

North Carolina Board of Funeral Service

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Next meeting of the Board is 9 a.m. Wednesday, May 6, 2015 at the Board office, 1033 Wade Avenue, Suite 108, Raleigh, NC 27605. The agenda will be posted by April 3 and can be viewed by [following this link](#).

[CLICK HERE FOR CONTINUING EDUCATION PROGRAMS](#)

IMPORTANT ANNOUNCEMENTS-

LEGISLATIVE MATTERS

The following bills affecting funeral service have been filed with the Legislature. The Board staff will continue to monitor as the legislative season progresses:

H-296: Amend Funeral Service Practice Laws

H-340: Weekend Burials/State Veterans Cemeteries

H-422: Amend Funeral Procession Law

H-517: Assignment of Death Benefits

The Legislature's bill look-up link can be accessed here:

<http://www.ncleg.net/Legislation/Legislation.html>

PROTOCOL

As a matter of protocol, questions/issues/concerns regarding any Board business, legal issues etc. are to be directed to Board staff, not directly to Board members.

EBOLA

The Centers for Disease Control and Prevention has issued guidelines for the handling of human remains of Ebola victims. The information can be found on the CDC website at <http://www.cdc.gov/vhf/ebola/hcp/guidance-safe-handling-human-remains-ebola-patients-us-hospitals-mortuaries.html>

The Occupational Safety and Health Administration has also published information which can be found at

<https://www.osha.gov/SLTC/ebola/standards.html>



LAWS AND RULES REVIEW:

Cremation Authorizing Agent Time Limits
Authority: §90-210.124(b) Authorizing agent.

The Board staff regularly receives phone calls from licensees asking about "the ten-day rule" as it relates to cremation authorizations. The statutory citation is below:

(b) A person who does not exercise his or her right to dispose of the decedent's body under subdivision (a)(2) of this section within five days of notification or 10 days from date of death, whichever is earlier, shall be deemed to have waived his or her right to authorize disposition of the decedent's body or to contest disposition in accordance with this section.

If there is an individual whose signature is required on the authorization (see Laws & Rules Review in the December 2014 e-Newsletter or p. 182 in your green law book) but they are out of state, whereabouts uncertain, incarcerated etc. you cannot just wait for the ten-day period to elapse and then proceed without their signature. You must demonstrate due diligence in your efforts to obtain the signature(s).

What constitutes due diligence? Phone call logs and copies of e-mails: to who(m), dates and times; Facebook and Twitter searches (to who(m), dates and times); newspaper ads in the legal notices or obituary sections in the subject's last known whereabouts and copies of the ads for the file. You should *never* rely solely on "the family told me they did it." If the family member is deployed with the military, the American Red Cross can assist with getting the paperwork to the service person for signature. If the individual(s) is/are incarcerated, the Department of Correction will assist in obtaining the signature(s).

If the proposed signatory opts to waive their right, they must do so in writing and cannot direct any individual to act on their behalf. They can only waive their own right to sign.

Finally, if an individual with signatory rights is notified of the death and fails to take any action within five days of notice, they have abdicated their right to sign and you would no longer require their signature. However, you must document all of your efforts to have obtained the signature.

CONTINUING EDUCATION

Take a class. Take two! You don't have to stop at five hours. You have already acquired some hours this year, haven't you? If not – why not?

CREMATORIES TAKE NOTE

KNOW who is contacting you if you are called to perform a "trade cremation." Verify the establishment that contacts you. Is it a North Carolina or NC border state licensee? Have you done business with them before????

BY THE NUMBERS

There were 9,427 cremations performed in North Carolina in the first three months of 2014. By contrast, 10,295 were performed in the first quarter of 2015...an increase of 9.2% year-to-year.

