

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, February 10, 2016 at the Board office, 1033 Wade Avenue, Suite 108, Raleigh, NC 27605. The agenda will be posted by February 5 and can be viewed by [following this link](#).

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IMPORTANT ANNOUNCEMENTS

The Board of Funeral Service office will be closed Monday, January 18 in observance of Martin Luther King Jr. Day.

RENEWALS- Individuals

If you have yet to renew your individual license you are running out of time. We *strongly* encourage you to utilize the new online individual license renewal process. Your license number gives you access; last four digits of your SSN are your PIN. Licensees who have already renewed via online process are raving about the simplicity. Try it!

RENEWALS- Establishments

Establishment renewal applications which are not correct are being sent back with an explanation of the problem. If this impacts your establishment, please be sure to make the correction(s) and have the form and fee back to our office by February 1, 2016 by 4:30pm.

Renewal applications that are not received in our office by February 1, 2016 by 4:30 pm will be considered late.

If the postmark on the envelope is stamped February 1, 2016 and we receive it in our office after February 1, 2016, the application(s) will be considered late.

If your establishment is a LLC or Corporation, *you must provide proof that it is **filed** with the Secretary of State*. A licensee must be a member of an LLC (not a manager); a licensee must be President, VP, or Chairman of the Board of a Corporation. Please print documents from the Sec. of State and attach to the renewal application(s).

We cannot process preneed establishment renewals if the funeral establishment has not renewed, or if each individual on schedule A has not renewed. Individuals must have completed 5 CE hours each year to renew unless they are exempt.

LATE CREMATORY REPORTS

Reminder to crematory managers...your monthly crematory report is due in the Board office no later than the 10th of each month. Don't wait until the 9th to start it. It's a new year – resolve to get it done early! The year 2015 saw 23 firms submit 29 late reports, for late fees totaling \$7,835.00. It would be great if the totals for 2016 were zero and \$0.00! Make it your goal!



LAWS AND RULES REVIEW:

Renewals are due by 12/31/15. Your 2015 license *is expired* on January 1, 2016. There is (currently) a grace period. However, any licenses not renewed by February 1, 2016 are forfeited:

§ 90-210.25(a)(5)

(b)The holder of any license issued by the Board who shall fail to renew the same on or before February 1 of the calendar year for which the license is to be renewed shall have forfeited and surrendered the license as of that date. No license forfeited or surrendered pursuant to the preceding sentence shall be reinstated by the Board unless it is shown to the Board that the applicant has, throughout the period of forfeiture, engaged full time in another state of the United States or the District of Columbia in the practice to which the applicant's North Carolina license applies and has completed for each such year continuing education substantially equivalent in the opinion of the Board to that required of North Carolina licensees; or has completed in North Carolina a total number of hours of accredited continuing education computed by multiplying five times the number of years of forfeiture; or has passed the North Carolina examination for the forfeited license. No additional resident traineeship shall be required. The applicant shall be required to pay all delinquent annual renewal fees and a reinstatement fee. The Board may waive the provisions of this section for an applicant for a forfeiture which occurred during the applicant's service in the Armed Forces of the United States provided the applicant applies within six months following severance therefrom.

c. All licensees now or hereafter licensed in North Carolina shall take continuing education courses in subjects relating to the practice of the profession for which they are licensed, to the end that the benefits of learning and reviewing skills will be utilized and applied to assure proper service to the public.

d. As a prerequisite to the annual renewal of a license, the licensee must complete, during the year immediately preceding renewal, at least five hours of continuing education courses, of which the Board may require licensees to take up to two hours specified by the Board. All continuing education courses must be approved by the Board prior to enrollment. A licensee who completes more than five hours in a year may carry over a maximum of five hours as a credit to the following year's requirement. A licensee who is issued an initial license on or after July 1 does not have to satisfy the continuing education requirement for that year.

The net: If your renewal is not in the Board's hands on or before February 1, 2016, *you have voluntarily surrendered your license.* If you have not completed your CE requirement by now, the hourglass is about empty. You have precious little time left. DO NOT wait until the last minute for your CE, or to process your form. The Board is not responsible for the US Postal Service, FedEx, or whatever other postal business you utilize.

Have a legal question? Remember to use our question-and-answer feature, Compliance Opinion. 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.

Here is a sample question with the answer:

Q: Father of deceased refuses to sign authorization for cremation. He is not listed on birth certificate as father because mother and father were not married. There is no legal documentation of him being father. Mother has signed authorizations. Decedent has been deceased 9 days. What can we do?

A: North Carolina General Statute Section 90-210.124 governs the priority order of authorizing agents for purposes of determining who has the right of final disposition. Pursuant to NCGS 90-210.124(a)(2)(c), it is Board Staff's opinion that both surviving parents would need to sign the Cremation Authorization for you to be in compliance with the Board's laws and rules. Further, it is Board Staff's opinion that a birth certificate not listing a father's name for the child would not obviate the need for a licensee to obtain both parents' signatures when the licensee knows or reasonably should know the identity of both parents. In situations where there is a dispute between equally authorized agents, as is the case here, a licensee may refuse to perform a cremation until he or she receives a court order or other suitable confirmation that the dispute has been settled. If the dispute is not resolved within 30 days, the licensee may charge a reasonable storage fee if such is listed on General Price List.

Note – Compliance Opinions are not reviewed, approved, or otherwise adopted by the Board, nor are they binding upon the Board. If one disagrees with Board Staff's position on a matter, they may have the right to request a declaratory ruling from, or hearing before, the Board pursuant to Chapter 150B of the North Carolina General Statutes.

DISCIPLINARY MATTERS

Case File Number: C15-046

Licensees: Cumby Family Funeral Service, Cyrus L. Brooks, Jr., and Andrew Cumby

Summary: A consumer's complaint showed that Respondents failed to refrigerate a decedent's remains, despite instructions to do so until proper arrangements could be made. The decedent's family were either told that

the decedent's body was being refrigerated or were not informed otherwise. Respondents failed to refrigerate the decedent's remains.

Board Action: The Board adopted a Consent Order, placing Respondent Andrew Cumby on probation for a period of one (1) year. Pursuant to the terms of the Consent Order, Respondents were collectively fined a civil penalty of \$1,500.00 in accordance with Article 31A of Chapter 115C of the North Carolina General Statutes.

Effective Date: December 11, 2015.

NEW LICENSEES

The Board congratulates those individuals licensed in December:
FS: Tyquan Monterius Best, Erin Lamar Gregory, Michael Gray Owens
FD: Ashley Coote Jones, James Tolbert Phillips

NEW TRAINEES

New Trainees registered with the Board in December:
Dionne Monique Davis, Morgan Funerals & Cremations, Rocky Mount
Erica Lynn Greene, Greene Funeral Service, Gastonia
Richard Paul Hanna III, Boles Funeral Home, Southern Pines
Kenisha Rayshell Holloway, Holloway Funeral Home, Durham
James David Miller, Coastal Cremations, Carolina Shores
James Ray Odham III, Cotten Funeral Home, New Bern
Devonta Omar Pearsall, New Beginnings Funeral Service, Scotland Neck
Carl Jeffrey Ramsey, Withers & Whisenant, Gastonia
Donald Sirone Terry, Perry J. Brown Funeral Home, Greensboro
Salena Worley, Worley Mortuary, Fairmont

NEW TRANSPORT PERMITS

Transport permits were issued in December to the following:
William Leon Hill, Indian Trail
Timothy Martin Huntley, Monroe
Gerald Lenard Myrick, Fayetteville
Stewart Keyth Roten, Elkin

CONTINUING EDUCATION

Do your CE early this year...plenty of opportunities on the website already!
Visit the current CE list here: <http://www.ncbfs.org/list.html>

