



North Carolina Board of Funeral Service Newsletter

Volume 14, Issue 8

August 2018

Davis Announces At-Need Program Changes

In his monthly report to the Board, Executive Director Stephen Davis highlighted organizational changes affecting the delivery of at-need services to licensees and certified trainees. Davis noted that the realignment of certain functions in the At-Need Program was designed to strengthen procedures in business licensure and permitting, individual licensure, and examinations. He explained that he and staff have been engaged in an on-going assessment of Board programs and services to determine the need for optimizing service delivery to licensees and trainees.

Beginning September 1st, all individual licensure in funeral service, funeral directing or embalming and the administration of state and national board examinations will be housed in the Executive Director's office under the oversight of Mr. Davis and Assistant Director Amy Mauldin. All functions of business licensure pertaining to the following entities have been reassigned to the Inspections Team under the direction of Brett Lisenbee, Compliance Officer:

- Funeral Establishments
- Crematories
- Mutual Burial Associations
- Unaffiliated Practitioners
- Hydrolysis Facilities
- Chapels
- Embalming Facilities

The Board's new information system which went on-line in April allows Field Inspectors to prepare and print business permits on-site without delay.

Davis said that "By reorganizing the at-need program under a single manager, we can provide seamless services through one portal for traineeships, state and national board examinations, individual licensure and renewals."

He recognized and acknowledged Marty Mills, current At-Need Services Manager, for her long-term dedication and service to licensees.

Ms. Mills will transfer to the Executive Director's Office and will have a key role in the continued assessment of Board programs and services; will be engaged in strategic planning activities; will develop and sustain open channels of communication with our Associations and other stakeholders; and will assist the Executive Director in the development of criteria to measure the efficiency and effectiveness of Board programs. Assistant Director Mauldin stated that "Marty Mills is perfectly positioned to assist us in these important initiatives given her long-term experience with the Board and her in-depth institutional knowledge of the Board's programs and services. We're excited about these changes and believe they will definitely produce positive results."

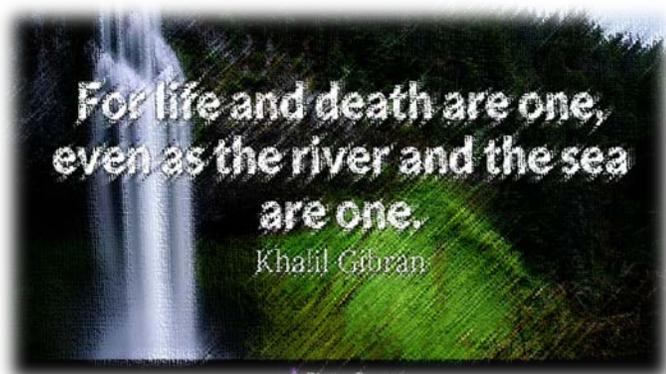
Board Authorizes Separate Model Forms for Cremations and Alkaline Hydrolysis

At its meeting on August 15th, the NC Board of Funeral Service voted unanimously to approve separate model forms for the authorization of cremations or alkaline hydrolysis. Since June, the Board has addressed a number of issues regarding the Model Cremation Authorization Forms available to licensees on-line. The Board has for several years offered a long and short version of the Model Cremation Authorization Form.

Based upon feedback from licensees as well as changes required by HB529, the Board asked staff to revise the forms to assure clarity, to provide adequate space for required signatures, and to include room for notarization. Additionally, following the recent media coverage of a Raleigh couple wishing to have their stillborn twins cremated in the same chamber, the

Board wanted to clarify the issue of invoking religious practice as a basis for multiple cremations even though forbidden by law at the time. The ratification of HB529 now allows for certain multiple cremations in the same chamber, but the Board wanted to retain the clarification regarding religious practice in the cremation authorization form on a pre-need basis only.

HB529 also will allow licensure of alkaline hydrolysis facilities beginning October 1, 2018, and the Board has authorized a separate Model Form for that purpose. The new forms are *Standard Cremation Authorization Model Form* and the *Standard Alkaline Hydrolysis Authorization Model Form* which will be available on the NCBFS website. The Board's actions eliminate the former short versions of the Model Forms.



License Renewals Due in December!

Just a friendly reminder to begin thinking about renewing your license. Board staff will be sending out reminders soon that individual licenses and business permits must be renewed no later than December 31, 2018.

Application forms will be available later in the year on the Board's website. As in the past, licensees will have the option to submit their applications electronically, by FAX or by US Mail.

Please remember that you must complete five [5] hours of approved Continuing Education courses as a prerequisite for annual individual license renewal on or before February 1, 2019.

More information will follow later in the year!

2018 Board Meeting Calendar

September 12-13

October 10-11

November 14-15

December 12-13

1033 Wade Avenue, Suite 108
Raleigh, North Carolina

Crematory Authority Election Underway

The Board is conducting 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 2019. Candidates nominated for the vacant seat are incumbent Michael J. Fullwood of White Funeral and Cremation Services in Supply, NC; and Fronie Jackson of McDougald Funeral Home & Crematorium in Laurinburg, NC.

All actively licensed crematories have been mailed ballots, which must be returned to the Board office no later than 5:00 pm on August 31, 2018. The ballots will be counted by the Board at its September 12th meeting, and the election results will be published in the Board's October Newsletter.

Most Changes Effective October 1st

HB529 Set To Revise NC Funeral Practice Act

As highlighted in the July Newsletter, a number of changes will go into effect beginning October 1, 2018, as a result of the ratification of House Bill 529, which introduced significant changes to the NC Funeral Practice Act.

Following are some highlights – for a more detailed summary, please visit the NCBFS website to access the July Newsletter at www.ncbfs.org.

- **Transporters**

Requires transport permit holders to maintain a professional liability insurance policy with liability limits of at least \$500,000. Certificates of said insurance must be submitted to the Board within 30 days of initial licensure; and submitted annually to the Board as a condition of renewal. Licensee must notify the Board in writing within 30 days of any change in the insurer or any cancellation/suspension of the policy. If transporter presents evidence of employer's liability insurance, the documentation must show that the individual transport permit holder is covered under the policy; current law mandates liability insurance required only for registration of vehicle used for transportation of decedents.

- **Unaffiliated Permits**

Requires unaffiliated permit holders to maintain a professional liability insurance policy with liability limits of at least \$1,000,000. Certificates of said insurance must be submitted to the Board within 30 days of initial licensure; and submitted to the Board upon request. Licensee must notify the Board in writing within 30 days of any change in the insurer or any cancellation/suspension of the policy; current law does not mandate insurance requirements for unaffiliated permit holders

- **Preneed Contracts**

Provides that preneed licensee may cancel an insurance-funded preneed funeral contract by sending written notice by first-class mail, postage prepaid, to the last known address of the preneed funeral contract purchaser or, after the purchaser's death, the preneed contract beneficiary when: (1) The preneed funeral contract beneficiary has not used the preneed funeral contract to qualify for benefits

from DHHS; (2) One or more insurance policies used as consideration for the preneed contract have lapsed or been revoked or cancelled by the preneed contract purchaser; and (3) The value of all insurance policies does not exceed \$500; current law allows an irrevocable insurance-funded contract to become revocable when the underlying insurance policy lapses/cancelled and the lapsed/cancelled policy no longer provides any funding to the contract.

Increases from \$100 to \$1,000 the threshold amount at which refunded preneed funeral monies must be made to the office of the clerk of superior court in the county in which probate proceedings could be filed for the decedent rather than to the beneficiaries of the estate, when no estate has been established.

- **Licensure by Reciprocity**

Requires applicants for licensure as FD, FS or EM by reciprocity to hold an active valid license in good standing by a jurisdiction that will reciprocate a North Carolina license to practice; current law does not require that the other jurisdiction will reciprocate a North Carolina license.

Requires applicants for licensure as FD, FS or EM by reciprocity to hold an active valid license in good standing by a jurisdiction with licensure requirements that are equal to, or greater than, those in North Carolina for education, training and examination; current law requires the other jurisdiction to have licensure requirements that are substantially similar to those in North Carolina or requires the application to have continuously practiced in the other jurisdiction for the 3 years immediately preceding the application.

Requires applicants for licensure as FD, FS or EM by reciprocity to have practiced in a jurisdiction that will reciprocate a NC license for at least 3 years; current law only requires applicant to have engaged in prior practice if not reciprocating from a state with substantially similar licensure requirements to those in North Carolina.

Work Progressing on Electronic Death Registration System

Executive Director Stephen Davis and Assistant Director Amy Mauldin joined representatives from the Funeral Directors and Morticians Association of NC [FDMANC], the NC Funeral Directors Association [NCFDA] and the NC Office of Vital Records recently to discuss projected planning for the study and implementation of an Electronic Death Registration System [EDRS]. State Registrar Catherine Ryan from the NC Department of Health and Human Services along with Jeff Smedley, EDRS Business Specialist, led a discussion on the project timeline and progress

accomplished to date on implementation of this new system for North Carolina. In coming months, the project will focus on user acceptance training, a demonstration pilot and test prior to going on-line, and then the statewide rollout for the system. Ms. Ryan and her staff have been working steadily on this project in past years in conducting feasibility studies, assessing system prototypes, and securing funding for purchasing an Off-the-Shelf product that can be adapted to North Carolina's system

Congratulations To Our New Trainees!

We are pleased to announce the following individuals who have been accepted into the Board's Resident Traineeship Program:

Starting July 1st

Robert L. Pate	Munden Funeral Home & Crematory
Dean D. Vinson	Cleveland Funeral Service & Crematory
Darrell D. Howell	Montlawn Funeral Home & Cremations
Heather R. Gwyn	Advantage Funeral & Cremation Services Vanstory Chapel
Jan S. Berry	Pollock-Best Funerals & Cremations
Amanda Jean Miller	Reeves Funeral Home
Hannah L. Kirksey	Sossoman Funeral Home
Jennifer L. Warner	McClure Funeral Operation, Inc.

Starting August 1st

Amelia N. Moody-Harrison	Moody Funeral Services, Inc.
Brandon W. Smith	Carter Funeral Home
Ronald J. Boyd	Benson Funeral & Cremation Services, LLC
April D. Lett	McDougald Funeral Home & Crematorium, LLC
Erin E. Preslar	Linn-Honeycutt Funeral Home

Welcome, New Licensees!

The NC Board of Funeral Service is pleased to recognize the following individuals and establishments receiving licensure.

Funeral Service

Katherine L. Sinn
Shannon D. Parks
Donald J. Gloege
Hakeem T. Brown
Austin K. O'Neal

Funeral Directing

Colleen K. Heck	Emily Carol Boles
Keenan T. Walsh	Laura B. Tart
Deborah R. Johnson	Troy L. Taylor
Charles E. Susong	
Gloria A. Stephens	

Transport

Eric Terrell Thomas
Joshua H Bugajski

Unaffiliated

V. B. Peterkin Funeral Director Licensee

Funeral Establishments

Western Carolina Funeral & Cremation Service, Inc.
Salem Funeral & Cremation Service, Inc.
McLeod & Peterkin Funeral Home

Sylva, North Carolina
Winston-Salem, North Carolina
Sanford, North Carolina

The NC Board of Funeral Service heard recommendations from the Disciplinary Committee in the following matters at its August 15, 2018, meeting. The Board's decision in each matter is indicated under **Board Actions**.

Complete copies of the Disciplinary Actions taken by the Board are available on the Board's website here: <https://ncbfs.org/disciplinary-actions.php>

Board Case Number: R18-042

Respondent: Loving Care Cremations, LLC (FE 890)

Summary: Respondent failed to deliver an application for renewal of its funeral establishment permit with payment of applicable renewal fee to the Board by close of business on February 1, 2018, thereby failing to renew said permit. Since January 1, 2018, Respondent has engaged in the practice of funeral service.

Board Action: The Board adopted a Consent Order, whereby the Board agreed to retroactively renew Respondent's 2018 funeral establishment permit, upon Respondent's compliance with the following terms: (1) submission of a completed 2018 renewal application for a funeral establishment permit; (2) payment of a \$200.00 renewal fee; (3) payment of a \$100.00 late renewal fee; and (4) payment of a \$500.00 compromise penalty, which shall be paid to the Civil Penalty and Forfeiture Fund in accordance with Article 31A of Chapter 115C of the NC General Statutes.

Effective Date: August 15, 2018

Board Case Number: M17-036, M17-040, M17-048

Respondent: Bryan-Lee Funeral Home, P. Alex Lee, Harold Hill and James S. Lee

Summary: In September 2017, a Board inspector conducted a Funeral Establishment Inspection and a Preneed Examination of Respondent Funeral Homes (the "2017 Examination"). During the 2017 Examination, the inspector found violations as follows: i) a failure to properly maintain accurate and complete preneed records; and ii) a failure to file all Board preneed contracts and required filing fees within ten days following the date of sale.

Board Action: The Board adopted a Consent Order, whereby Respondents agree to the following discipline:

1. The Preneed Establishment Permits and all ancillary preneed sales licenses of Respondent Funeral Homes shall be placed on probation for two (2) years on the following terms and conditions:

- a. Within thirty (30) days, Respondent shall correct all deficiencies identified in the 2017 Examination and in its own internal audit;
 - b. Respondent Funeral Home shall not violate any law or rule of the Board during the period of probation;
 - c. Respondent Funeral Home shall timely respond to any and all Board and/or Board staff correspondence;
 - d. Respondent Funeral Home shall comply with all terms of this Consent Order; and
 - e. Respondent Funeral Home shall pay a compromise penalty of One Thousand Five Hundred (\$1,500.00) Dollars to the Civil Penalty and Forfeiture Fund.
2. The Funeral Service License of P. Alex Lee shall be placed on probation for two (2) years on the following terms and conditions:
- a. Respondent P. Alex Lee shall not violate any law or rule of the Board during the period of probation;
 - b. Respondent P. Alex Lee shall timely respond to any and all Board and/or Board staff correspondence; and
 - c. Respondent P. Alex Lee shall comply with all terms of this Consent Order.
3. The Board shall issue a non-disciplinary letter of caution to Respondents James S. Lee and Harold Hill, reminding them of their obligations to comply with the statutes and rules governing the practice of preneed funeral service.
4. Respondents P. Alex Lee, Harold Hill, and James S. Lee and the three central office staff most involved with preneed contracts and compliance will voluntarily attend a Board-sponsored continuing education course on preneed review on or before December 31, 2019.

Effective Date: August 15, 2018

Board Case Number: C17-060, P17-042

Respondent: Carolina Mortuary Service & Cremation, Inc. and Benjamin A. Bellante

Summary: Complainant alleges that Respondents allowed her to participate in the arrangements conference for her deceased sister (the "Decedent") as the Executrix of Decedent's estate, although the Respondent Funeral Home's co-owner held disposition rights for the Decedent. Complainant was not provided with a copy of Respondent Funeral Home's relevant price lists or a Statement of Funeral Goods and Services Selected in the arrangement conferences. Upon review by a Board inspector, it was determined that Respondents engaged in billing discrepancies and an apparent overcharging for certain services to Complainant for the Decedent's services. Additionally, Respondents allowed an unlicensed individual to use their facilities and equipment in the practice of funeral service, and paid the unlicensed individual a portion of revenue that he collected on behalf of Respondent Funeral Home for the funeral services rendered. The consumers impacted by the actions of the Respondents and the unlicensed individual were overcharged for services rendered.

Board Action: The Board adopted a Consent Order, whereby Respondents agree to the following discipline:

1. The Funeral Establishment Permit of Respondent Funeral Home is suspended for two (2) years, but said suspension is stayed on the following conditions:
 - a. Respondent Funeral Home shall be placed on probation during the period of stayed suspension;
 - b. Respondent Funeral Home shall not violate any law or rule of the Board during the period of stayed suspension;
 - c. Respondent Funeral Home shall timely respond to any and all Board and/or Board staff correspondence;
 - d. Respondent Funeral Home shall comply with all terms of this Consent Order;
 - e. Respondent Funeral Home shall pay a compromise penalty of Two Thousand (\$2,000.00) Dollars to the Civil Penalty and Forfeiture Fund;
 - f. Respondent Funeral Home shall remit a refund in the amount of One Thousand Nine Hundred Sixteen and 13/100 Dollars (\$1,916.13) to a consumer who was overcharged for services rendered; and
 - g. Respondent Funeral Home shall remit a refund in the amount of One Thousand Thirty-Five Dollars (\$1,035.00) to a consumer who was overcharged for services rendered.

2. The Funeral Service License of Respondent Bellante is suspended for two (2) years, but said suspension is stayed on the following conditions:
 - a. Respondent Bellante is placed on probation for two (2) years;
 - b. Respondent Bellante shall not violate any law or rule of the Board during the period of stayed suspension;
 - c. Respondent Bellante shall timely respond to any and all Board and/or Board staff correspondence; and
 - d. Respondent Bellante shall comply with all terms of this Consent Order.

Effective Date: August 15, 2018

Board Case Number: C17-082

Respondent: Carriage Funeral Holdings, Inc. d/b/a Cumby Family Funeral Service

Summary: Complainant alleges that when she and her ex-husband made funeral arrangements for their deceased son at Respondent Funeral Establishment, they verbally agreed to divide the cremains between a large urn and four (4) mini urns. Complainant verbally agreed to receive one mini urn. Both she and her ex-husband signed the cremation authorization indicating that the cremains would be released to both parents. Complainant also alleges that when she went to pick up a mini urn containing her portion of the cremains, she was informed that the four (4) mini urns had been released to her ex-husband. Complainant further alleges that, when she arrived to retrieve her portion of the cremains, Respondent Funeral Establishment presented her with a release form to sign relinquishing her rights to her son's cremains, but she did not sign it. Complainant also alleges that her ex-husband brought a mini urn back to Respondent Funeral Establishment to be given to her, but she refused to receive the mini-urn because she could not be certain that the cremains were those of her son. Respondent Funeral Establishment responded and indicated that they believed the ex-husband intended to provide one of the 4 mini urns to Complainant. Respondent Funeral Establishment acknowledges that the release they asked Complainant to sign was poorly worded. Respondent Funeral Establishment states in their response that they meant for

Complainant to relinquish her rights to the large urn only, as had been verbally agreed upon at their initial meeting. Respondent Funeral Establishment provided Board staff with a copy of the cremation authorization signed by the Complainant and her ex-husband, a copy of the release they asked Complainant to sign, and a copy of the Statement of Goods and Services signed by decedent's father; however, they did not provide Board Form 56D showing that they released the four (4) mini urns to the decedent's father. Respondent Funeral Establishment further indicates that they are still in possession of one mini urn and the large urn containing the decedent's cremains.

Board Action: The Board adopted a Consent Order, whereby Respondent agrees to the following discipline:

3. The Funeral Establishment Permit of Respondent Funeral Home is suspended for one (1) year, but said suspension is stayed on the following conditions:
 - a. Respondent Funeral Home shall be placed on probation during the period of stayed suspension;
 - b. Respondent Funeral Home shall not violate any law or rule of the Board during the period of suspension;
 - c. Respondent Funeral Home shall timely respond to any and all Board and/or Board staff correspondence;
 - d. Respondent Funeral Home shall comply with all terms of this Consent Order; and
 - e. Within thirty (30) days from the date this Consent Order takes effect, Respondent Funeral Home shall pay a compromise penalty of One Thousand Five Hundred (\$1,500.00) Dollars to the Civil Penalty and Forfeiture Fund.

Effective Date: August 15, 2018

NCBFS COMPLIANCE STAFF

Compliance questions may be answered in any one of the following methods:

E-mail the Board's compliance opinion email address at complianceopinion@ncbfs.org

E-mail the Board's Compliance Officer at blisenbee@ncbfs.org or call at 919.733.9380.

Contact the Inspector responsible for the county in which you practice.

Brett Lisenbee, Compliance Officer & Western Region Inspector 919.218.8083

Darrell Cagle	West Central Region	919.604.4828
Karen Davis-Brunson	Central Region	919.219.8701
Chris Stoessner	North Eastern Region	919.215.8851
Terri Robinson-McLean	South Eastern Region	919.410.4608

For a listing of counties in each region, please visit www.ncbfs.org/inspectors.php