

North Carolina Board of Funeral Service

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www.ncbfs.org

E-NEWS May 2010 Volume 7, Issue 2

The next meeting of the Board will be 9 a.m. Wednesday, May 19, 2010 at the Board offices, 1033 Wade Avenue, Ste. 108, Raleigh, NC 27605. Hearings are scheduled for Thursday, May 20, 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 April Board meeting:

- A. The Board directed staff to issue a letter conveying the Board's support for NC Medical Board's proposal to amend current law to allow Physicians Assistants and Nurse Practitioners, under the direct supervision of a physician, to sign death certificates.
- B. Approved recommendations from the finance & personnel committee to pay \$150,000 on the mortgage principal and to establish a \$50,000 business continuity and contingency reserve fund.
- C. Set 2010 Mutual Burial Association assessments at \$100 per Association and .35 cents per member.

DEATH CERTIFICATES

Board staff is often asked about the entry of place of final disposition when ashes are buried. State Vital Records advises in all cases of cremation the final disposition should be designated as cremation and listing the name of the crematory as the place of final disposition. If the ashes are buried Vital Records advises a cemetery name may be included **with** the crematory name in the section for place of final disposition, however; it is not used in place of the crematory as the place of final disposition.

State Vital Records also advises when completing a death certificate for an individual who has no middle name the appropriate section should be left blank. Do not insert the abbreviation "NMN" for no middle name.

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

PROPOSED RULEMAKING

The Board has filed for three proposed new rules designated as 21 NCAC 34A .0203; 21 NCAC 34B, 0311; and 21NCAC 34D .0203. The filing included proposal to repeal all MBA rules permanently except 04 NCAC 04 .0301 which will be repealed and moved under 21 NCAC 34. A copy of that filing can be viewed at this link: [proposed rules](#) .These proposed actions were published in the April 1 edition of the *North Carolina Register*. The publication of the proposed rulemaking begins a 60-day period in which written comments may be submitted. The period of written comment will end June 1. Comments may be sent to Paul Harris, Executive Director by email wpharris@ncbfs.org, by fax at 919-733-8271, or by mail to NCBFS, 1033 Wade Avenue, Suite 108, Raleigh, NC 27605.

A public hearing is scheduled for 9 a.m. Wednesday May 19 to coincide with the Board meeting.

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.