

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 September 2017: Volume 13, Issue 8

The Board's next scheduled meeting is at 9:00 a.m. on **Wednesday, October 11, 2017** at 1033 Wade Avenue, Suite 108, Raleigh, North Carolina.

BOARD STAFF ANNOUNCEMENTS

The Board welcomes Terri Robinson McLean as its new Inspector for Region 5, which primarily covers southeastern North Carolina. Licensees are encouraged to visit the Board's website to determine where his or her firm is located within the recently re-aligned inspection regions at https://ncbfs.org/content.php?page_desc=inspectors

Effective September 2017, the Board is accepting online payment of fees by credit card. Please note, however, that preneed contract filing fees cannot be paid by credit card at this time. For more information, please visit the Board's website at https://www.ncbfs.org/content.php?page_desc=online-payment.

Bidders are invited to submit a proposal in response to the Board's Request for Proposal for Selection of an Audit Firm to provide annual audit services in accordance with the requirements set forth in the Request for Proposal (RFP), available at <https://www.ncbfs.org/announcements/Board-RFP-2017-Audit-Services.pdf>. The Board's accounting system and audit requirements are described in the attached RFP.

The original and two copies of your proposal must be received no later than **October 16, 2017 by 4:30 p.m.** or your proposal will otherwise be disqualified. The proposals will be reviewed by the Board's Finance and Personnel Committee, which will provide a recommendation of the selected vendor to the full Board at its November 8, 2017 meeting.

In mid-October, the Board will conduct an election of nominated candidates for one (1) position on the North Carolina Crematory Authority. This position is for a three-year term, beginning in January 2018. All actively licensed crematories will be eligible to vote and will receive further instructions via US Mail from the Board in October.

The Board-sponsored Preneed Review and FTC Review courses will be offered at the Board office on **October 24, 2017**. Please contact Ms. Marty Mills at mmills@ncbfs.org to register.

TRAINEESHIP ANNOUNCEMENTS

As a reminder, at its August meeting, the Board approved revisions to the currently-used forms for the monthly work reports and daily checklists. These revised forms better reflect funeral service activities in modern-day practice, including cremations, next-of-kin/authorizing agent identification, OCME jurisdiction analysis, and the use of universal precautions while embalming. Trainees must begin using these revised work reports and revised daily checklists in September, which are available on the Board's website at https://www.ncbfs.org/content.php?page_desc=individualforms.

For assistance in completing the revised work reports properly, please review the Reference Guides for Completing Resident Trainee Work Reports, which also are available on the Board's website at https://www.ncbfs.org/content.php?page_desc=individualforms.

A recently-added Trainee Frequently Asked Questions section is now available on the Board's website at https://www.ncbfs.org/content.php?page_desc=traineeship-faqs.

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.

MUTUAL BURIAL ASSOCIATION ANNOUNCEMENTS

Board staff is aware of several mutual burial associations whose members and assets need to be transferred to a successor mutual burial association for reasons including death or other incapacitation of the Secretary-Treasurer, and/or that the sponsoring funeral establishment is closed. If you are the Secretary-Treasurer of a mutual burial association that would be willing to consider receiving the membership and assets of one or more defunct mutual burial associations, please contact Brett Lisenbee at (919) 218-8083.

LICENSEE COMPLIANCE ANNOUNCEMENTS

Have a compliance question? Remember to use the Board's 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 also may send a facsimile to (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 in which they are received, inspectors 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.

A special reminder to licensees: Board staff other than inspectors cannot provide licensees with compliance advice. Questions about whether or not your actions would be compliant with the Board's laws and rules are not legal questions and should not be directed to our legal department. Rather, they are compliance questions and should be directed to our compliance/inspection department. For your convenience, compliance questions may be answered in any one of the following methods:

- **By emailing the Board's Compliance opinion email: complianceopinion@ncbfs.org**
- By contacting the Board's Compliance Liaison, Brett Lisenbee, or your individual inspector at the contact information provided on the Board's website at https://ncbfs.org/content.php?page_desc=inspectors

As a reminder, at its August meeting, the Board revised both the long and short version of the Model Cremation Authorization Form, which are available on the Board's website here: https://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 on the Board's website here: <http://www.ncbfs.org/laws/declaratory-rulings/D17-001-Browder-MaryRose-and-SCI.PDF>.

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.

Licensees are also reminded that N.C. Gen. Stat. § 90-210.129(e) states, "Human remains shall not be cremated within 24 hours after the time of death, unless such death was a result of an infectious, contagious, or communicable and dangerous disease as listed by the Commission for Public Health, pursuant to G.S. 130A-134, and unless such time requirement is waived in writing by the medical examiner, county health director or attending physician where the death occurred." A model waiver form (BFS 55) is available on the Board's website here: <https://ncbfs.org/forms/crematory/1bfs55.pdf>

The North Carolina Medical Board has published a helpful article entitled, "Physician Obligation to Complete Death Certificates." Specifically, the North Carolina Medical Board advises its licensees that:

Clinicians may not decline to sign a certificate because they are uncertain of the exact cause of death. Clinicians are merely expected to exercise their best clinical judgment under the circumstances, just as they would in diagnosing treatment for a patient. Deaths should not be referred to the medical examiner's office because a clinician involved in a patient's care is not comfortable attributing a cause of death or believes it is another person's responsibility to complete the death certificate.

Understand that, before the attending physician is contacted about signing the death certificate, an assessment of the circumstances has almost always been made by EMS, law enforcement, or the medical examiner.

Licensees of this Board are welcome to use this article as a resource when working with healthcare providers to obtain a completed death certificate. The full article is available here: <https://www.ncmedboard.org/resources-information/professional-resources/publications/forum-newsletter/article/physician-obligation-to-complete-death-certificates>

North Carolina Session Law 2017-203, which became effective on August 11, 2017, requires occupational licensing boards to require that applicants for licensure disclose whether he or she has been the subject of any investigation for employee misclassification and, if so, the results of said investigation. As such, the Board is in the process of amending its existing applications, including renewal applications, such that they are compliant with this new law. Accordingly, licensees will notice a question regarding employee misclassification on their renewal applications for 2018.

Please remember that licensees required to complete continuing education (“CE”) courses as a prerequisite for annual license renewal must complete five (5) hours of approved CE on or before February 1, 2018.

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.

PRENEED COMPLIANCE ANNOUNCEMENTS

Pursuant to N.C. Gen. Stat. § 90-210.73, preneed contracts are not subject to public inspection. Board staff can provide a copy of an existing preneed contract to any individual who is a party to the contract (e.g. the preneed contract purchaser, the preneed contract beneficiary, or the legal representative of either; or the contracting preneed funeral establishment), but Board staff cannot provide a copy to any other party without first receiving a written request signed by the preneed contract beneficiary, preneed contract purchaser, or the legal representative of either. Said requests shall be submitted in writing to the attention of the Board’s Preneed Department.

A preneed funeral contract purchaser, preneed funeral contract beneficiary, or the legal representative of either may transfer an existing preneed funeral contract from one preneed funeral establishment to another preneed funeral establishment of his or her choosing. Pursuant to N.C. Gen. Stat. §§ 90-210.65(e)(1) and 90-210.63(a)(2), the contracting preneed funeral

establishment must immediately pay all funds received from the preneed contract purchaser or beneficiary to the successor preneed funeral establishment.

Questions regarding how to amend a preneed contract that previously has been filed with the Board? Please review the Board's guidelines on best practices, which are available on the Board's website here: <https://www.ncbfs.org/forms/preneed/Amend-Preneed-Contracts.pdf>.

For information regarding the limited circumstances under which an irrevocable preneed contract may be revoked, please review the reference guide that is available on the Board's website here: <https://www.ncbfs.org/forms/preneed/Revoking-Irrevocable-Preneed-Contract.pdf>

Over 182,000 active preneed contracts are on file with the Board and many beneficiary names are identical. As such, it is imperative to list the beneficiary's name on the Certificate of Performance exactly as it is listed on the original preneed contract filed with the Board, and to include at least the last four (4) digits of the beneficiary's social security number. All Certificates of Performance filed with the Board must be legible and completed in their entirety, including the date the preneed contract was executed and the date of the preneed contract beneficiary's death. Licensees are reminded that Certificates of Performance should not be filed with the Board for preneed contracts that were funded by insurance policies issued prior to July 9, 1992.

NEW LICENSEES, TRAINEES, AND ESTABLISHMENTS BETWEEN AUGUST 1, 2017 AND SEPTEMBER 15, 2017

CHAPELS

None

CREMATORIES

None

TRANSPORTERS

Mark Allen Byrd - Charlotte – 08/10/2017
Carsha C. Stromas - Winterville – 08/25/2017
Corey Oneill Marshall - Fayetteville – 09/19/2017

UNAFFILIATED LICENSEES

None

FUNERAL ESTABLISHMENTS

Cumbo Funeral Home – Morehead City – 08/03/2017
Celebrations of Life by Leggett-Patterson Funeral Home, Inc. – Lumberton – 08/08/2017
Avery’s Memorial Chapel, Inc. – Asheville – 08/30/2017

FUNERAL SERVICE LICENSEES

Carolyn Anderson Elmore – Alexis, NC – 08/01/2017
Dwain Martin Bell – St. Pauls, NC – 08/03/2017
Carla Brown Rumph – Winston-Salem – 08/17/2017 (converted from FD to FSL)
Janice Shantel Pledger – Boiling Springs – 08/23/2017
Jordyn West Faile – Lancaster, SC – 08/23/2017
Amanda Jean Leonhardt – Raleigh – 08/29/2017
Louis Winfrey Beard – Boone – 09/05/2017
Amber Bridges Marsden – Asheville – 09/07/2017 (converted from FD to FSL)
Walton Kenneth Herring, III – Fayetteville – 09/08/2017 (converted from FD to FSL)
Mark Adam Cunningham – Fayetteville – 09/14/2017

FUNERAL DIRECTOR LICENSEES

Christopher Scott Halsey – Lake Wylie, SC – 08/02/2017
Jennifer Ledford Hood – Morganton – 08/15/2017
Stephanie Jean Pardee – Waxhaw – 09/14/2017

TRAINEES

Stephen L. Boyd – Holloway Memorial Funeral Home – 09/01/2017
David S. Breece – Rogers & Breece Funeral Home – 09/01/2017
Russell J. Cullen – Jackson Funeral Services – 09/01/2017
John D. Griffin – Roberts Funeral Service - 9/01/2017
Noel T. Helms – Hayworth-Miller Funeral Home – 09/01/2017
Shaveas D. Love – Buie Funeral Home – 09/01/2017
Margaret A. Miatke – Boles Funeral Home – 09/01/2017
Ronald G. Murray – L. Harold Poole Funeral Service & Crematory – 09/01/2017
Amber T. Pearson – Knotts Funeral Home - 09/01/2017
Meredith P. Springs – Morris Funeral Home - 09/01/2017
Daniel W. Sullivan – Cabarrus Funeral & Cremation - 09/01/2017
Stephen E. Weade – Heritage Funeral & Cremation Service - 09/01/2017