

North Carolina Board of Funeral Service

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www.ncbfs.org

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The next meeting of the Board will be 9 a.m. Wednesday, June 9, 2010 at the Board offices, 1033 Wade Avenue, Ste. 108, Raleigh, NC 27605. The agenda for the meeting can be viewed by [following this link](#).

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

- A. Held a public hearing on proposed rule making for 21 NCAC 34A, 34B and 34D. A copy of that filing can be viewed at this link: [proposed rules](#). The period of written comment ended June 1.
- B. Received and approved the 2009 financial audit report
- C. Approved the following pre-need committee recommendations on non-guaranteed portions of inflation proof preneed contracts: 1- Invite all interested parties, including FD& MA of NC, Inc. and NCFDA, to request a Declaratory Ruling from the Board and 2- direct staff to request a ruling from NC Department of Revenue on whether failure to return funds originally collected but not used for sales taxes would violate NC law.
- D. Approved the nomination petition for NC Crematory Authority elections for two seats with terms beginning January 1, 2011. Petitions will be mailed to crematory operators prior to July 1 when nominations open.

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>.

ASHES OF VETERANS

American Legion Post 530 Swift Creek in Raleigh is conducting a program to assist in the proper and respectful disposition of unclaimed ashes of veterans. The Post is offering a dignified burial or scattering with the permission of the authorizing agent. Firms having custody of unclaimed ashes of veterans are encouraged to contact their local American Legion Post to determine if they have interest in assisting with the disposition of the ashes. A listing of North Carolina posts can be found the NC American Legion website: <http://www.nclegion.org/>

Ray Durham is the coordinating officer for Post 530 Swift Creek for those who may want to gather more information. 919-961-6896 or durhamw@clearwire.net

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 EXTEND TO THE FAMILY OF:

Randolph L. Coble, Sr., founder and former owner of Coble Funeral Service in Wilmington who died May 18, 2010.

BOARD OFFICES WILL BE CLOSED JULY 5 IN OBSERVANCE OF INDEPENDENCE DAY.