



North Carolina Board of Funeral Service newsletter

North Carolina Funeral Board Service

Volume 4, Issue 1 Spring 2010

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/air-cargo/certified_screening.shtm.

2010 Clinic

The Board will host a continuing education clinic this year on October 19, 2010. The clinic will be held at the Deep River Event Center in Greensboro. Mr. Vernie Fountain will present a program on embalming and restorative techniques. Representatives from Ft. Bragg Casualty Affairs office will present a program on funeral benefits, procedures and administrative services for deaths of active military personnel. (Additional information will be published in the next newsletter, in email newsletters and on the Board's website on the "Current Events" page.)

Continuing Education

Individual licensees wishing to take approved online courses must file a CE-5 form at least 10 days in advance of taking the course. This form will be used temporarily until a new form can be approved for this specific use.

inside THIS ISSUE

| | |
|--|--------|
| 2010 Calendar..... | Page 2 |
| Questions on Disposition Authority..... | Page 3 |
| Disciplinary Matters..... | Page 4 |
| North Carolina National Honor Guard..... | Page 5 |
| Legislative Matters..... | Page 6 |
| Establishment Changes..... | Page 7 |

Pre-need

A revised Preneed Manual was recently approved by the Board. The revised version is being distributed by inspectors and is available on the "Applications" page of the Board website.

The 2010 interest rate to be paid on preneed recovery fund claims is set at three quarters of one percent. The Board has adopted a temporary policy to address requests for discontinuing bond coverage until the proposed new rule becomes permanent.

North Carolina Board of Funeral Service

1033 Wade Avenue, Suite 108
 Raleigh, NC 27605
 919-733-9380 • 1-800-862-0636
 Fax 919-733-8271

Board members

J.T. Willoughby, III.....Tarboro
 President

George Parrott.....Raleigh
 Vice-President

Tryphinia Wiseman.....Fayetteville
 Secretary

P. Mark Blake.....Raleigh
 Jack D. Briggs.....Denton
 Rudy N. Lea.....Raleigh
 Frank G. McCree, Sr.....Fairmont
 Elizabeth S. Webber.....Chapel Hill

Administrative

Paul Harris.....Executive Director
 Stephen N. Dirksen.....General Counsel
 Lyn Cochrane.....Executive Assistant
 Elizabeth R. Stegall.....Administrative Services
 Supervisor

Marty Mills.....Administrative Assistant
 Ruth Britt..... Preneed Services Administrator
 Jimmy Featherston.....Program Assistant
 Tanya Pearson.....Program Assistant
 Carolyn J. Connor.....Inspector-West
 Susan Mitchell Cox.....Inspector-Central
 Brett Lisenbee.....Inspector-East
 Lloyd H. Davis.....Auditor Burial Association
 Virginia W. Harris.....Burial Association

**The North Carolina Board of Funeral Service
 Newsletter is published bi-annually.
 Any questions or comments
 should be directed to the office at
 919-733-9380 or 1-800-862-0636**

3,800 copies of this document were printed
 at a cost of \$0.382 per copy.

2010 Calendar

- **Remaining 2010 meeting dates:** July 14 & 15 (currently set as hearing only), August 11 & 12, September 8 & 9, October 6 & 7, November 10 (currently set as hearing only), and December 8 & 9. Meeting dates are subject to change so please check the "Current Events" page on the Board's website to confirm a meeting date. Unless otherwise noted meetings are held at the Board offices 1033 Wade Avenue, Ste. 108, Raleigh, NC 27605
www.ncbfs.org/currentevents.htm

- **2010 Holiday Schedule:**

| | | |
|-------------------------|---------------------|---------------------------------|
| Independence Day | Monday | July 5, 2010 |
| Labor Day | Monday | September 6, 2010 |
| Veterans Day | Thursday | November 11, 2010 |
| Thanksgiving | Thursday and Friday | November 25 and 26, 2010 |
| Christmas | Friday and Monday | December 24 and 27, 2010 |

Traineeship:

Revised monthly report forms and form reference guidelines have been issued for trainees.

Annual OSHA Training Reminder:

Licenses are reminded of requirements to obtain annual training on blood borne pathogens and formaldehyde hazards.

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.

Death certificates

The Board has worked for some time to assist licensees with the challenges of obtaining physician's signatures on death certificates or obtaining them in a timely manner. These efforts included meetings with officials from State Vital Records and the NC Medical Board to develop cooperative ways to address the matter. Two recent developments may further assist in this important issue. NC Vital Records is now seeking proposals for systems to handle electronic death registration. The NC Medical Board is considering legislation that would allow physicians assistants operating under a supervisory arrangement with the physician or nurse practitioners practicing under a collaborative practice agreement with the physician to those who can sign 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 even if the ashes are to be buried. State Vital Records also advises a cemetery name 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 advises when completing a death certificate for an individual who has no middle name the appropriate should be left blank. Do not insert the abbreviation "NMN" for no middle name.

Disciplinary *matters*

Case File Number: V06-013; M09-001.

Licensees: David Morrison (FD #2512); Morrison-Studevent Funeral Homes Mocksville and Lexington (FE #412, # 413).

Summary: The Board found that the parties made false statements to the Clerk of Court to refund monies from the estate to the person making arrangements. The Mocksville location also failed to renew its license for 2009.

Board Action: The Board issued a final agency decision revoking the funeral director license of David Morrison and the funeral establishment permits of the Mocksville location for a minimum of 2 years. The Board placed the Lexington location on probation for 2 years. Restitution to the estate of the deceased was ordered.

EFFECTIVE DATE: August 12, 2009.

Case File Number: M09-012.

Licensees: Shumate-Faulk Funeral Home, Goldsboro (FE #548; PNE #267).

Summary: During a recent inspection, the Board inspector found that Preneed Establishment failed to report several insurance policies and maintain records required by Rule. Preneed Establishment had similar recordkeeping problems on a previous inspection.

Board Action: The Board adopted a consent order that placed the preneed establishment license on probation for one year and ordered them to take continuing education in preneed.

EFFECTIVE DATE: October 14, 2009.

Case File Number: V07-014.

Licensees: Reginald Richmond (FSL #1486); Richmond Funeral Home (FE #682); Simone Richmond.

Summary: The Board received a complaint alleging Mrs. Richmond engaged in an activity requiring a funeral director license by obtaining written permission to embalm. Mr. Richmond was not on the premises at the time of the event. During the Board's investigation, several aspects of the firm's price lists did not comply with the Funeral Rule.

Board Action: The Board adopted a consent order placing the funeral establishment permit and Mr. Richmond's license on probation for five years. Any initial license issued to Mrs. Richmond would be subject to probation for one year. The parties paid a \$750.00 penalty, were ordered to take continuing education in the Funeral Rule, and submitted a written plan for supervising its unlicensed employees.

EFFECTIVE DATE: November 4, 2009.

Case File Number: M09-020.

Licensees: Watson Mortuary, Sanford (FE #610; PNE #244).

Summary: During a recent inspection, the Board inspector found that Preneed Establishment was not issuing cash receipts for monies received. The inspector also found that the firm had not updated its cash receipt journals or preneed contract registers, or individual journals in several years. Finally, the Board inspector found that Preneed Establishment failed to file a certificate of performance.

Board Action: The Board adopted a consent order placing the preneed establishment license on probation for one (1) year. The firm paid a \$500.00 penalty and was ordered to take continuing education in preneed.

EFFECTIVE DATE: November 4, 2009.

Case File Number: M09-001-Grier

Licensees: Grier Funeral Home of Monroe (FE #210, PNE # 611); Bennie Blakely (FDL #2547).

Summary: The funeral home and its manager failed to file preneed contracts in a timely manner, failed to respond to Board requests for information concerning the matters, and failed to actively manage the funeral home.

Board Action: The Board revoked the preneed establishment and sales licenses. The funeral home and Mr. Blakely were placed on probation for one (1) year.

EFFECTIVE DATE: December 9, 2009.

Case File Number: M09-016.

Licensees: McIntyre Family Mortuary and Cremation and Mount Olive (PNE # 810, 912).

SUMMARY: During a preneed audit, The Board found that the funeral home violated its probationary status by failed to timely file one or more preneed contracts and certificates of performance and failed to keep records required for preneed.

Board Action: The Board suspended the preneed establishment license for six (6) months and the preneed sales licenses for twelve (12) months. A 3 year probationary period was added.

EFFECTIVE DATE: December 9, 2009.

Case File Numbers: V09-027; M09-001.

Licensees: Rountree Family Mortuary and Cremation Services, Greenville (FE #349; PNE #745).

Summary: The Board held a show cause hearing for violations of a previous consent order. The Board found that Respondents filed several death certificates and failed to keep accurate preneed records.

Board Action: The Board entered a final agency decision. The funeral establishment permit was placed on probation for 1 year and assessed civil penalties totaling \$3,500.00. The Board also ordered continuing education in preneed.

EFFECTIVE DATE: January 13, 2010.

Case File Numbers: M09-014; M09-001; M10-001.

Licensees: A.C. Robinson & Son Funeral Home, Elizabeth City (FE #511; PNE #552).

Summary: During a preneed examination, the Board inspector found several recordkeeping deficiencies. The firm also failed to renew one or more of its licenses on time in 2009 and 2010, thereby engaging in unlicensed practice.

Board Action: The Board entered into a consent order placing the preneed license and all sales licenses on probation one year and ordered the licensees to take continuing education. The Board also assessed \$1,000.00 in civil penalties.

EFFECTIVE DATE: April 14, 2010.

Case File Number: M09-022

Licensees: Guilford Crematory (CR #7); Forbis & Dick Funeral Homes, Greensboro.

Summary: During a recent inspection, the Board found that multiple minor crematory recordkeeping violations and price list errors.

Board Action: The Board adopted a consent order placing the crematory license on probation for one (1) year and issued a letter of caution to the funeral establishment. The Board also ordered continuing education for the firm's licensees.

EFFECTIVE DATE: April 14, 2010.

North Carolina National Guard Honor Guard

“Honoring Those That Serve”

North Carolina loses approximately 19,000 veterans every year. The NC National Guard Honor Guard is a congressionally funded and mandated program through the United States Army. The NC National Guard operates under the supervision of the state Adjutant General and is authorized by the Department of Defense as a branch of the United States military to perform Military Funeral Honors. The mission is simple, to render professional military funeral honors, in accordance with service tradition to all eligible veterans when requested by an authorized family member. Soldiers and Airmen of the NCNG are trained by “The Old Guard” with the US Army and by “The Presidential Honor Guard” from the US Air Force. These Citizen Soldiers and Airmen live all over the state. We are currently geographically separated into five regions throughout the state; we have 25 fulltime Active Duty positions, and more than 85 part time members who perform funerals.

Honors are provided for all eligible veterans, retirees, military members currently serving and those Killed in Action. Veterans receive the authorized three person service to include flag fold, presentation, and Taps. The military is not authorized to perform a firing party for a veteran not retired or Killed in Action (KIA). However, the NCNG currently works closely with more than 25 Veteran Service Organizations (VSO) throughout the state to provide these firing parties when we are not able to.

Honors are also provided to Retirees and Active Military, Guard, and Reserve. These members receive a 9 person detail to include pall bearing, firing party, flag fold and presentation, and Taps. Military members Killed in Action and Medal of Honor recipients receive the full 21 person element of honors.

NC loses approximately 19,000 veterans every year. It is our personal goal to perform as many services as possible to the correct standard; we want to make sure we give as many veterans as possible the rights they deserve. We are the NC Army and Air National Guard, but we will perform funerals for every branch of service to our fallen NC military veterans when other branches of service are not available. Our mission is to honor the fallen and we need your help.

Our contact information is:
NC National Guard Honor Guard
JFHQ-NC-J9
4105 Reedy Creek Rd.
Raleigh, NC 27607
Office: 800-621-4136 x 6273
Fax: 919-664-6312

The Honor Guard State Coordinator is Mr. Johnathan Stallings, but anyone in the office may assist you.

Ashes of Veterans

American Legion Post 530 Swift Creek in Raleigh is planning to conduct a program to assist in the proper and respectful disposition of unclaimed ashes of veterans. The Post will offer a dignified burial or scattering with the permission of the authorizing agent.

Mr. Ray Durham is the Service Officer and Vice-Commander for Post 530 Swift Creek for those who may want to gather more information. Mr. Durham may be reached at 919-961-6896 or durhamw@clearwire.net.

Firms having custody of unclaimed ashes of veterans are encouraged to contact Mr. Durham or 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: www.nclegion.org.

Our Sympathies are extended to the families of:

Larry T. Brevard, of Thos. Shepherd & Son Funeral Directors, Hendersonville who died October 9, 2009.
J. Michael Johnson, of Massey Funeral Home, Enfield who died October 27, 2009.
Thurman English, formerly of Peoples Funeral Home, Whiteville, who died October 28, 2009.
Stuart Vaughan, a former partner and vice president/secretary of Gentry-Newell & Vaughan Funeral Home, Oxford who died January 08.
Charles Edward Fair, Sr., co-founder and former co-owner of Fair Funeral Home, Eden, who died January 18.
Robert F. Miller, Sr. co-founder of Hayworth-Miller Funeral Home, Winston-Salem who died January 23.
James Thomas "J.T." Rice, Sr., owner & operator of Anders-Rice Funeral Home, Asheville, who died January 26.
Mae Frances Hunter-Swittenburg, owner and operator of Hunter-Swittenburg Funeral Home, Thomasville, who died January 26.
Linwood Tew, former co-owner and President of Clements Funeral Service, Durham who died January 27.
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
Harold Thurman Seagroves, Sr., of Hall Wynne Funeral Home, Griffin Chapel, Pittsboro who died March 23.
Loretta Janicki "Jan" Harrell, of Harrell's Funeral Home and Cremation Service in Burgaw, who died March 24.
June McLaurin Jeffers of McLaurin Funeral Home, Reidsville who died April 19.
(If a reader is aware of the death of a licensee that has not been acknowledged in this section, please inform the Board staff.)

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 obtained by contacting the Board staff or on the "Current Events" page of the Board's website.

Legislative Matters:

Session Law 2009-566 (House Bill 1166) makes changes to insurance laws that provide funeral directors procedures 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.

Establishment *changes*

New Establishments

Clay-Barnette Funeral Home of Kings Mountain
Holloway Memorial Funeral Home, Inc., Durham
Altmeyer Funeral Home, Hendersoville
Miller & VanEssendelft Funeral & Cremation Providers, Hertford
Powell Funeral & Cremation Services, LLC, Jamestown
Maitland Funeral Home, Plymouth
Hall-Wynne Funeral Service & Cremation-Griffin
Chapel, Pittsboro
Town-Rose Funeral Chapel of Hayesville
(Changed from Chapel to Funeral Home)

Ownership Changes:

Cox-Needham-Huff Funeral Home, East Bend
Village Road Memorial Chapel, Leland

New Crematories:

Harnett Regional Crematory, LLC, Lillington
Hall-Wynne Crematory, Durham

New Chapels:

Ward Memorial Chapel, Aurora

New Unaffiliated Licensees:

Carl Barnekow Funeral Service Licensee
Melanie Little Funeral Service Licensee
Bradley R. Mulkey Funeral Director Licensee

New Removal/Transport Licensees:

Reginald Tracy Long, Charlotte
Body Removal & Transportation Specialists, Inc.,
Willow Spring

Funeral Service Licensees:

Gordon S. Ballard, Chapel Hill
Mary Newby Brand, Red Springs
Christopher S. Burroughs, Murrells Inlet, SC
Rafaelina A. Ford, Greensboro
Howard R. Sherrill, Pilot Mountain
Benjamin Charles Strickland, Jr., Goldsboro
Brandi Nicole Wellons, Snow Camp
Cornell Whitehead, Clinton
Robert Lee Wright, II, Henderson

Converted to Funeral Service:

Joann Marotta, Raleigh
Perry Hasten Wall, Elkin

New Funeral Director Licensees:

Janet Dale O. Collins, Stuart, VA
Stanley H. McClamb, Raleigh
David "JJ" Moore, Robbins
Raymond B. Moore, III, Burlington
Kimberly Paul Teachey, Rocky Mount
Sharon Arlene Worrell, Fayetteville

Crematory Authority

James Weatherspoon and Barry Bowman have taken their respective Oath's of Office for the NC Crematory Authority to begin their three-year terms.

Crematory Authority elections in 2010 will be for two seats. Nominations will officially open July 1 and will close August 2. Petitions for nomination will be mailed to all NC crematories in late June.

Fraud alerts

The Board received recent reports of a male person soliciting a family to move a body from the funeral home originally selected by the family to another funeral home. This individual claimed to be and used the name of a validly licensed North Carolina funeral director. He made contact with one or more funeral homes and transport removal services requesting they move the deceased. One company tried to confirm the request with funeral homes allegedly engaged to receive the body, however those firms denied they were involved. One funeral director was contacted by the person and refused to take custody of the body. The incident involved funeral homes serving African American communities in Central and Eastern North Carolina.

Board staff interviewed officials with several funeral homes during the investigation and was informed this person may be same individual who obtained the use of a limousine from a funeral home in 2009 under false pretenses by using the letterhead of another funeral home.

If firms are contacted to transfer a body or borrow vehicles, the Board encourages you to confirm such requests directly with the other funeral home either in person or by telephone contact to that firm's published number.

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. The FTC release can be accessed at: <http://www.ftc.gov/opa/2010/05/redflags.shtm>.

Return Service Requested

North Carolina Board
of Funeral Service
1033 Wade Ave., Suite 108
Raleigh, NC 27605

