

North Carolina Board of Funeral Service

1033 Wade Avenue, Suite 108, Raleigh, NC 27605

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www.ncbfs.org

E-NEWSLETTER August 2017: Volume 13, Issue 7

The Board's next scheduled meeting is at 9:00 a.m. on **Wednesday, September 13, 2017** at 1033 Wade Avenue, Suite 108, Raleigh, North Carolina. Please note that the Board has cancelled its October 2017 meeting.

BOARD STAFF ANNOUNCEMENTS

The Board of Funeral Service is soliciting nominations for one (1) position on the North Carolina Crematory Authority. This position is for a three-year term, beginning in January 2018. Nominations will be accepted from August 1, 2017 through September 1, 2017. Nominations may be submitted via US Mail, hand-delivery, or email at clee@ncbfs.org.

A nomination form, which is available at www.ncbfs.org, must be signed by crematory operators from three separate business entities. Multiple nominations from the same business entity will be disqualified.

TRAINEESHIP ANNOUNCEMENTS

At its August meeting, the Board approved the following revised forms related to the Traineeship Program:

- The monthly work reports to be submitted monthly by Trainees to the Board; and
- The daily checklists to be maintained by Trainees for each completed case.

Effective September 1, 2017, Trainees will be expected to use these revised forms, which are available at https://www.ncbfs.org/content.php?page_desc=individualforms.

A trainee wishing to certify his or her traineeship on or after September 1, 2017 must submit an affidavit of competency from his or her registered supervisor. The affidavits of competency are available at https://www.ncbfs.org/content.php?page_desc=individualforms.

As a reminder, effective July 2017, Trainees may submit copies of their work reports to the Board office **instead of** the original work reports. Trainees who submit only copies of their work reports must retain the originals in their own files. The work reports may be submitted through any of the following ways (do not submit more than one copy):

- By email in PDF form, to trainee@ncbfs.org
- By fax, to 919.733.8271, **Attn: Trainee Administrator**
- By regular mail, to 1033 Wade Ave., Ste. 108, Raleigh NC 27605-1155, **Attn: Trainee Administrator**

Trainees still must submit their work reports by close of business on the 10th of the month following that which is being reported, e.g., August reports are due by September 10.

If Trainees wish to receive updates regarding the Traineeship Program via email, they are encouraged to submit their preferred email address to the Board staff at trainee@ncbfs.org.

LEGISLATIVE ANNOUNCEMENTS

The following legislation from the 2017-2018 Session of the NC General Assembly pertain to the licensure and/or the practice of funeral service:

- SB 407 (ratified and presented to the Governor for signature on August 4) will require applicants for licensure to disclose to the Board information about previous investigations to which they have been subjected regarding employee misclassification issues.
- HB 57 (ratified and signed into law by the Governor on June 8) will allow temporary practice permits for military-trained applicants or military spouses duly licensed with no pending complaints in other jurisdictions, while they are satisfying requirements for licensure in North Carolina. The bill also waives the initial application fees for such applicants.
- SB 628 (ratified and presented to the Governor for signature on August 4) will exempt from retail sales and use tax funeral-related services, including services for the burial of remains. This exemption does not apply to the sale of tangible personal property, such as caskets, headstones, and monuments.

LICENSEE COMPLIANCE ANNOUNCEMENTS

At its August meeting, the Board revised both the long and short version of the Model Cremation Authorization form, which are available at https://www.ncbfs.org/content.php?page_desc=crematoryforms.

Both forms are updated to reflect the Board's declaratory ruling approved in July regarding leadless pacemakers, which is available at https://ncbfs.org/content.php?page_desc=declaratoryrulings. Additionally, the long form adds a provision regarding whether the decedent passed away in Hospice Care and an attestation from the funeral director that a medical examiner cremation authorization form was obtained, if required.

As a reminder, “a funeral establishment receiving a new preneed establishment license after January 1, 2008, or whose preneed establishment license has lapsed or was terminated for any reason after January 1, 2008, shall obtain a surety bond in an amount not less than fifty thousand dollars (\$50,000) for five years, or upon demonstrating that it is solvent, no less than one year from the date the original license is issued. The Board may extend the bonding requirement in the event there is a claim paid from the bond.”

Any preneed establishment licensee required to obtain a bond may petition the Board to repeal the requirement one year after obtaining the bond. The preneed establishment licensee shall establish that the firm is solvent. A preneed establishment may demonstrate solvency by submitting a balance sheet prepared by a certified public accountant that is no more than 90 days old or through other financial evidence generally recognized as valid by certified public accountants. 21 NCAC 34D .0203(b).

Licensees are reminded that a separate medical examiner Authorization for Cremation form is required to be completed prior to the cremation of any dead body, except in the following cases:

- Medical examiner cases;
- Persons less than 24 hours of age;
- Inpatients (not ER patients) in a licensed hospital;
- Patients in a licensed nursing home (not rest home);
- Persons who die under the care of a licensed hospice;
- Persons who died in another state and that state has given written authorization for cremation; and
- Persons who died in another state and whose death would not have required ME authorization for cremation had the death occurred in North Carolina.

The medical examination Authorization for Cremation form is available on the Board’s website at [https://ncbfs.org/forms/crematory/1Auth for Cremation 1181 rev03 2005.pdf](https://ncbfs.org/forms/crematory/1Auth%20for%20Cremation%201181%20rev03%202005.pdf)

NEW LICENSEES, TRAINEES, AND ESTABLISHMENTS BETWEEN JULY 8, 2017 AND AUGUST 3, 2017

CHAPELS

Biggs Chapel - Robersonville, NC – changed ownership – passed inspection 08/02/2017

CREMATORIES

None

TRANSPORTERS

Frederick Ray Davis, Jr. (Gastonia) – Active 7/25/2017

UNAFFILIATED LICENSEES

Jeffrey S. Painter Funeral Director Licensee – Mt. Holly, NC– passed inspection 07/20/2017

Thomas C. Murray Funeral Service Licensee – Morganton, NC – passed inspection 07/31/2017

FUNERAL ESTABLISHMENTS

Cabarrus Funeral & Cremations, LLC – Concord, NC – passed inspection 07/07/17

Hartsell Funeral Home – Harrisburg, NC – passed inspection 07/18/2017

Charles Edwards Funeral Home and Cremations – Greenville, NC – passed inspection 07/13/2017

The New Christian Brothers Funeral Home – Kinston, NC- passed inspection 07/13/2017

Payton Funeral Home – Dunn, NC – reopened – passed inspection 07/26/2017

Biggs Funeral Home, LLC – Williamston, NC – changed ownership – passed inspection 08/02/17

FUNERAL SERVICE LICENSEES

Jean Britt Wallace – St. Pauls, NC -07/18/2017

Dorinda A. Cobb – Blue Ridge, GA – 07/18/2017

Toby Jack Sutton – Rocky Mount, NC- 07/27/2017

Carolyn Anderson Elmore – Alexis, NC – 08/01/2017

Dwain Martin Bell – St. Pauls, NC – 08/03/2017

FUNERAL DIRECTOR LICENSEES

George S. Gilmore – Hope Mills, NC – 07/13/2017

Davonta Omar Pearsall – Williamston, NC – 07/20/2017

Christopher Scott Halsey – Lake Wylie, SC – 08/02/2017

TRAINEES

Kelsey Nicole Ahlgrim – Heritage Funeral Home (8/1/2017)

Jason Lee Grider – Parrish Funeral Home (8/1/2017)

Elisabeth Elaine Hamilton-Ferrand – Penland Family Funeral Home, LLC (8/1/2017)

Jordan Clark Locklear – Carter Funeral Home (8/1/2017)

Kasi Lee Mitchell – Troutman Funeral Home (8/1/2017)

Megan H. Reese – Eternacare Services, LLC (8/1/2017)

Chimere LaQuis Riggins – Long & Son Mortuary Service, Inc. (8/1/2017)

Richard Brandon Robinson – Trice Funeral Home (8/1/2017)

DISCIPLINARY MATTERS

Board Case Number: M16-057

Respondents: Jackson Funeral Home, Elouise Weaver Jackson, Lawrence Jackson, III, and Jackson Mutual Burial Association

Summary: Respondent Funeral Establishment previously entered into a Consent Order with the Board to resolve multiple at-need and preneed violations. Board staff recently conducted a preneed audit examination and at-need inspection of Respondent Funeral Establishment, and found the establishment was not in compliance with the Board's laws and rules. Board staff noted various violations, including but not limited to: Respondent Funeral Establishment's preparation room did not conform to the requirements of N.C. Gen. Stat. § 90-210.27A; the establishment did not properly complete cremation authorizations and Board form BFS 56D for all cremations performed; and multiple preneed recordkeeping violations, including but not limited to: no accurate cash receipt journal; missing instruments of assignment; missing year-end status reports; and various individual preneed file recordkeeping violations.

Board Action: The Board adopted a Consent Order, whereby Respondent Funeral Home's preneed establishment permit and ancillary preneed sales license are suspended, but said suspension shall be stayed on the following conditions: a. Respondent Funeral Home's preneed establishment permit and ancillary preneed sales license shall be placed on probation for a period of five (5) years; b. Respondent Funeral Home shall terminate all employment, ownership, and other associations with its current licensed manager within thirty (30) days; c. Respondents shall pay a \$3,000.00 compromise penalty; d. Respondents shall reimburse the Board the costs incurred with prosecuting a Notice of Hearing to Show Cause; and e. Respondents must submit to and pass a re-examination within six (6) months. Furthermore, the licensed manager of Respondent Funeral Establishment and the Secretary-Treasurer of Respondent Mutual Burial Association voluntarily surrenders her funeral directing license, and she agrees not to apply for licensure with the Board again. Respondent Mutual Burial Association agrees to dissolve no later than June 1, 2018.

Effective Date: August 9, 2017

RECENTLY APPROVED CONTINUING EDUCATION COURSES

The Board's list of approved Continuing Education courses is updated regularly and can be found on the Board's website at the following link: http://ncbfs.org/content.php?page_desc=educationlistings.