

North Carolina Board of Funeral Service

1033 Wade Avenue, Suite 108, Raleigh, NC 27605

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

www.ncbfs.org

E-NEWSLETTER July 2017: Volume 13, Issue 6

The Board's next scheduled meeting is at 9:00 a.m. on **Wednesday, August 9, 2017** at 1033 Wade Avenue, Suite 108, Raleigh, North Carolina.

BOARD STAFF ANNOUNCEMENTS

The Board is delighted to announce that Catherine E. Lee, an attorney with Nichols, Choi & Lee, PLLC, will serve as the Board's Executive Director. Ms. Lee has represented clients on a variety of matters involving state occupational licensing boards. She was also recently awarded the Robinson O. Everett Professionalism Award by the North Carolina Bar Association. Ms. Lee may be reached at clee@ncbfs.org.

The Board welcomes Karen Davis as its new Inspector for Region 3, which primarily covers central North Carolina. The Board also welcomes Christopher Stoessner as its new Inspector for Region 4, which primarily covers eastern North Carolina. For more details and contact information for the Board's inspectors, please click here: http://ncbfs.org/content.php?page_desc=inspectors

The Board also welcomes Lisa Daye as the Board's Receptionist and Amy Mauldin as the Board's Legal Assistant and the Traineeship Administrator.

The Board has launched its new and improved website, which is available at: www.ncbfs.org. The Board encourages your feedback and comments.

TRAINEESHIP ANNOUNCEMENTS

Effective as of 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., July reports are due by August 10.

Also effective as of July 2017, the following tiers of discipline will be imposed:

<p><u>Late Monthly Work Report:</u> -First time late; or -No previous warning letters sent to Trainee</p>	<p>Warning letter, containing tiered discipline for any subsequent late monthly work reports.</p>
<p><u>Second Late Monthly Work Report:</u> -Second time late; or -Only one previous warning letter containing tiered discipline sent to Trainee</p>	<p>Trainee will be notified that he/she has lost work credit for any and all months in which a late work report was received. Trainee will not lose credit for any months that were included in first warning letter. The notification letter will include a warning that, if the Trainee is late a third time, the traineeship will be automatically terminated.</p>
<p><u>Third Late Monthly Work Report:</u> -Third time late; or -Only two previous warning letters sent to Trainee</p>	<p>Automatic termination of traineeship, with the option for the Trainee to appeal the termination through a hearing before the full Board within thirty (30) days of receipt of termination letter.</p>
<p><u>Failure to Renew within 30 days of Notice</u></p>	<p>Automatic termination of traineeship, with the option to resume traineeship within twelve (12) months upon payment of renewal fee and late renewal fee.</p>

The Traineeship Committee next will meet on July 24, 2017 at 8:00 AM, at which time it will discuss ideas for rule-making related to traineeships. Participation from interested licensees is welcome.

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.

LICENSEE COMPLIANCE ANNOUNCEMENTS

Please be reminded that, pursuant to N.C. Gen. Stat. §§ 90-210.124 and 130A-420, an individual may authorize the cremation and disposition of his or her own remains either by preneed funeral contract or cremation authorization form executed on a preneed basis. If the individual wishes to do so by cremation authorization form, he or she must follow N.C. Gen. Stat. § 90-210.126 to make sure that the cremation authorization form is properly filled out on a preneed basis (i.e. have the form signed by two witnesses, retain a copy, send a copy to the funeral establishment/crematory licensee, have the required disclosures.)

As a reminder, the Board does not regulate cemeteries. If you wish to submit a complaint that is related to a cemetery, that complaint should be made to the North Carolina Cemetery Commission. More information regarding the complaint process and procedures for the North Carolina Cemetery Commission is available at: <http://nccemetery.org/complaint-process-procedures/>. Feedback on how the Board and the North Carolina Cemetery Commission can better collaborate to protect North Carolina citizens is welcome.

Civil penalties that may be assessed by the FTC for violations of the FTC's Trade Regulation Rule Concerning Funeral Industry Practices (the "Funeral Rule") were recently increased at the direction of Congress to \$40,654 per violation. A letter to licensees from the FTC is available at: <http://ncbfs.org/rules/FTC%20Letter%20to%20Funeral%20Providers.pdf>.

The Office of the Chief Medical Examiner ("OCME") has a "Frequently Asked Questions" section on its website, which is available at: <http://www.ocme.dhhs.nc.gov/faq/index.shtml>. Some of the information you will find includes the following:

- What does it mean when the Medical Examiner accepts jurisdiction?
- How are cause and manner of death determined?
- What should the family expect?
- How do I obtain NC Medical Examiner documents?
- What happens to the personal property or medications that are with the decedent at examination?

A PDF version of the FAQ is available for distribution to consumers. Questions regarding OCME cases may be directed to OCME (<http://www.ocme.dhhs.nc.gov/contact.shtml>).

The North Carolina Medical Board has a "Frequently Asked Questions" section regarding death certificates on its website, which is available at: https://www.ncmedboard.org/images/uploads/article_images/FAQs-deathcerts.pdf. Some of the information you will find includes the following:

- Whose responsibility is it to complete death certificates?
- Can a clinician decline to sign a death certificate?
- What if [the clinician is] not sure on the cause of death?
- How quickly must death certificates be completed?

A PDF version of the FAQ is available for distribution to consumers. Questions regarding clinicians' obligations to sign a death certificate may be directed to the North Carolina Medical Board (<https://www.ncmedboard.org/contact>).

On June 6, 2017, the Colorado Office of Funeral Home and Crematory Registration issued an Order of Summary Suspension to Heritage Cremation Providers, LLC. To review a copy of the Order, please click here: <http://ncbfs.org/announcements/Order-of-Summary-Suspension-2017-0607.pdf>

NEW LICENSEES, TRAINEES, AND ESTABLISHMENTS BETWEEN MAY 1, 2017 AND JULY 7, 2017

CHAPELS

None

CREMATORIES

None

TRANSPORTERS

Mohamed S. Alzuraiki (Raleigh) – Active 06/30/2017

FUNERAL ESTABLISHMENTS

First Cremation Society – Louisburg – passed inspection 05/01/17 (chg'd ownership)
Sawyer Funeral Home & Cremation Services – passed inspection 05/17/17
Fisher Memorial Funeral Parlor, LLC – Durham – passed inspection 05/31/17 (chg'd ownership)
Robert Morgan Funeral & Cremation Services – Shelby – passed inspection 06/19/17
Edwards Funeral Home, Inc. – Kinston – passed inspection 07/06/2017 (chg'd ownership)
Ashelawn Memorial Chapel & Gardens – Jefferson – passed inspection 06/29/17 (chg'd ownership)
Badger Funeral Home & Cremation Service – W. Jefferson – passed inspection 06/29/17 (chg'd ownership)
Midstate Cremation & Funeral Service – Asheboro – passed inspection 6/30/17 – (chg'd ownership)
All Souls Funeral Service, Inc. – Mars Hill – passed inspection 6/30/17

FUNERAL SERVICE LICENSEES

Gregory K. Rollings – Peachtree City, GA 05/11/2017
Jonathan W. Meachem, Sr. – Wadesboro, NC 05/12/17
Kenneth R. Zoch – Austin, TX – 05/17/17
Dylan F. Matthews – Rocky Mount, NC 05/25/17
Robert J. Stephenson – Charlotte, NC 06/05/17
Lynda G. Huntley – Laurinburg, NC 06/07/17

Andrew R. May – Gastonia, NC 06/13/17
Sandra F. Colling – Newport News, VA 06/15/17
Frederick R. Jordan, IV – Hays, NC - (converted from FD to FS) 06/20/17
Rodney S. McKaig – Landrum, SC (converted from FD to FS) 06/28/17

FUNERAL DIRECTOR LICENSEES

Lauren P. Willis – Newport, NC 06/16/2017
Rodney E. Sanders – Franklin, NC – 06/27/2017
Brian Hargett Greene – Greensboro, NC 07/07/2017

TRAINEES

Benjamin Chadwick Hargette – Gordon Funeral Service and Crematory (6/1/2017)
Patrick Thomas Harlow – Pierce-Jefferson Funeral Service (6/1/2017)
Daniel Lawrence McGee – Evans Funeral Service & Crematory (6/1/2017)
William Henry Mitchell, Jr. – B. G. Barrett Funeral Home (6/1/2017)
Karen Camp Morrison – Crowe’s Mortuary & Crematory (6/1/2017)
Pamela D. Mosley – Bridges-Cameron Funeral Home, Inc. (6/1/2017)
Harry Lee Smith – Munden Funeral Home & Crematory (6/1/2017)
Evadne Kaye Smith – Smith Funeral Home (6/1/2017)
Chelsea Marie Stygles – Coble-Ward-Smith Funeral and Cremation Service (6/1/2017)
Bradley William Wood – Frank Vogler & Sons Funeral Home (6/1/2017)
Paul Edward Hoffman – Moore Funeral Home & Cremation Services (7/1/2017)
Michael Gardner Jones, II – Ellis D. Jones & Sons Funeral Directors (7/1/2017)
Lillie Pope – H. D. Pope Funeral Home (7/1/2017)
Renee’ Denise Stevens – William Toney’s Funeral Home, Inc. (7/1/2017)
Dandrell Dante Williams - Serenity Memorial Funeral Home (7/1/2017)

DECLARATORY RULING

In the Matter of Mary Rose Browder and SCI Shared Resources, LLC (D17-001)

Question: Would it be a violation of the Board’s governing statutes and rules if a funeral establishment and/or crematory who receives into its care a dead human body containing a leadless pacemaker causes the body to be cremated without first removing the leadless pacemaker?

Summary: The Board holds that a funeral establishment and/or crematory licensed by the Board must determine prior to cremation whether a dead human body contains a pacemaker. If the pacemaker contains leads, then the Board will deem it an actionable violation of N.C. Gen. Stat. § 90-210.129(d) and N.C. Gen. Stat. § 90-210.125(a)(9) to cremate the body without first removing the pacemaker. If a funeral establishment and/or crematory has confirmed prior to cremation that a dead human body contains a leadless pacemaker approved by the FDA or other government

agency so authorized, the Board will not deem it an actionable violation of N.C. Gen. Stat. § 90-210.129(d) and N.C. Gen. Stat. § 90-210.125(a)(9) to cremate the dead human body without first removing the leadless pacemaker. The Board expressly declines to provide any opinion as to potential safety, health, or other risks that the funeral establishment and/or crematory assumes when cremating a dead human body containing a leadless pacemaker.

For a full copy of this Declaratory Ruling, click here: <http://www.ncbfs.org/laws/declaratory-rulings/D17-001-Browder-MaryRose-and-SCI.PDF>

DISCIPLINARY MATTERS

Board Case Number: M16-039 / C16-101

Respondent: C.E. Willie Funeral & Cremation Services, Inc.; Claude Edward Willie, III; and Myron N. Davis

Summary: Board staff conducted an inspection and audit of both Respondent Funeral Establishments, and noted several deficiencies, including but not limited to the following violations: 1) failure to timely renew at-need and preneed establishment permits; 2) failure to timely file Preened Annual Reports; 3) evidence of practice during the period of permit forfeiture; and 4) preneed recordkeeping violations. Subsequent to the routine inspection and audit, Board staff received a consumer complaint alleging that Respondents failed to transfer preneed funeral funds to a successor establishment pursuant to the complainant's request. Respondents replied, providing proof that a certified check purchased by Respondent Funeral Establishment in the amount was provided to the successor establishment. The Board did not have record of a preneed contract having been filed for the consumer at the time the funds were transferred to the successor preneed establishment.

Board Action: The Board adopted a Consent Order, whereby Respondents shall collectively pay a \$2,000.00 compromise penalty to the Civil Penalty and Forfeiture Fund; Respondents shall each serve a probationary period of one year; Respondents shall each complete two (2) hours of Board-sponsored Federal Trade Commission continuing education and three (3) hours of Board-sponsored preneed continuing education; and agreed that no period of probation for either of the establishments at issue will be lifted unless and until such time as Respondents pass a subsequent preneed audit.

Effective Date: July 11, 2017

Board Case Number: M17-011

Respondent: James Hamrick (FSL # 2963)

Summary: Respondent failed to renew his funeral service license prior to close of business on February 1, 2017.

Board Action: The Board adopted a Consent Order, whereby the licensee agrees that his funeral service license shall be retroactively renewed upon satisfaction of the following terms: 1) payment of a \$250.00 compromise penalty; 2) payment of a \$100.00 license renewal fee; 3) payment of a \$50.00 reinstatement fee; and 4) submission of completed license renewal application.

Effective Date: July 11, 2017

Board Case Number: M17-016

Respondent: Harry Lee Smith, Jr. (FD # 3844)

Summary: Respondent failed to renew his funeral service license prior to close of business on February 1, 2017.

Board Action: The Board adopted a Consent Order, whereby the licensee agrees that his funeral service license shall be retroactively renewed upon satisfaction of the following terms: 1) payment of a \$500.00 compromise penalty; 2) payment of a \$75.00 license renewal fee; 3) payment of a \$50.00 reinstatement fee; and 4) submission of completed license renewal application.

Effective Date: July 11, 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.
