

# North Carolina Board of Funeral Service

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**E-NEWS** October 2012 Volume 8, Issue 12

Next meeting of the Board is 9 a.m. Wednesday, October 17, 2012 at the Board offices, 1033 Wade Avenue, Ste. 108, Raleigh, NC 27605. The agenda will be posted by October 12 and can be viewed by [following this link](#).

The Board is also scheduled to meet on Thursday, October 18, 2012 for hearings.

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**[CLICK HERE FOR CONTINUING EDUCATION PROGRAMS](#)**

## IMPORTANT ANNOUNCEMENTS-

Crematory Authority ballots will be distributed to crematory operators this week (Oct 01-05). They must be returned to the Board office no later than November 1, 2012.

NCBFS-PN5, Certificate of Performance for a Preneed Funeral Contract has been amended. The new form includes a space for the NCBFS Preneed contract number, as well as step-by-step calculation of the funds applicable to the non-guaranteed portion of the contract. The new form is available and can be used now <http://www.ncbfs.org/1cop.pdf> . It is *required beginning January 1, 2013*.

There is now a calculator available to compute the amount of non-guaranteed funds applicable on inflation-proof preneed contracts. The "Calculator" link is located on the Preneed tab on the main webpage: <http://www.ncbfs.org/preneed/PreneedCalculation.xlsx> . Users input the total dollar amount of a preneed contract and the total amount of the non-guaranteed portion; the tool calculates the percentage of non-guaranteed expenses. When the contract becomes at-need, users input the at-need total available funds, and the tool calculates the amount to be applied to non-guaranteed expenses. You then input the total amount of at-need non-guaranteed expenses, and the tool will indicate the amount owed to the funeral home by the family, or to the estate or family by the funeral home.

## LEGISLATIVE MATTERS

Occupational Safety and Health Administration (OSHA) revised the Hazard Communication Standard effective May 25, 2012. There are several pertinent changes that impact your business with regard to staff training. Material Safety Data Sheets (MSDS) will be referred to as Safety Data Sheets (SDS); they will be formatted differently and there are chemical labeling requirements which must be met. The requirements extend to what may currently be "unlabeled" items in your establishment. Training must be completed by December 31, 2013. There are additional requirements that go

into effect beyond this...be sure to check with your OSHA compliance training provider so you and your firm can stay current.

"Complying With the Funeral Rule" published by the Federal Trade Commission is available in hardcopy from the FTC or online in .pdf format at <http://business.ftc.gov/documents/bus05-complying-funeral-rule> . Individual copies are also available at the Board office. Check your GPL...

### TRAINEE CORNER

The Board website now contains a link to the Trainee Supervisor Tutorial power point. All trainee supervisors should review this from time-to-time to ensure compliance. The tutorial is on the At Need tab on the main webpage: <http://www.ncbfs.org/atneed/TraineeSupervisorTutorial.pdf>

Reminder: "...reports must be filed in the office of the Board not later than the 10th day of the calendar month which immediately follows the completion of each one month period of resident traineeship. Failure to submit such reports when due shall be sufficient cause for suspension or revocation of the certificate of resident traineeship" (21 NCAC 34B.0110). The trainee, the licensee under whom the trainee served during the period and the manager of the establishment are **all** responsible.

### IS YOUR WEBSITE CONTENT CURRENT?

Obituaries are current and service information is accurate *but* ... if your web page includes a staff listing, remember to keep it up-to-date as well. If your staff changes - change the listing(s). Staff positions must be clearly identified so as to not be misleading regarding licensure of staff.

### ELECTRONIC DEATH REGISTRATION

Board staff continues to participate in discussions with representatives from other agencies and interested parties to further efforts for an electronic death registration system (EDRS). The state is required to implement a revised death certificate form. There will be opportunities for users, including funeral homes, to test the system prior to full implementation.

### SYMPATHIES ARE EXTENDED TO THE FAMILIES OF:

**Samuel Earl Thomas**, founder of S.E. Thomas Funeral Service, Thomasville, who died on August 18, 2012

**Rachel Winder**, grandmother of George D. Johnson of Wiseman Mortuary, Fayetteville, who died on August 20, 2012.

**Mildred Daniels McCoy**, co-owner of Goodwill Brothers and Sisters Funeral Service, Whiteville, who died on August 28, 2012.

**Betty Stegall Foley**, sister of NCFDA Executive Director Larry F. Stegall, who died September 3, 2012.

**Loveda Reed Helbert**, formerly of Hall-Wynne Funeral Home, Pittsboro, who died September 4, 2012.

**N. Wayne Eaton**, founder and president of Eaton Funeral Service, Mocksville, who died September 5, 2012.

**George Clay, Jr.**, co-founder of Clay-Barnette Funeral Home, Shelby, who died September 13, 2012.

**Selwyn O'Quinn**, founder of O'Quinn-Peebles Funeral Home, Lillington, who died September 20, 2012.

**Page Hudson, MD**, North Carolina's first Chief Medical Examiner, who died September 30, 2012.

DISCIPLINARY MATTERS:

CASE FILE NUMBER: M10-030.

LICENSEES: Feggins-Feggins Funeral Service (FE #164; PNE #671); Kevin Feggins (FSL #1841).

SUMMARY: During a preneed examination, the firm was found to have multiple recordkeeping violations and failed to make a refund to the estate. The inspector also found that firm did not have price lists in compliance with the Funeral Rule and did not sign all Statements of Goods and Services Selected. Finally, the firm did not retain copies for one cremation record.

BOARD ACTION: The Board adopted a consent order placing the funeral establishment permit and preneed establishment license on three (3) years' probation. The parties would attend preneed continuing education in preneed, made restitution, and paid a civil penalty of \$1,500.00.

EFFECTIVE DATE: September 12, 2012.

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CASE FILE NUMBER: V11-040.

LICENSEES: Gales Funeral Home (FE #448); Clyde Foust (FDL #3345).

SUMMARY: The firm did not make a proper charge for direct cremation on its Statement of Goods for a consumer and Services Selected, and its General Price List did not have the proper price format. Mr. Foust was on probation at the time of the violation.

BOARD ACTION: The Board adopted a consent order placing the funeral establishment permit and funeral director license on one (1) year probation. The firm made restitution and will complete a continuing education course in Funeral Rule compliance.

EFFECTIVE DATE: September 12, 2012.

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CASE FILE NUMBER: V11-076.

LICENSEES: Casey Funeral Home (FE #89; PNE #297); Martha Casey (FSL #1892); L. Craig Casey (FSL #1215).

SUMMARY: The firm failed to deposit preneed funeral funds into a trust account within five (5) business days and did not file a preneed contract within ten (10) days. After the violations were discovered in an audit, the firm modified information on the consumer's preneed contract without consent to conceal the violations. Preneed Establishment also did not respond to the complaint and its preneed license was on probation at the time of the violations.

BOARD ACTION: The Board adopted a consent order placing the preneed licenses, funeral establishment permit, and both funeral service licensees on five (5) years' probation. The probation included multiple conditions including a \$2,000.00 civil penalty, preneed continuing education, and restitution to the consumer.

EFFECTIVE DATE: September 12, 2012.

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CASE FILE NUMBER: M11-023.

LICENSEES: Summerville-Boykin Mortuary (FE #544; PNE #589).

SUMMARY: During a preneed examination, the firm had several recordkeeping violations.

BOARD ACTION: The Board adopted a consent order placing the preneed establishment license on one (1) year probation and ordered preneed continuing education course.

EFFECTIVE DATE: September 12, 2012.

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CASE FILE NUMBER: M11-025.

LICENSEES: L. Harold Poole Funeral Home & Crematory (FE #473; PNE #246).

SUMMARY: During a preneed examination, Preneed Establishment was found to have minor recordkeeping violations. Preneed Establishment also accepted trust funds for an imminent death without depositing the funds into a trust account within five (5) business days of receipt.

BOARD ACTION: The Board adopted a consent order placing the firm on six (6) months' probation and ordered a preneed continuing education course.

EFFECTIVE DATE: September 12, 2012.

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**IMPORTANT REMINDER:**

***It's October (already?!?!?) ... how many Continuing Education hours do you still need this year?***