link to view the release: <http://www.ftc.gov/opa/2010/05/redflags.shtm>.

QUESTIONS ON DISPOSITION AUTHORITY-

Authority given under the provisions of a health care power of attorney document- the authority of a health care agent ***must in be effect*** prior to the death of the appointing principal as prescribed in North Carolina law:

§ 32A-20. Effectiveness and duration; revocation.

(a) A health care power of attorney shall become effective when and if the physician or physicians or, in the case of mental health treatment, physician or eligible psychologist as defined in G.S. 122C-3(13d), designated by the principal determine in writing that the principal lacks sufficient understanding or capacity to make or communicate decisions relating to the health care of the principal, and shall continue in effect during the incapacity of the principal. The determination shall be made by the principal's attending physician or eligible psychologist if the physician or physicians or eligible psychologist designated by the principal is unavailable or is otherwise unable or unwilling to make this determination or if the principal failed to designate a physician or physicians or eligible psychologist to make this determination. A health care power of attorney may include a provision that, if the principal does not designate a physician for reasons based on his religious or moral beliefs as specified in the health care power of attorney, a person designated by the principal in the health care power of attorney may certify in writing, acknowledged before a notary public, that the principal lacks sufficient understanding or capacity to make or communicate decisions relating to his health care. The person so designated must be a competent person 18 years of age or older, not engaged in providing health care to the principal for remuneration, and must be a person other than the health care agent.

A married couple separates and one of them dies between the time of separation but before a divorce is granted-

Until divorced, the surviving spouse has the right to direct disposition. Rights can be waived by written documents meeting the requirements of 90-210.124(b) or 130A-420(2). A formal separation agreement may meet the requirements of 90-210.124(b) or 130A-420(2) if the agreement contains a clear waiver of disposition rights and are properly witnessed. Written directives by the deceased in accordance with the provisions of 90-210.124 (a)(1) or 130A-420(a)(1) could also identify the person authorized to direct disposition.

OUR SYMPATHIES ARE EXTEND TO THE FAMILIES OF:

Mrs. Grace Narvell Becton Dove co-founder and owner of Oscar's Mortuary, Inc., New Bern, who died June 14.

Mrs. Anita Jo Burroughs Mabe of Burroughs Funeral Home, Walnut City who died June 22.

Mr. Bradley E. "Brad" Marsteller of Bryan-Lee Funeral Homes, who died July 3.

Mr. Daniel C. "Danny" Carroll co-owner of Lady's Funeral Home, Kannapolis, who died July 14 in a plane crash along with his wife Raychel and his granddaughter Mallory Fields.