

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, October 6, 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 Sept. Board meeting:

- A. Approved Laws and Rules committee recommendation for additional technical corrections requested by Rule Review staff to proposed rules 21 NCAC 34D .0203 and 34B .0311. New rule 21 NCAC 34A .0203 was effective September 1, 2010. (see below for additional information on 21 NCAC 34D .0203 an 34B .0301)
- B. Issued the Declaratory Ruling as requested by the North Carolina Funeral Directors Association regarding Board authority to regulate non-guaranteed portions of inflation proof preneed contracts. The Board held that it had the authority to prescribe a contract with both standard and inflation-proof elements and to prescribe contract terms consistent with the parties agreement to not guarantee part of the contract. This includes the formula used to distribute interest earned.
- C. Directed staff to begin working with the Laws and Rules committee and interested parties to review current preneed laws, regulations and contract forms.

2010 BOARD CE CLINIC

The 2010 CE clinic will be held on Tuesday, October 19, at the Deep River Event Center 606 Millwood School Road in Greensboro. 5-hour programs will be available for embalmers and funeral directors. Featured speakers will be Mr. Vernie Fountain, representatives from the Mexican Consulate, Representatives from the NC National Guard Honor Guard and representatives from Fort Bragg Casualty Affairs and Assistance office. The cost to attend is \$ 35.00 and those interested in attending should pre-register by completing the form below and submit it with the \$ 35.00 fee payable to NCBFS. Parking at the Center is limited so pre-registration is strongly encouraged by those wishing to attend.

2010 CLINIC REGISTRATION FORM

NAME & LICENSE # _____

ADDRESS _____

TELEPHONE # _____

EMAIL CONTACT _____

APPROVAL OF PROPOSED RULES

Proposed rules **21 NCAC 34B .0311 Special Procedures for Licensing of Active Military Personnel** and **21 NCAC 34D .0203 Surety Bonds**, were approved by the NC Rules Review Commission on September 16. Both will be effective October 1, 2010.

FRAUD ALERT!!!!

Board staff received reports from several funeral homes regarding attempted fraud. In these instances, contact was made via faxed request to the firms concerning the death of Smith Cole in England. The body is purportedly held at the West Norwood Mortuary. The fax contains the name Catlin Smith as the family contact and asks about accepting credit cards for payment. This is similar to those fraudulent attempts regarding deaths in Nigeria.

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>.

LAW CHANGES

DISPOSITION: During the last session of the General Assembly, legislation was passed amending the disposition statutes, G.S. 90-210.124 and G. S. 130A-420. These statutes can be found on pp. 127-129 and pp. 181-183 respectively of the 2010 law books. The Governor signed the bill into law August 4, 2010. [Follow this link to a copy of the legislation \(House Bill 76/Session Law 2010-191\)](#). Please note that G. S. 90-210.124(a) was changed to reference written directions for disposition as they appear in G. S. 130A-420(a).

G. S. 130A-420(a) was amended to match the order of written documents as they appeared in the former 90-210.124(a) and to add recognition of authority for a person designated by a service member's Record of Emergency Data (DD Form 93). [Follow this link to a copy of DD Form 93](#). In the event you are engaged to provide arrangements for a service person that dies while on active duty, the casualty assistance officer should have a copy of the service member's DD Form 93.

RELEASE OF INSURANCE INFORMATION: Session Law 2009-566 (House Bill 1166) makes changes to insurance laws that provide procedures for funeral directors 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.

OUR SYMPATHIES ARE EXTENDED TO THE FAMILY OF:

John Douglas Pond, of Andrews Mortuary, Wilmington, NC who died on August 4.

L. W. "Sandy" Rouse of Rouse Mortuary, Greenville, who died September 16.