

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 January 2018: Volume 14, Issue 1

The Board's next scheduled meeting is at 9:00 a.m. on **Wednesday, February 14, 2018** at 1033 Wade Avenue, Suite 108, Raleigh, North Carolina.

BOARD STAFF ANNOUNCEMENTS

The deadline for licensure renewal was December 31, 2017. Those licensees who have not yet submitted a completed renewal application and fee must do so by **5:00 PM on Thursday, February 1, 2018**, or else the license will be deemed to have been forfeited and surrendered. Once a license is forfeited, the licensee will be required to re-apply for licensure as a new applicant if he or she wishes to practice funeral service in the future.

Applications for renewal of all license types are available as fillable PDFs on the Board's website [here](#). This year, licensees have the option to submit their completed applications electronically via renewals@ncbfs.org or via facsimile at (919) 733-8271, as well as by US Mail. Licensees choosing to submit applications electronically or by facsimile may submit their renewal fee online through the Board's online payment portal [here](#). For more information, please visit the Board's website [here](#).

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 [here](#).

RULE-MAKING ANNOUNCEMENTS

At its meeting on November 8, 2017, the Board voted to file a Notice of Text proposing for repeal several rules. Please see the attached Memorandum regarding the rules proposed for repeal [here](#).

The Board will be accepting public comment on the rules proposed for repeal until the close of business on Tuesday, February 13, 2018. If you wish to submit public comment about any of the proposed rule classifications, you may do so by either mailing a public comment to the attention of the Board's Rulemaking Coordinator, Catherine E. Lee, by US Postal Service or other delivery service to 1033 Wade Avenue, Suite 108, Raleigh, NC 27605, by fax to (919) 733-8271, or by e-mail to clee@ncbfs.org.

The definition of "public comment" as provided by N.C. Gen. Stat. § 150B-21.3A(a)(5) is as follows:

- “Public comment. - Means written comments objecting to the rule, in whole or in part, received by an agency from any member of the public, including an association or other organization representing the regulated community or other members of the public.”
- “Public comment” is defined by G.S. 150B-21.3A(a)(5) as a written objection to all or part of a rule.

Additionally, pursuant to N.C. Gen. Stat. § 150B-21.3A(c)(2), in order for the Rules Review Commission to determine whether the public comment has merit, the public comment must address the specific substance of the rule and address any of the standards of Commission review, as set forth in N.C. Gen. Stat. § 150B-21.9(a).

LICENSEE COMPLIANCE ANNOUNCEMENTS

Licensees are reminded that, pursuant to 21 NCAC 34C .0303(b), all funeral establishments must use Board Form 56D (Delivery of Cremated Remains from Funeral Establishment) when documenting the release of human remains to the recipient of the cremated remains. Establishments may use other types of documents to establish receipt **only if** they also prepare a receipt on the prescribed Board Form as well. Questions regarding compliance may be addressed to complianceopinion@ncbfs.org.

Under N.C. Gen. Stat. § 130A-115(c) “[t]he medical certification shall be completed and signed by the physician in charge of the patient's care for the illness or condition which resulted in death, except when the death falls within the [jurisdiction of a medical examiner]. In the absence of the physician or with the physician's approval, the certificate may be completed and signed by an associate physician, a physician assistant in a manner consistent with G.S. 90-18.1(e1), a nurse practitioner in a manner consistent with G.S. 90-18.2(e1), the chief medical officer of the hospital or facility in which the death occurred or a physician who performed an autopsy upon the decedent under the following circumstances: the individual has access to the medical history of the deceased; the individual has viewed the deceased at or after death; and the death is due to natural causes.[...]”

Additionally, N.C. Gen. Stat. § 130A-382(a) provides that “[t]he Chief Medical Examiner shall appoint two or more county medical examiners for each county for a three year term. In appointing medical examiners for each county, the Chief Medical Examiner shall give preference to physicians licensed to practice medicine in this State but may also appoint licensed physician assistants, nurse practitioners, nurses, or emergency medical technician paramedics. A medical examiner may serve more than one county. The Chief Medical Examiner may take jurisdiction in any case or appoint another medical examiner to do so.”

Licensees with questions concerning medical examiners appointed in any of this State's various counties are encouraged to contact the Office of the Chief Medical Examiner (OCME) by phone at 919-743-9000 or by mail at OCME, 3025 Mail Service Center, Raleigh, NC 27699-3025.

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 [here](#)**.

**Please note that, on occasion, calls to individual inspectors will be routed to the “on-call” inspector of the day so that compliance calls can be answered as quickly as possible.

MUTUAL BURIAL ASSOCIATION COMPLIANCE ANNOUNCEMENTS

N.C. Gen. Stat. § 90-210.81 provides that every mutual burial association must file with the Board an annual report of its financial condition **no later than February 15** of each calendar year, which covers the complete financial condition of the mutual burial association for the preceding calendar year. Failure to timely submit the financial report will result in a fine of \$25/per day for each day after February 15 that the report is late. The mutual burial association financial report template is available [here](#).

PRENEED COMPLIANCE ANNOUNCEMENTS

The 2017 Preneed Annual Reports will be mailed to all preneed establishment licensees during the week of January 22, 2018. Completed 2017 Preneed Annual Reports are due **no later than March 31, 2018**. As a reminder, on-line filing of the Preneed Annual Report will not be available in 2018 as the Board is in the process of migrating to a new database system.

Please note that the instructions and certification sheet for the 2017 Preneed Annual Report were revised so that certain summary information no longer is required. Any questions should be directed to the Board’s Preneed Program Assistant, Ms. Lyn Cochrane, at lcochrane@ncbfs.org. As

a reminder, this year, the Board will accept bank and insurance year-end reports showing the fund balances for preneed contracts as of December 31, 2017, in lieu of requiring licensees to put the updated balances directly on the Preneed Annual Report.

A funeral establishment that received a preneed establishment license after January 1, 2008, or whose preneed establishment license has lapsed or was terminated for any reason after January 1, 2008, must obtain a surety bond in the amount not less than fifty thousand dollars (\$50,000.00) for five years, or upon demonstrating that it is solvent, no less than one year from the date the original license is issued. N.C. Gen. Stat. § 90-210.67. As a reminder, preneed establishments required to have such bonds in place should ensure that proof of current coverage is sent to the Board’s Preneed Program Assistant, Ms. Lyn Cochrane, at lcochrane@ncbfs.org.

At its December 2017 Board meeting, the Board voted to increase the amount of funds dedicated to its Preneed Recovery Fund to \$5.00 per preneed contract filed with the Board in 2018. This action does not increase the filing fee paid by licensees to the Board, but will make more funds available to pay consumers whose entrusted funds have been misappropriated by licensees.

As a reminder, the Board is statutorily required to inform local district attorneys when it receives evidence that licensees have misappropriated preneed funds, which is a felony offense under N.C. Gen. Stat. § 90-210.70(a).

NEW LICENSEES, TRAINEES, AND ESTABLISHMENTS BETWEEN DECEMBER 15, 2017 AND JANUARY 15, 2018

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| Chapels | None |
| Crematories | Four Seasons Crematory – Hendersonville |
| Transporters | Larry Dwight Winstead - Franklinton |
| Unaffiliated Licensees | None |
| Funeral Establishments | Stanly Funeral & Cremation Care - Locust |
| Preneed Funeral Establishments | Beach Funeral Home & Cremation Services – Elizabeth City |
| Funeral Service Licensees | Cody Tyler McCain – Morganton Christopher Weaver – Durham Raven Chandler Jones – Red Springs Cecilia Ann Leonard - Lexington Phrederic D. Dold – Hickory |
| Funeral Directors | Matthew Long Shuler – Indian Trail |
| Trainees (Starting December 1, 2017) | Christina Alvarado – McEwen Funeral Home of Monroe James C. Davis – Parrish Funeral Home Alexas R. Gorbey – Forest Lawn West |

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| | David A. Hawkins – Hope Valley Funeral Service & Cremations Brandon R. Owens – Kirksey Funeral Home Chase E. Ramsey – Blue Ridge Funeral Service Leslie Van Pelt – McLean Funeral Director’s |
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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 this [link](#).