



North Carolina Board of Funeral Service Newsletter

Volume 14, Issue 10

October 2018

New On-Line Option Now Available For License Renewal

As we approach the December 31st deadline for renewal of individual and business licenses, the Board has introduced a new option for licensees and establishments renewing early. The Board's licensing management system [iGov] which was implemented in April 2018 offers licensees and establishments a "one-stop" concept for renewal.

By clicking on the link at the end of this article, licensees will be directed to the new iGov system which will allow access to a renewal and payment portal after logging in to the system. This portal is a streamlined, efficient and quick way for licensees to renew.

It eliminates the need for licensees to first complete the renewal information and then go to another site for the on-line payment of fees. This new option combines completion of renewal information and payment in a single step, and is a quick way to renew on-line.

The Board encourages licensees to take advantage of this new option and to renew their licenses prior to December 31st.

The following link will direct licensees to the iGov log-in and then to the on-line renewal portal:

<https://ncbfs.igovsolution.com/renewal/renewal/renewallogin.aspx>

Michael J. Fullwood Re-elected to NC Crematory Authority

Election results from a ballot count conducted at the October 10, 2018, meeting of the NC Board of Funeral Service handed Michael J. Fullwood from White Funeral and Cremation Service in Supply, NC, another 3-year term as a member of the NC Crematory Authority.

Ms. Fronie E. Jackson of MacDougald Funeral Home and Crematorium in Laurinburg, NC, was also a

candidate for the open seat on the Authority. The NC General Assembly created the 5-member Authority as a Committee within the NC Board of Funeral Service with responsibility for suggesting rules to the Board for carrying out and enforcing the provisions of the legislation creating the Authority. The Authority meets annually to discuss administrative rules governing cremations in North Carolina.

- The next regularly scheduled Board meeting will be held November 14 and 15, 2018, at the Board's office in Raleigh.
- The Board will observe Veterans Day on November 12, 2018. Board offices will be closed.

Mills Caps 17-Year Career with NCBFS; Pearson Leaving Role As Preneed Admin

Long-term staff member Marty Mills announced her retirement earlier in October after a career of service to the Board spanning nearly 17 years. Ms. Mills will retire on October 31, 2018, but will return in November for a celebratory dinner in her honor to recognize her years of dedicated service to licensees and trainees.

During her career, Marty has worked as the Board's receptionist and administrative services coordinator. More recently, she was responsible for certifying and issuing licenses in funeral service, funeral directing and embalming; and she managed the Board's Continuing Education program. Marty hails from the Newport News area of Virginia where she earned her Associate Degree in Business.

Also in October, Tanya Pearson, Preneed Program Administrator, announced that she would be leaving the Board staff. Pearson began her career with the Board as a temporary employee but quickly advanced to the Preneed Administrator position which she held for nearly 11 years.

We convey our best wishes to both Marty and Tanya as they look forward to future ventures and interests.

Brown-Wynne Funeral Home Hosts Board-sponsored CE Training

On October 24th and 25th, the NC Board of Funeral Service hosted three CE courses at Brown-Wynne Funeral Home in Raleigh, NC. Compliance Officer Brett Lisenbee reviewed statutes and rules regarding preneed services and then presented a legislative summary and overview of changes to the Funeral Practice Act resulting from ratification in June of House Bill 529. He also offered information on the federal FTC Funeral Rule.



*Brown-Wynne Funeral Home
300 St. Mary's Street, Raleigh, NC*

Nearly 50 licensees attended the Preneed Review course while slightly fewer returned for the afternoon session regarding legislative changes to the Funeral Practice Act.

This CE training follows a similar preneed course that Field Inspector Terri McLean-Robinson presented in Wilmington, NC, on October 15, 2018.

These courses are particularly important at this time of the year as licensees seek to complete their 5-hour CE credit requirement in anticipation of license renewal by December 31, 2018.



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Terri Robinson-McLean	Region 5
*Inspector for Region 1	

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: M18-0021

Respondent: Marcus Dashon Miller

Summary: Applicant for funeral service traineeship pled guilty to misdemeanor charges in 2013 when he was 20 years old. The Board held a hearing in this matter at which Respondent introduced evidence through exhibits and witness testimony that he has completed his criminal probation and reformed and rehabilitated his life.

Board Action: The Board granted the Respondent's Application for Registration as a Resident Trainee in Funeral Directing.

Effective Date: August 15, 2018

Reminders for Trainees and Prospective Licensees

In recent months, Board staff have encountered situations with several prospective licensees completing their resident traineeship who learned that their diplomas or certificates in mortuary science were not awarded by academic programs accredited through the American Board of Funeral Service Education [ABFSE].

Such accreditation is required to enable the NC Board of Funeral Service to recognize graduation from a mortuary science program as a condition for licensure.

Prior to licensure, trainees should determine whether or not their academic credentials [diploma, certificate, degree] were awarded from an ABFSE-accredited program.

The International Conference of Funeral Service Examining Boards [The Conference] lists ABFSE-accredited academic programs in mortuary science on their website at www.theconferenceonline.org. Click the **Regulation Information** tab on the home page to navigate to the list of accredited schools.

Trainees pursuing licensure are strongly encouraged to check this listing to ensure that their diploma or degree meets North Carolina's educational requirements.

In addition to concerns regarding academic credentials, the Board has also in recent months heard from trainees appearing before the Traineeship Committee seeking approval to amend or resubmit monthly reports that were incomplete or inaccurate.

Trainees are reminded that the statutory language governing the completion and submission of monthly trainee reports is clear.

It is the trainee's responsibility along with the supervising licensee to review these reports prior to submission to assure that they are complete and accurate. The Board has declined to approve requests from trainees to amend monthly reports once submitted.

COMPLIANCE OPINIONS

The NCBFS Newsletter is reintroducing a feature that has appeared in past editions. The Board's Compliance Officer periodically issues Compliance Opinions in response to questions and issues that licensees raise regarding the Board's administrative rules and/or statutes.

Board staff does not provide legal advice to licensees. Should you have questions concerning your legal rights particularly pertaining to potential liability to any third party or otherwise, you should speak to an attorney of your choice. The purpose of the Compliance Opinion is to provide you with staff's opinion regarding whether or not your proposed conduct as a licensee and crematory manager, respectively, would be in compliance with the Board's governing statutes and rules based solely upon the facts provided to staff.

STAFF COMPLIANCE OPINION No: CO18-045

DATED ISSUED: September 11, 2018

RE: Rights of Disposition

N.C. Gen. Stat. §§ 130A-420(b) and 90-210.124(a)(2) convey to certain individuals, in order of priority, the right to authorize a decedent's final disposition. By contrast, N.C. Gen. Stat. §§ 130A-420(b1) and 90-210.124(b) deem any individual who does not exercise his or her right of disposition within five (5) days from the date he or she was notified of a decedent's death or ten days from the date of death, whichever is earlier, to have waived his or her right of disposition and his or her right to contest it.

In your email, you indicated that the decedent died on September 3, 2018. You had subsequent communication with her unnamed son on September 4, 2018, and mailed a cremation authorization form to him that day. As of today, September 11, 2018, you have received no response from him.

N.C. Gen. Stat. §§ 130A-420(b)(9) and 90-210.124(2)(i) each provide that "in the absence of any heretofore named individual(s), any person willing to assume responsibility may do so." However, it is Board staff's opinion that reasonable efforts must be made to locate those individuals "heretofore named". If after a period of 10 days from the date of death, reasonable efforts to locate any other individual(s) granted a right of disposition by law have failed, it is then staff's opinion that you would technically be in compliance with the Board's governing statutes to personally arrange for the final disposition of the decedent per the provisions of N.C. Gen. Stat. §§ 130A-420(9) and 90-210.124(a)(2)(i).

You might also keep in mind that N.C. Gen. Stat. § 130A-415 governs the disposition of "unclaimed bodies" in this State. While Sections 15, 21, and 22 of House Bill 529 will definitely provide a clearer directive beginning October 1, 2018, any person in possession of an unclaimed body is supposed to notify the Commission of Anatomy. In order to notify the Commission of Anatomy, a licensee simply notifies one of its members at the following website:

<https://www.ocme.dhhs.nc.gov/coa/membership.shtml>

Please be advised that any opinions heretofore expressed are those of staff charged with enforcement of the Board's governing statutes and rules. They have not been reviewed, approved, or otherwise adopted by the Board, nor are they binding upon the Board. If you disagree with staff's position on this matter, you may have the right to request a declaratory ruling from, or hearing before, the Board pursuant to the North Carolina Administrative Procedure Act.

Brett D. Lisenbee
Compliance Officer

STAFF COMPLIANCE OPINION No: CO18-042 DATED ISSUED: August 1, 2018

RE: Manner and place of disposition listed on an NC death certificate as it pertains to cremation, and the method of final disposition listed by the Authorizing Agent on a cremation authorization form executed on a preneed basis.

Relative to the manner / place of disposition listed on a NC death certificate, the Board has no regulatory authority over the form or its content. However, in the event a licensee of the Board: (i) fails to "[file] a death certificate with the local registrar in the county in which death occurred within five days after death. [...]" or (ii) "[knowingly makes] any false statement on a certificate of death"; the Board would be empowered to take disciplinary action.

By contrast, the Board does have regulatory authority over those individuals and entities licensed as crematory licensees in this State. As such, a review of the relative statute found that "for any death occurring in North Carolina certified by the attending physician or other person authorized by law to sign a death certificate under the supervision of a physician, the body shall not be cremated before the crematory licensee receives a death certificate signed by the person authorized to sign the death certificate, which shall contain the following information: (1) Decedent's name; (2) Date of death; (3) Date of birth; (4) Sex; (5) Place of death; (6) Facility name [...]; (7) County of death; (8) City of death; and (9) Time of death (if known)."^{vi}

As such, it is staff's opinion that the manner or place of disposition is not among those items required to be contained on a death certificate received by the crematory licensee prior to cremation. Accordingly, any concerns regarding another licensee's alleged inclusion of false or incorrect information on the form would need to be addressed either through the local registrar's office or by filing a consumer complaint with the Board.

Relative to cremated remains and the prearranged final disposition thereof, the General Assembly has said that, among other things: (i) "any person, on a preneed basis, may authorize the person's own cremation and final disposition of the person's cremated remains by executing, as the authorizing agent, a cremation authorization form on a preneed basis and having the form signed by two witnesses"; and (ii) unless otherwise permitted by law, "[a crematory licensee in possession of] a completed cremation authorization form, executed on a preneed basis, [and also] in possession of the designated human remains, **[shall] be required to cremate the human**

remains and dispose of the human remains according to the instructions contained on the cremation authorization form.” (*emphasis added*). As such, it is staff’s opinion that the crematory licensee would not be in compliance with the Board’s governing statutes or rules to dispose of the cremated remains in any manner other than as directed by the authorizing agent on cremation authorization form.

Please be advised that any opinions heretofore expressed are those of staff charged with enforcement of the Board’s governing statutes and rules. They have not been reviewed, approved, or otherwise adopted by the Board, nor are they binding upon the Board. If you disagree with staff’s position on this matter, you may have the right to request a declaratory ruling from, or hearing before, the Board pursuant to the North Carolina Administrative Procedure Act.

Brett D. Lisenbee
Compliance Officer

What To Do If You Have A Compliance Question . . . Who To Call

If the question relates to your own *prospective* conduct, you may email 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
- 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.

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.

NC Board of Funeral Service Vacancy Announcements



The NC Board of Funeral Service is seeking qualified candidates for two staff positions. These positions are located at the Board office suite in Raleigh, NC, and will report to the Executive Director. Interested applicants should send a resumé and cover letter to: NC Board of Funeral Service, ATTN: Executive Director, 1033 Wade Avenue, Suite 108, Raleigh, NC 27605 by the closing date.

Preneed Program Manager

This position is primarily responsible for directing the Board's Preneed program with an emphasis on responding to licensees who have questions regarding statutes and administrative rules that govern preneed services. The work requires substantial contact with licensees and consumers requiring in-depth knowledge of applicable statutes and administrative rules regarding preneed. The position will be engaged in planning, directing and organizing the Board's Preneed program in concert with the Executive Director, Assistant Director, General Counsel and Compliance Officer. The position will be responsible for the management and retention of more than 180,000 active preneed contracts; will oversee the disposition of performed contracts in accordance with the Board's records retention schedule; will develop standards and procedures for the Annual Preneed Report; and will be engaged in the development of policies and procedures that assure compliance with the general statutes and administrative rules governing preneed programs and services. The position will work collaboratively with the General Counsel and Compliance Officer on consumers' claims for restitution through the NC Preneed Recovery Trust Fund as well as issues pertaining to compliance with statutes and rules governing individual licensure and preneed services.

In addition to the Preneed program responsibilities, this position will conduct on-site compliance examinations of licensed funeral establishments and crematoria in an assigned area. The position will review funeral establishment records and documents to assure compliance with applicable statutes and rules and will conduct reinspections when necessary in follow-up to identified deficiencies.

The work requires superior interpersonal skills; demonstrated effectiveness in written and oral communication; an ability to understand and resolve complex issues, problems and situations concerning preneed services and related funeral programs; and knowledge of the general statutes and administrative rules that govern funeral practice in North Carolina. The work will require knowledge of data bases and related information technology that supports the collection and analysis of program information. This position reports to the Executive Director and will be a key member of the Board's leadership team.

Minimum Requirements for Education and Experience: Graduation from an accredited school of mortuary science; licensure as a funeral service licensee; and 4 years of progressively responsible experience in the practice of funeral service including at least 2 years in preneed planning and service delivery.

Salary Range: \$35,000 – 42,000

Closing Date: November 30, 2018

Administrative Officer

The NC Board of Funeral Service seeks qualified candidates with knowledge, skill and ability in fiscal, human resources, administrative, and organizational operations. Successful candidates will have experience in the development of operating budgets; preparation of profit and loss statements and balance sheets; revenue projections; internal controls; budget analysis; and risk mitigation. The position reviews the Board's operating budget and periodically analyzes trends affecting budget needs and prepares comparative analyses of operating programs by analyzing costs in relation to services performed in prior fiscal years.

Primary duties include payment of outstanding invoices as well as posting entries for accounts receivable using Quickbooks; processing the biweekly payrolls through ADP Payroll Systems; and preparing reconciliation summaries for payroll, bank deposits, and other fiscal records. The position functions as the Board's Health Benefits Officer with responsibility for assuring timely funds transfers from appropriate banking institutions to the 401-k benefit provider; analyzing health benefit costs and preparing annual recommendations for the Board in awarding health benefit plans; and in assuring employee benefits records are up-to-date and in compliance with applicable statutes.

This position will be responsible for maintaining the Board's assets inventory to include both fixed and donated assets; purchasing and contracts administration; capital improvements; and in coordinating facility management issues with property management staff. A key role will be the collection of data, metrics and other statistics necessary for the preparation and submission of mandated governmental reports. The position will maintain all human resources files and will be a key information portal for employees with questions concerning terms and conditions of employment as well as provisions in the Board's Employee Handbook. The position will be responsible for the administration of the Board's Compensation Plan and salary administration policies.

The position will have a key role in short-term and long-range planning regarding the Board's goals and objectives; will participate in an annual financial audit with a contract audit firm; will assist in the development of the Board's Annual Report; and will be directly and actively engaged in the Board's Program Evaluation Initiative. The position will be an advisor and resource to the Assistant Director and the Executive Director as well as the Board's Finance and Personnel Committee. The position reports to the Executive Director.

Minimum Education and Experience: Graduation from an accredited four-year college or university with an undergraduate degree in business administration, social sciences, or related fields and 3 years of progressively responsible experience in budgeting, fiscal administration, administrative management, or program management preferably in a governmental or public setting.

Additional Preferred Requirements: Knowledge and experience with Quickbooks; knowledge of ADP Payroll processing; knowledge and experience with Access data bases or comparable information technology; and experience in human resources management to include conducting market surveys and analyzing compensation data.

Salary Range: \$38,000 - \$47,000
Closing Date: November 30, 2018

Welcome, New Trainees!

Barry L. Hill
Caleb M. Hagwood
Shaun J. Woods
Minda A. Kistner
Matthew J. Fisher

Cumby Family Funeral Service
Hudson Funeral Home
Sharpe Funeral Home
City of Oaks Cremation, Inc.
Fair Funeral Home

Congratulations, New Licensees!

Funeral Service

Crystal M. Branch
Meredith Parker Springs
Nicholas Nester

Concord, North Carolina
Arden, North Carolina
Coats, North Carolina

Funeral Director

Julian Hall Edwards, II
Stephanie G. Williams
Walter F. Johnson, Sr.
William Briley Taylor, III

Raleigh, North Carolina
Kinston, North Carolina
Vilas, North Carolina
Kinston, North Carolina

Transporters

Ronald F. Goutier
Douglas T. Jensen
Sophia N. Jensen
Yvette M. Whitley

Funeral Establishments

Majestic Funeral Home & Cremations ,
Riegelwood, NC

REMINDER!

New Forms

The Board has authorized the use of new Forms Series BFS-55 and BFS-56 for immediate use. These forms will be mandatory effective January 1, 2019, but licensees may begin to use them now. The forms are located on the Board's website at www.ncbfs.org under the **For Licensees** tab. Click on **Applications and Forms** and then **All Documents**.