

North Carolina Board of Funeral Service

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The next meeting of the Board will be 9 a.m. Wednesday, March 10, 2010 at the Board offices, 1033 Wade Avenue, Ste. 108, Raleigh, NC 27605. Hearings are scheduled for Thursday, March 10, 2010 also at the Board offices. The agenda for the meeting can be viewed by [following this link](#).

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BOARD ACTIONS- Actions and Results from the February 10 Board meeting:

- A. James Weatherspoon took the Oath Office for the NC Crematory Authority as administered by Superior Court Judge Michael Morgan. Barry Bowman also took the Oath of Office for the NC Crematory Authority as administered by a notary public but not as part of the Board meeting.
- B. The Board adopted a recommendation (see below) from the Preneed committee on recovery fund payments when the approved claims include funds paid from a nursing home account on behalf of the preneed contract beneficiary who was a resident of the nursing home:
 - In cases when the beneficiary is still living and a new preneed contract has been executed, the recovery fund payment will be made to the new funeral home to be applied to the new contract. If a new preneed contract has not been executed, the recovery fund payment will be sent back to the nursing home with an advisory to consult with the department of social services regarding effect on the beneficiary's Medicaid qualification.
 - If the contract beneficiary is deceased and the funeral bill remains fully or partially unpaid, the payment would be sent to the performing funeral home as long as it is determined through an affidavit the bill was outstanding and the Board receives a release from the legal representative of the deceased
 - If the contract beneficiary is deceased and the funeral bill is paid, the payment goes to the estate if one exists or to the clerk of superior court of the county where the estate could be filed.
- C. The Board approved proposed new rules as 21 NCAC 34A .0203; 21 NCAC 34B .0311; and 21NCAC 34D .0203 and to begin rulemaking for these proposed rules as recommended by the Laws Rules and Legislation committee. Drafts of the proposed rules may be viewed at this link: [rule drafts](#). The Board also approved the committee's recommendation to begin rulemaking to repeal all MBA rules permanently except 04 NCAC 04 .0301 which will be repealed and moved under 21 NCAC 34.
- D. A temporary policy, as recommended by the Laws Rules and Legislation committee, was adopted to use the provisions of the proposed rule 21 NCAC

34D .0203(b) to address requests for discontinuing bond coverage until the proposed new rule is adopted as a permanent. Those provisions are:

"Any preneed establishment licensee required to obtain a bond may petition the Board to repeal the requirement one year after obtaining the bond. The preneed establishment licensee shall establish that the firm is solvent. For purposes of this paragraph, solvency shall be defined as assets in excess of liabilities; provided, however, that goodwill shall not be considered an asset and that unperformed preneed funeral contracts shall be treated as both an asset and a liability of equal value. A preneed establishment may demonstrate solvency by submitting a balance sheet prepared by a certified public accountant that is no more than 90 days old or through other financial evidence generally recognized as valid by certified public accountants."

E. Set the April meeting dates for Wednesday April 14 and Thursday April 15.

PRENEED ANNUAL REPORTS:

A reminder that 2009 Preneed Annual Reports are due no later than March 31, 2010.

ANNUAL OSHA TRAINING REMINDER:

Licensees are reminded of requirements to obtain annual training on bloodborne pathogens and formaldehyde hazards.

OUR SYMPATHIES EXTEND TO THE FAMILIES OF:

- **Lonnie Paul Davis, Sr. who died February 19 and Florence B. Davis who died March 3**, owners of Davis & Mangum Mortuary, Statesville.
- **James Nash Terry**, formerly of Moody Funeral Service, Mount Airy who died February 25, 2010.
- **William (Jack) Palmer, Jr.** former owner of Palmer Mortuary, Shelby who died February 27, 2010.
- **Johnny E. Phillips** of Garrett Funerals and Cremations, Waynesville, who died January 2, 2010.
- **Demetrice Dixon** of Kings Funeral Home, Charlotte, who died December 11, 2009.
- **Walter Eugene Barefoot**, owner and operator of Crumpler-Honeycutt Funeral Home in Clinton who died June 5, 2009.
- **George S. Jones** of McMahan's Funeral Home, Rutherfordton, who died May 28, 2009
- **Sidney M. Oman**, of Chesapeake, VA, who died April 27, 2009.
- **William R. Roberts**, formerly of Webb Funeral Home, Spruce Pine, who died January 14, 2009