

North Carolina Board of Funeral Service

1033 Wade Avenue, Suite 108, Raleigh, NC 27605

(919)-733-9380 or 1-800-862-0636

www.ncbfs.org

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Next meeting of the Board is 9 a.m. Wednesday, November 4, 2015 at the Board office, 1033 Wade Avenue, Suite 108, Raleigh, NC 27605. The agenda will be posted October 30 and can be viewed by on the Board's website, www.ncbfs.org.

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IMPORTANT ANNOUNCEMENTS

Mr. Craig Olive of Clayton, NC has been appointed to the Board as a public member. Mr. Olive's term runs through December 31, 2017.

The Board recognizes with grateful appreciation the service of Rev. John Shields. Rev. Shields served as a public member 2012-2015.

If you have occasion to call the Board office, do not call more than one person with your question. If the party you are calling does not answer immediately, leave a message and your call will be returned in a timely manner.

PRENEED REMINDERS

The Certificate of Performance changed in September, 2012. An alarming number of establishments are still using the 2004 form. The old form is obsolete and should not be used. Please contact the Board office if you have questions. The current COP is here:

<http://www.ncbfs.org/applications/1cop.pdf>

Contract Register (PN-7) and individual journals (PN-8) are no longer required by the Board.

F.A.Q.'s: COMPLYING WITH THE BOARD'S LAWS & RULES

There is a new process relative to questions concerning the interpretation of laws and rules. Refer to the following:

Q: How do I get a question answered regarding whether I am in compliance with the Board's Laws and Rules?

A: If the question relates to your own prospective conduct, you may send an electronic correspondence to complianceopinion@ncbfs.org. You may also send a facsimile to the legal department at (919) 733-8271, attention "Compliance Opinion." Your correspondence must include: (1) your name; (2) your licensee affiliation/status; (3) all facts necessary for an opinion to be rendered; and (4) any supporting, pertinent documentation. In the order they are received, the Board Staff will provide responses to these inquiries,

to the extent they pertain to future actions and matters within the purview of the Board's Laws and Rules only. If your question relates to past conduct (your own or that of another licensee), the Board Staff may decline to answer.

Q: How long will it take to receive a response to my question?

A: Compliance inquiries will be answered in the order in which they are received. Board Staff will do everything they can to address each inquiry within two (2) business days.

Q: What if my question is urgent and I need a response immediately?

A: You should contact an attorney of your choosing. You may include a description of any special circumstances you believe warrant a more expeditious response in your correspondence requesting a compliance opinion, but doing so does not guarantee an immediate response from Board Staff. Many times, it is simply not possible for Board Staff to immediately address licensees' questions.

Q: Why won't Board Staff provide an answer to my compliance inquiry over the phone?

A: There are several reasons for having compliance inquiries and responses be in writing. First, these procedures will allow Board Staff to more efficiently and effectively address the volume of compliance inquiries received on a daily basis. Second, these procedures will allow a mechanism by which Board Staff can less ambiguously and more accurately answer compliance questions after having a sufficient opportunity to analyze all material facts and respective documentation, if any. Finally, having a written record of this correspondence can be a benefit to both the licensee and the Board Staff. If a licensee inquires about his or her own prospective conduct, relies upon the compliance opinion provided by Board Staff in writing, and a Complaint is subsequently filed with the Board pertaining to the same set of facts previously inquired about, then the licensee's compliance inquiry may be viewed as a good faith attempt to comply with the Board's Laws and Rules. Relatedly, having a written record of these correspondences can help prevent any misunderstandings or misrepresentations about the compliance opinions provided by Board Staff.

Q: What if I am concerned that I may be sued or otherwise held liable for my actions?

A: Board Staff cannot address these concerns or respond to questions pertaining to these concerns. Please be advised that the Board's General Counsel is the attorney for the Board Staff, not the licensees. As such, the Board's General Counsel is ethically prohibited from providing legal advice to any person other than the Board and the Board Staff. If you have any questions or concerns regarding your legal rights, particularly as it pertains to potential liability to a third party or otherwise, you should speak to an attorney of your choosing.

Q: How do I get a question answered regarding whether someone else is in compliance with the Board's Laws and Rules?

A: You may follow the same procedures set out above, except that the person about whose conduct you are inquiring must be copied on the correspondence. If you believe another licensee has violated any of the Board's Laws and Rules, you may submit a Complaint to the Board. Complaint forms may be found at: <http://www.ncbfs.org/applications/1Complaint.pdf>. You may also request that a Complaint form be mailed to your residence or place of business by phoning the Board at (919) 733-9380.

Q: Are compliance opinions provided by Board Staff binding upon the Board?

A: No. Compliance opinions provided by the Board Staff have not been reviewed, approved, or otherwise adopted by the Board.

Q: What if I disagree with the compliance opinion I am provided?

A: You may have the right to request a declaratory ruling from, or a hearing before, the Board pursuant to Chapter 150B of the North Carolina General Statutes.

MASS FATALITY COURSE

November 16-17 in Asheville, NC (location TBD)

Please direct questions to: Christine.Mullarkey@dhhs.nc.gov or 919-614-3761 (cell).

This course is approved for 12 hours of continuing education.

Mass Fatalities Incident Response (G-386)

This 2 day course prepares state and local response personnel and other responsible agencies and professionals to handle mass fatalities effectively and to work with the survivors in an emergency or disaster. This course covers incident management, mass fatalities, planning before and operations during an incident, establishing the morgue, family assistance support operation, and assistance from the Federal government. The goal of the Mass Fatalities programs is to prepare response personnel and other responsible professionals to handle a mass fatalities incident effectively by properly caring for the dead and the living - both responders and survivors. The course concludes with a tabletop exercise.

Topics to be Covered:

- The effects of physical and emotional stress at a mass fatalities incident as well as methods for reducing stress
- The roles and responsibilities of various local, state and federal agencies, NGO's and industry organizations

- Local, state, federal and private sources of further information and assistance
- The necessity of integrating mass fatality planning into existing emergency management plans
- Equipment and supplies required for handling a mass fatalities incident
- How the Incident Command System (ICS) is used to manage a mass fatalities incident
- The potential liability concerns that may arise during a mass fatalities incident

Who Should Attend: This course is designed for a wide audience, encompassing the range of personnel with a role to play in a mass fatalities incident. The following list outlines the type of individuals or agencies that would benefit from attending. *Experience has shown that a multi-disciplinary audience brings the best results.*

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|---|--|
| <input type="checkbox"/> Coroners/Medical Examiners | <input type="checkbox"/> Clergy |
| <input type="checkbox"/> Fire Departments | <input type="checkbox"/> Emergency Planners |
| <input type="checkbox"/> Forensic Dentists | <input type="checkbox"/> EMS |
| <input type="checkbox"/> Information Officers | <input type="checkbox"/> Public Health |
| <input type="checkbox"/> CISD Professionals | <input type="checkbox"/> DMORT Members |
| <input type="checkbox"/> NGO Partners | <input type="checkbox"/> Community Mental Health |
| <input type="checkbox"/> Law Enforcement | <input type="checkbox"/> National Guard |
| <input type="checkbox"/> Transportation Personnel | <input type="checkbox"/> Funeral Directors |
| <input type="checkbox"/> Emergency Managers | |

Register through TERMS <http://tinyurl.com/pp5acgc> Registration for this class is being handled through a waitlist so that we may ensure the most balanced participation from a variety of students. If we find that there is more interest than seats available we will examine the waitlist to determine additional locations and dates for course offerings. You will receive an e-mail (within a few minutes) notifying you that you are on the waitlist if you have completed your registration properly.



LAWS AND RULES REVIEW:

Though the responsibility for obtaining a signed death certificate may be considered “shared” by the funeral provider and the medical certifier, it is ultimately the funeral provider’s role relative to timing:

§ 130A-115. Death registration.

(a) A death certificate for each death which occurs in this State shall be filed with the local registrar of the county in which the death occurred **within five days** after the death. If the place of death is unknown, a death certificate shall be filed within five days in the county where the dead body is found. If the death occurs in a moving conveyance, a death certificate shall be filed in the county in which the dead body was first removed from the conveyance.

(b) The funeral director or person acting as such who first assumes custody of a dead body shall file the death certificate with the local registrar. The

personal data shall be obtained from the next of kin or the best qualified person or source available. **The funeral director or person acting as such is responsible for obtaining the medical certification of the cause of death**, stating facts relative to the date and place of burial, and filing the death certificate with the local registrar **within five days of the death**.

(c) The medical certification shall be completed and signed by the physician in charge of the patient's care for the illness or condition which resulted in death, except when the death falls within the circumstances described in G.S. 130A-383. In the absence of the physician or with the physician's approval, the certificate may be completed and signed by an associate physician, a physician assistant in a manner consistent with G.S. 90-18.1(e1), a nurse practitioner in a manner consistent with G.S. 90-18.2(e1), the chief medical officer of the hospital or facility in which the death occurred or a physician who performed an autopsy upon the decedent under the following circumstances: the individual has access to the medical history of the deceased; the individual has viewed the deceased at or after death; and the death is due to natural causes. When specifically approved by the State Registrar, an electronic signature or facsimile signature of the physician, physician assistant, or nurse practitioner shall be acceptable. As used in this section, the term electronic signature has the same meaning as applies in G.S. 66-58.2. The physician, physician assistant, or nurse practitioner shall state the cause of death on the certificate in definite and precise terms. A certificate containing any indefinite terms or denoting only symptoms of disease or conditions resulting from disease as defined by the State Registrar, shall be returned to the person making the medical certification for correction and more definite statement.

(d) The physician, physician assistant, nurse practitioner, or medical examiner making the medical certification as to the cause of death shall complete the medical certification no more than three days after death. The physician, physician assistant, nurse practitioner, or medical examiner may, in appropriate cases, designate the cause of death as unknown pending an autopsy or upon some other reasonable cause for delay, but shall send the supplementary information to the local registrar as soon as it is obtained.

[NEW FUNERAL ESTABLISHMENT](#)
Bryan Funeral Service, Plymouth

[NEW CREMATORY](#)
Union Crematory, Inc, Monroe

[NEW LICENSEES](#)
The Board congratulates those individuals licensed in September:
FS: Shelesceyah C. McConnell
FD: Kevin Terez Brinkley, Edgar Glenn Butler

[NEW TRAINEES](#)
New Trainees registered with the Board in September:

Laura C. Adair, Appalachian Funeral Service, Sylva
Mark A. Cunningham, Cunningham & Sons Mortuary, Fayetteville
Joseph B. F. Cutchins, III, Boyd's Funeral Service, Warrenton
Ashley N. Evans, Richard Harris Funeral Home, Zebulon
Jody R. Goforth, Pendry's Funeral Home, Lenoir
Jennifer L. Hood, Sossoman Funeral Home, Morganton
Frederick R. Jordan, IV, Reins-Sturdivant, North Wilkesboro
Christopher J. Sasser, McEwen Funeral Service, Mint Hill
Lakeisha D. Simmons, Butler & Son Funeral Service, Roxboro
Bryan N. Strickland, Butler Funeral Home, Roseboro
Robert W. Varner, Brown-Wynne Funeral Home, Raleigh

CONTINUING EDUCATION

It's almost Halloween...your CE should be done by now...

SYMPATHY IS EXTENDED TO THE FAMILIES OF:

Eunice Bass Kinlaw, former owner of Kinlaw Funeral Home, Elizabethtown, who died on September 17, 2015

Bennie B. Taylor, retired funeral director with Carlisle Funeral Home, Tarboro, who died on October 4, 2015.

