

# North Carolina Board of Funeral Service Newsletter

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## HB 529 Amends Funeral Practice Act

*This edition of the NCBFS Newsletter focuses primarily on the changes and impact from ratification of HB 529 which Governor Roy Cooper signed into law on June 25, 2018, and is published as Session Law 2018-78.*

*Following is a summary highlighting major changes in the Funeral Practice Act: NCGS Chapter 90, Articles 13A, D, E and F.*

Full Text of HB529 may be found at: [www.ncleg.net/Sessions/2017/Bills/House/PDF/H529v7.pdf](http://www.ncleg.net/Sessions/2017/Bills/House/PDF/H529v7.pdf)

<b>NC Board of Funeral Service Calendar</b>	
August 15-16	NCBFS Board Meeting
<b>See Page 9 for Details</b>	

**The following is intended only as a summary of the major changes set forth in the ratified HB529. For a complete review of all changes, individuals are encouraged to review the ratified HB529 at the address noted above.**

### **NC Gen Stat. § 90-210.25(a)(1)-(3)**

### **Initial Licensure as FD, FS or EM**

- Removes the requirement that applicants for initial licensure as FD, FS, or EM take specific courses in mortuary school; new law instead requires graduation from the appropriate mortuary science program from an accredited school
- Traineeships certified more than 3 years prior to date of application cannot be used to meet the requirements for initial licensure as FD, FS, or EM; current law prevents traineeships certified more than 5 years prior to date of application to be used for said licensure
- Removes the listing of specific subjects that must be included in funeral directing competency exam

necessary for initial licensure as FD or FS; new law instead provides that the applicants pass the entry-level examination in funeral directing administered by The International Conference of Funeral Service Examining Boards [ICFSEB]

- The Board's Laws and Rules Exam now may include questions regarding the FTC rule
- Expressly mandates payment of required fees as a requirement for initial licensure as FD, FS, or EM

#### **NC Gen Stat. § 90-210.25(a)(4)-(5)**

#### **Traineeship matters; Examinations**

- Requires trainee supervisors to be in good standing with the Board and to have practiced funeral service, funeral directing, or embalming (depending on traineeship type) full time for a minimum of 5 years; current rules require either a minimum of 5 years of continuance practice or attendance at a trainee supervisor certification course
- Allows Board staff to send notice of traineeship renewal via US Mail to the trainee's last known residential address or email address
- Mandates that active service military trainees shall not be charged a late renewal fee; current law allows the Board to waive the late fee at its discretion
- Allows active duty military serving in combat or presidentially declared disaster to extend the length of time that the certified traineeship may be used toward initial licensure as FD, FS, or EM by the period of time equal to the number of days of active deployment; current law does not allow for an extension
- Requires trainees to file monthly work reports electronically; allows Board to collect a late fee not to exceed \$50 for each untimely filed work report; current law does not allow for collection of a late fee
- Expands the types of disciplinary action that may be imposed on trainees to include refusal to issue or renew a traineeship, or to place a trainee probation; current law allows only for suspension or revocation of traineeship
- Removes limitation on the number of trainees that may serve at a particular establishment based on the annual call volume of the establishment; current law provides that an establishment shall register no more than one resident trainee at an establishment that serves 100 or fewer families per year and no more than one additional trainee for each additional 100 families served per year
- Requires a trainee or supervisor to meet with the Board upon request
- Requires applicants for licensure to wait at least 60 days before re-taking a competency exam after failing it twice; there is no waiting period currently set forth in the Board's statute and rules
- Exempts individuals from CE renewal requirements for the year in which the licensee was first obtained; current law provides the exemption only if the individual was licensed on or after July 1

**NC Gen Stat. § 90-210.25(a2)****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

**NC Gen Stat. § 90-210.25(b)****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

**NC Gen. Stat. § 90-210.25(c)****Transport Permit**

- 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.
- Expands disciplinary actions that may be imposed on transport permit holders to mirror that which may be imposed on other individual licensees, and also includes the practice of funeral directing, funeral service, or embalming without a license as grounds for discipline.

**NC Gen. Stat. § 90-210.25(d)****At-Need Establishment Permit**

- Defines a “change of ownership” to constitute a change of a majority of the funeral establishment's owners, partners, managers, members, operators, or officers
- Defines a “funeral establishment” for purposes of this subsection to mean one or more structures on a contiguous piece of property

**NC Gen. Stat. § 90-210.25(e); 90-210.69(c)(4); 90-210.123(g)****Discipline**

Adds the following as grounds for discipline against individuals licensed by the Board:

- Failure to refund within 30 days of receipt any insurance proceeds received as consideration in excess of the funeral contract purchase price; provided, however, that this provision shall not be construed to include interest or growth on funds paid toward funeral goods and services to be provided pursuant to an inflation-proof preneed contract.
- Failure to provide, within a reasonable time, either the goods and services contracted for or a refund for the price of goods and services paid for but not fulfilled.
- Violation of G.S. 58-58-97, which prohibits a licensee or employee of a funeral establishment from making a false request for information to an insurance company regarding a decedent’s life insurance; requires the licensees or employees to make reasonable efforts to locate beneficiaries within 100 hours of receiving information from the insurance carrier regarding any life insurance contracts or policies; and requires the licensees or employees to make certain disclosures to the beneficiaries
  - Expands the following as grounds for discipline against preneed licensees of the Board to include fraud or misrepresentation in the operation of the licensee’s business
  - Expands the following as grounds for discipline against crematory licensees of the Board to include fraud or misrepresentation in the operation of the licensee’s business
  - Expands the following as grounds for discipline against crematory licensees of the Board to include violations of the Funeral Industry Practices, 16 CFR § 453
  - Expands the following as grounds for discipline against crematory licensees of the Board to include allowing anyone other than a licensee of the Board or a crematory technician to perform a cremation

**NC Gen. Stat. § 90-210.25(f)****Unlawful Practices (effective December 1, 2018)**

- Adds the following: “Any person who knowingly or willfully abuses or mutilates a dead human body in a person's custody shall be guilty of a Class 2 misdemeanor. It shall not be a violation of this subdivision for a person licensed to practice embalming or funeral service under this Article to embalm a dead human body consistent with techniques of embalming generally recognized by embalming or funeral service licensees under this Article or for a person licensed to practice funeral directing or funeral service to exhibit a dead human body consistent with lawful instructions from the person authorized to dispose of the dead human body;” this provision supplements current criminal law prohibiting the disturbance, vandalism, desecration, or sexual penetration of human remains (see GS 14-401.22)

**NC Gen. Stat. § 90-210.27A****Funeral Establishments**

- Allows funeral establishments to obtain a temporary waiver for the requirements in this subsection in the event of a natural disaster for a period not to exceed 180 days, provided that the establishment register any alternative embalming facility with the Board and comply with laws of the Division or Health Services and the municipality/county of residency. If the waiver is requested for more than 90 days, good cause must be shown; current rule allows a waiver for up to 120 days
- Requires human remains to be stored in an establishment, embalming facility, or crematory at all times when not in transit or at a gravesite, church, or other facility or residence for the purpose of visitation or funeral service
- Requires unembalmed human remains retained in the custody of a funeral establishment for more than 24 hours to be kept in a refrigeration unit; current law does not require funeral establishments to provide refrigeration

**NC Gen. Stat. §§ 90-210.28; 90-210.132(a)****Fees**

- Increases maximum amount of establishment and embalming facility reinspection fee from \$100 to \$150; current rule sets said fee at \$100
- Increases maximum amount of crematory and hydrolysis licensees' reinspection fee from \$100 to \$150; current rule sets said fee at \$100
- Sets application fees, renewal fees and late fees for hydrolysis and hydrolysis manager licensees

**NC Gen. Stat. §§ 90-210.29B; 90-210.73****Public Records**

- Exempts records, papers, and other documents containing information collected or compiled by or on behalf of the Board as a result of a complaint, investigation, audit, disciplinary matter, or interview in connection with a licensee, permittee, or registrant, or any application for a license, permit, or registration from public record laws set forth in Chapter 132 of the General Statutes
- Exempts all financial information used to demonstrate solvency in connection with a required preneed surety bond from public records laws set forth in Chapter 132 of the General Statutes

**NC Gen. Stat. §§ 90-210.61, 90-210.63, 90-210.63B, 90-210.64, 90-210.66****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
- Codifies Board's ability to deposit at least \$2, but not more than \$10, into the Preneed Recovery Fund from the fee for each preneed funeral contract filed with the Board

**NC Gen. Stat. § 90-210.67****Preneed Licensure**

- Preneed Establishments licensed after 2008 must hold a preneed surety bond for at least \$50,000 for a period of at least 2 years, provided that the Board may require the bond to be held for 5 years or may allow for a waiver after 1 year upon proof of solvency to the satisfaction of the Board. Current law requires preneed establishments to maintain a \$50,000 preneed surety bond for the first five years of licensure but allows establishments to request a waiver after 1 year upon demonstrating solvency.

**NC Gen. Stat. § 90-210.68 (Preneed Annual Report; Change of Ownership or Termination of Business)**

- Codifies deadline of March 31 for submission of preneed annual report showing preneed contract sales and performance; current rule requires preneed annual report submission by March 31 each year

- Requires preneed establishments to notify the Board of an intended transfer or assignment of assets or stock, or intent to terminate its business, at least 30 days in advance; current law only requires 15 days' advanced notice

**NC Gen. Stat. § 90-210.125; 90-210.129**

**Cremation Authorization and Procedure (*effective upon enactment of law*)**

- Revises the information needed on a cremation authorization form to require a certification that the human remains do not contain a pacemaker that is not approved for cremation by the pacemaker's manufacturer or proper regulating agency; disclosures under current law do not distinguish between leads pacemakers and leadless pacemakers
- Clarifies that the existing law regarding the requirement to obtain a death certificate prior to cremation applies only to deaths occurring in North Carolina; clarifies that the death certificate may be signed by the attending physician or other person authorized by law to sign the death certificate under a physician's supervision
- Creates a new subsection that sets forth the documents that must be obtained prior to cremation for deaths occurring outside of North Carolina, as follows:
  - A death certificate from the other jurisdiction that meets the same content and signature requirements as death certificates of decedents who died in North Carolina; or
  - Any document or certificate required to authorize cremation in the jurisdiction where the death occurred that is signed by a physician, medical examiner, or other authorized person and that contains all information required to be set forth in death certificates of decedents who died in North Carolina
- Limits the prohibition on knowingly cremating human remains with a pacemaker or defibrillator only to those devices that are not approved for cremation by the pacemaker's manufacturer or proper regulating agency.
- Allows for the simultaneous cremation, upon written direction of the authorizing agent, of:
  - The human remains of multiple fetuses from the same mother and the same birth; or
  - The human remains of multiple persons up to the age of one year old from the same mother and the same birth.

**NC Gen. Stat. § 90-210.136**

**Alkaline Hydrolysis**

- Prohibits the hydrolyzing of human remains without first obtaining a license from the Board
- Sets licensure fees for the hydrolysis of human remains to be the same as those for the licensing of crematories

- Requires hydrolyzing of human remains to comply with the same requirements set forth for cremation and requires hydrolysis permit holders to pay the same fee for monthly reports for each hydrolysis as crematories are required to pay for each cremation
- Grants the Board the same authority to regulate, enforce, discipline, and inspect hydrolysis licensees as it has for regulating, enforcing, disciplining, and inspecting crematories
- Provides that solid remains or residue remaining after hydrolysis shall be treated and disposed of as are cremated remains. Disposal of liquid waste is subject to all applicable health and environmental laws and regulations
- Provides that human remains shall be hydrolyzed in a hydrolysis container and shall not be required to be hydrolyzed in a casket
- Provides that, unless specified otherwise by the manufacturer of the equipment used for hydrolysis, human remains may be hydrolyzed without first removing a pacemaker or other material or implant that would be potentially hazardous if cremated

**NC Gen. Stat. §§ 90.210-124, 130A-415 and 130A-420**

**Unclaimed/Abandoned Bodies;  
Disposition Rights**

- Clarifies that the county DSS director is vested with full disposition rights for an unclaimed decedent
- Provides that when a decedent is in the possession of a funeral director or funeral service licensee, a decedent shall be deemed abandoned if a body remains unclaimed for final disposition for 10 days, or if disposition rights have been waived pursuant to GS 130A-420(b1) or 90-210.124(b), and if all persons who have expressed interest in arranging for the decedent’s disposition have ceased communications for 5 days
- Requires any person having possession of an abandoned body to notify the Commission of Anatomy (the “Commission”), and either deliver the decedent to the Commission or allow the Commission to take possession of the decedent, upon the Commission’s request
- Requires the funeral director or funeral service licensee to notify the DSS director of the county in which the decedent is located, if the Commission declines the abandoned body. The notice to the DSS director must include a sworn statement that:
  - The body is an abandoned dead body;
  - Reasonable efforts have been made to inform relatives and others of the death;
  - The Commission has failed to request or has declined delivery of the abandoned dead body
- Requires the county DSS director, upon receipt of the sworn statement, to arrange for prompt final disposition of the abandoned body by burial, cremation or hydrolysis

- Allows the DSS director, upon payment by the DSS director for the disposition, a claim for reasonable funeral expenses from the decedent's estate. If no estate exists, the costs shall be borne by the county in which the death occurred, or, if the location of death is unknown, the county where the decedent was located
- Grants a guardian of a person the authority to direct the final disposition of the remains of the ward through a preneed contract or through a preneed cremation authorization form

This summary is intended as a general guide in understanding the major changes resulting from the ratification of HB529. The full text for HB529 may be found at: [www.ncleg.net/Sessions/2017/Bills/House/PDF/H529v7.pdf](http://www.ncleg.net/Sessions/2017/Bills/House/PDF/H529v7.pdf)

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## *Upcoming Events . . . . .*

August 15 – 16      The NC Board of Funeral Service will convene at 9:00 am at the NCBFS office located at 1033 Wade Avenue, Suite 108, Raleigh, NC.

## *Reminder for Trainees*

Resident trainees are required to complete a daily checklist for work completed at a funeral establishment. Trainees must retain these checklists, but they should NOT be submitted to the Board. Inspectors will periodically ask for and review the checklists on-site during a regular compliance examination. If you have questions, please contact Amy Mauldin, Assistant Director and Traineeship Program Manager, for more information at [919] 733-9380 or at [amauldin@ncbfs.org](mailto:amauldin@ncbfs.org).

## *Reminder for Individual Licensees*

In anticipation of licensure renewal season, Marty Mills, At Need Services Manager, asks that you please notify her of any contact changes such as mailing address, e-mail, telephone number, etc. You may reach Ms. Mills at [919] 733-9380 or at [mmills@ncbfs.org](mailto:mmills@ncbfs.org).



*The best and most beautiful things in the world  
cannot be seen,  
not touched.*

*But are felt in the heart.*

*Helen Keller*

## *Lisenbee, Pearson Lead Preneed, FTC & Cremation Classes*

On July 11<sup>th</sup> and 12<sup>th</sup>, the NC Board of Funeral Service sponsored three CE classes for attendees seeking to meet their annual CE requirement. These classes were also available to those licensees subject to a Board requirement for attendance as well as those seeking to learn more about preneed services. Course topics were Preneed Review, FTC “Funeral Rule” Review, and Cremation Review. Compliance Officer Brett Lisenbee and Preneed Administrator Tanya Pearson presented the Preneed Review class to 34 attendees on Wednesday, July 11<sup>th</sup>. Participants heard Lisenbee and Pearson explain the Board’s statutory requirements and administrative rules for preneed services using a PowerPoint presentation that also highlighted recent changes to the preneed provisions in the General Statutes. The FTC Review and Cremation Review classes were well attended and highly interactive as a result of questions and comments from participants.



Lisenbee stated that *“these classes are designed to remind licensees of the statutory requirements for these programs and the kinds of things that inspectors look for when we visit an establishment to conduct a compliance examination.”*

Additional Board-sponsored classes will be presented in the fall to allow licensees sufficient time prior to the end of the year to accrue CE credit hours necessary for license renewal on January 1, 2019. Lisenbee also presented the Preneed Review

class in a session on July 23<sup>rd</sup> at the Forest Lawn Funeral Home in Hendersonville, NC.

In describing the benefits that attendees gain by participating in the classes, Ms. Pearson noted that *“these classes give Board staff an important opportunity to interact directly with licensees, to hear their questions and concerns, and to convey information that we hope will prove helpful to them in their responsibilities for preneed services.”*

## *MBA Assessments Due August 1st*

In accordance with NC General Statute 90-210.83, the NC Board of Funeral Service “*shall assess each burial association one hundred dollars [\$100.00] . . . This assessment shall be made on the first day of July of each and every year and said assessment shall be paid within 30 days thereafter. If any association shall fail or refuse to pay such assessment within 30 days, the Board of Funeral Service is authorized to transfer all memberships and assets of every kind and description to the nearest association that is found by the Board of Funeral Service to be in good sound financial condition.*”

Officers of Mutual Burial Associations should be aware that the assessment notices were mailed as of July 1<sup>st</sup> and must send their assessment to the Board office no later than August 1, 2018.

The Board’s Inspectors are responsible for conducting on-site examinations and inspections for mutual burial associations and those funeral establishments which sponsor them.

Brett Lisenbee, Compliance Officer and Inspector for the West Region and Chris Stoessner, Inspector for the North Eastern Region, are each responsible for assigned counties throughout the state for these inspections and examinations. If you have questions about the assignment of your county to either of these inspectors, please contact Brett Lisenbee at 919.218.8083 or at blisenbee@ncbfs.org.

## *New Cremation Forms Generating Questions from Licensees*

At its June meeting, the NC Board of Funeral Service authorized revisions to the Cremation Authorization Forms to implement changes to NC General Statute 90-210.129 which became effective June 25, 2018. The statutory changes included new language that will do the following:

- Clarify that the right to specify any religious practices that conflict with General Statute 90-210.125(13) is reserved for an authorizing agent who is also exercising his or her right to arrange for his or her own cremation.
- Provide a designated section for the two (2) witness signatures required by General Statute 90-210.126(a) for those cremation authorization forms executed on a preneed basis.
- Provide a designated section to be signed by a funeral director or funeral service licensee as required by General Statute 90-210.125(a)(14) which states that “*the funeral director shall warrant to the crematory that the human remains delivered to the crematory licensee are the human remains identified on the cremation authorization form...*”
- Provide a designated section to be signed by a representative of the crematory obtaining the cremation authorization form when no funeral establishment is involved.

Please note that General Statute 90-210.125 does not require an authorizing agent’s signature to be witnessed when a cremation authorization form is being executed on an at-need basis. Nor does the statute require that the form be notarized whether on a preneed or at-need basis.

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## *Technology Update*

# *NCBFS Webmaster Announces Communications Changes*

Glenda Ryan, Webmaster for the NC Board of Funeral Services, has been integral to the Board's new communications strategy which has prompted a redesigned website to facilitate access to critical information in a format that's user-friendly and easy to navigate.

In addition to the website, the Board's letterhead and newsletter have also undergone design and format changes. Ms. Ryan noted the importance of "assuring that our licensees and consumers alike have information available to them in formats that are professional in appearance, are easy to access and that offer relevant, timely information."

Ryan has managed the migration of the Board's website to a new platform which has

incorporated a number of client-centered changes.

Ryan alphabetized the left menu navigation to make it easier for users to quickly locate the categories available. Similarly, the links under the **Professional Resources** tab are now listed alphabetically.

Contact information for the Board has been included at the bottom of each page so that users can easily locate telephone and fax numbers as well as address information. Ryan also included a site map to offer additional options for users seeking specific information on the Board website.

Other changes include:

### ❖ **Continuing Education**

To reduce the amount of scrolling through the Continuing Education listings, we have reorganized the page layout. Course titles are listed in alphabetical order under sponsor sections. We have included links to the sponsor's website or direct links to course information if available.

### ❖ **Inspectors**

The page for the inspectors has been revised to display the various counties more concisely under management of each of the five inspectors without unnecessary clicking. A chart of the inspectors' typical on-call schedule has been posted on the inspector page, as well as the home page. When the inspector of a particular region is unavailable, calls may be transferred to the on-call inspector.

#### ❖ **Left Side Navigation additions/updates**

Links to **Frequently Accessed Resources** (preneed calculator, preneed recovery fund application, consumer complaint form, and governing statutes and rules) have been moved from the home page to the left side bar. These resources are now easily available on all of the web pages. Similarly, the **Death Certificate Form** has been relocated from the home page announcement section to the left navigation bar of all pages. The sections to sign up for the newsletter and rule-making notices have been combined into one section titled **Subscribe** for better clarity.

#### ❖ **Newsletter Archives**

We have streamlined the Newsletter archive section to provide better clarity as well as condense the amount of text. Recent publications have been presented monthly. In prior years, newsletters were published seasonally, with variation in what was available for the Spring, Summer, Autumn, and Winter editions.

#### ❖ **Board Staff**

The board staff section has been modified to provide better clarity of whom to contact for various services provided by the board.

According to Webmaster Ryan, *“The Board’s website serves a critical function to provide information to those involved in funeral service. Further improvements are in progress to make this digital channel a more efficient and effective communication tool, so stay tuned!*”

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## *ABFSE Revises Standards for Funeral Service Education*

The American Board of Funeral Service Education [ABFSE] has responsibility for the accreditation of institutions and programs offering funeral service degree programs to prospective licensees.

As noted in the ABFSE Preamble, *“the accreditation of Funeral Service Education programs is intended to help insure that those ingredients necessary to the successful practice of funeral service are offered each student in a consistent and universal manner. Standards have been developed to foster this goal. The Standards*

*of Accreditation, as established at associate (or comparable) degree and bachelor’s degree levels, are for the most part qualitative and apply to both individual programs and the institution as a whole.”*

An initiative begun in 2017 reviewed current standards and has recommended a number of changes. Those wishing to review and then comment on the proposed standards are encouraged to provide feedback by visiting <https://www.surveymonkey.com/r/NTWJT9C>.

# Compliance Staff Conduct Field Examinations, Answer Calls

One of the primary responsibilities for the NC Board of Funeral Service is regular examinations of licensed funeral establishments and cremation facilities to assure compliance with the NC Funeral Practice Act and pertinent rules in the NC Administrative Code.

Inspections staff rely upon a variety of documents and records that establishments must produce on demand, but they also adopt a “common sense” approach in assuring compliance with applicable statutes and rules.

Compliance Officer Brett Lisenbee oversees a staff of four inspectors who are responsible for an assigned geographical region of the state and who not only conduct field examinations of establishments including cremation facilities but also investigate consumer or staff-generated

complaints, serve subpoenas and hearings notices, testify in hearings before the Board or in court, and respond to compliance questions from licensees.

When licensees have compliance questions, they are referred immediately to the Inspections Team since Board staff other than inspectors cannot provide compliance opinions.

Questions about whether or not a licensee’s actions would be compliant with the Board’s laws and rules are not legal questions, and inspectors do not render legal advice.

They do, however, provide an opinion as to whether or not a licensee is in compliance with the requirements of the Funeral Practice Act or the Federal Trade Commission’s Funeral Rule.

## Meet The NCBFS Compliance Staff!

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](http://www.ncbfs.org/inspectors.php)

## What To Do If You Have A Compliance Question . . .

If the question relates to your own *prospective* conduct, you may email [complianceopinion@ncbfs.org](mailto:complianceopinion@ncbfs.org). You may also 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 they are received, the Inspections staff will provide responses to these inquiries, but only to the extent they pertain to future actions and matters within the purview of the Board's laws and rules. If your question relates to past conduct (your own or that of another licensee), the Board Staff may decline to respond depending upon the circumstances.

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](mailto:complianceopinion@ncbfs.org)
- E-mail the Board's Compliance Officer at [blisenbee@ncbfs.org](mailto:blisenbee@ncbfs.org) or call at 919.733.9380.
- Contact the Inspector responsible for the county in which you practice.

To facilitate compliance phone calls from licensees and to assure a prompt response, the Inspections staff rely upon an "on-call" schedule which rotates daily among inspectors. Each inspector is responsible for accepting and responding to compliance calls on an assigned day each week.

When inspectors are conducting an on-site examination at a licensed establishment, they typically will forward any compliance calls they receive during the examination to the on-call inspector. Doing so is a courtesy to the licensed establishment to avoid interruptions to the examination, and it also allows for a timely and immediate response.