



North Carolina Board of Funeral Service Newsletter

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NC Board of Funeral Service Sets Agenda for 2019

In early January, the NC Board of Funeral Services convened in Raleigh for the transfer of leadership from former Board President Matt P. Staton [*Powles Staton Funeral Home*] to incoming President J. Stephen Herndon [*Padgett and King Mortuary*].

Among Herndon's objectives for 2019 are an emphasis on the transition from paper-based to digital processes in conducting the Board's business and operations. At a recent meeting of the Board's Finance and Personnel Committee, Mr. Herndon expressed confidence that many of the Board's transactions ranging from preneed annual reports to annual license renewal could easily be managed online and by digital-based processes rather than a continued reliance on paper forms.

In anticipation of his tenure as Board President, Herndon said that "the NC Board of Funeral Services is well-positioned with competent, capable staff and Board members who are committed and dedicated to the Board's core mission in protecting the health, safety and welfare of North Carolina citizens."

In concert with the Board's executive committee which includes Mark Blake, Vice-President [*Brown-Wynne Funeral Home*] and Don Brown [*Don Brown Funeral Home*], Secretary, Herndon said he looks forward to 2019 as another year of accomplishment for the Board and in working toward a common goal in assuring North Carolina's recognition as a national leader in funeral service regulation and administration.

Herndon noted the accomplishments of the 2018 Board under President Matt P. Staton which included passage of HB529, *Amendments to the Funeral Practice Act*; implementation of a new automated licensing system; reorganization of the Board office and realignment of programs; and creation of a comprehensive technical NCBFS Compliance Manual for licensees.

Recognizing that occupational licensing boards have a critical role in the protection of consumers as well as assuring that funeral practitioners are qualified and competent, Herndon said that he looked forward to addressing issues and emerging trends in funeral service during his tenure.

OnLine Renewals Surged in 2018-19

For the first time, more licensees and establishments than in previous years renewed their license using the new online portal that enabled renewal and payment of fees on the same site at the same time. Slightly more than 2,200 licensees logged on to the Board's new licensing management system known as iGov to renew their license through December 31, 2019.

For licensees not renewed by February 1, 2019, please contact the Board's Legal Department as soon as possible at [919] 733-9380 for information and guidance.

The NC Board of Funeral Service will meet at 9:00 a.m. on Wednesday, February 13, 2019, at 1033 Wade Avenue, Suite 108, Raleigh, NC.

Richardson Named To Preneed Program Manager Position

The NC Board of Funeral Service is pleased to announce the appointment of Mr. Paul L. Richardson as the Preneed Program Manager. Mr. Richardson is currently employed at Rich & Thompson Funeral and Cremations Services which has locations in Burlington and Graham, NC.

He is a 2004 graduate of Elon University in Elon, NC, where he earned recognition on the Deans List, and he graduated from Gupton Jones College of Mortuary Science in Atlanta, Georgia, in 2008, where he completed his academic requirements for the AAS degree and finished in the top 5% of his graduating class.



Paul Richardson, Preneed Program Mgr

Mr. Richardson will oversee the Board's preneed programs and services including Certificates of Performance, Standard and Inflation-proof Contracts, the Preneed Annual Report, and preneed records management and retention.

Commenting on Richardson's appointment, Executive Director Stephen Davis said that "Paul's in-depth experience as a funeral service licensee and his knowledge of preneed issues assure his qualification for this important role on the Board's staff. We look forward to the knowledge and skill he brings to the job and will rely on him to organize the preneed program and continue timely, efficient services to both licensees and consumers."

In addition to Mr. Richardson, the preneed staff includes Lyn Cochrane, Senior Preneed Program Specialist; Rebecca Williams, Preneed Program Specialist; and Valencia Brown, Preneed Program Assistant. Mr. Richardson will join the Board staff on February 18, 2019.

Preneed Annual Report To Be Offered OnLine in 2019

Lyn Cochrane, Senior Preneed Program Specialist, and preneed staff Valencia Brown and Rebecca Williams have completed the entry of preneed data into the iGov system in preparation for offering the preneed annual report on line to funeral establishments this year.

Board staff have been working constantly since early January with the iGov vendor in the construction of an online portal which will enable establishments to review,

complete and submit their reports electronically. Hard copies of the report will be furnished upon request.

The preneed annual report is typically mailed to establishments during the last week in January, and it must be submitted to the Board no later than March 31, 2019. The new portal is currently under construction and is projected to be completed and operational by mid-February.

Establishment Permit Certificates On the Way!

Board staff will mail permit certificates in early February for funeral establishments, crematories, preneed establishments, and mutual burial associations renewing for 2019. Permit certificates will carry a new design for

2019 and will include more information than in the past. The redesigned permits will allow for the incorporated names of establishments as well as "d/b/a" [Doing Business As] names.



NC Board of Funeral Service To Address Concerns Regarding Death Certificates; Seeks Clarity on Completion of DC's

The NC Board of Funeral Service will periodically present topics of significant concern to North Carolina's funeral service community with a focus on those issues that integrate with other professions. This series of articles begins with an issue that concerns funeral service licensees throughout the state, and it requires collaboration from physicians and other clinicians; the NC Office of the Chief Medical Examiner; the NC Division of Public Health/Vital Records Section; and local Departments of Health. Timely completion of death certificates has measurable and significant impact on families seeking causes of death and who subsequently are filing insurance claims and probating estates.

The NC Medical Board has addressed this issue from the perspective of physicians and clinicians obligated to certify deaths in a timely manner, and the NC Board of Funeral Service appreciates the opportunity to reprint the following article from *The Forum* [Fall 2013], the NC Medical Board newsletter. The article was authored by Scott G. Kirby, MD.

Refusals or delays in certifying patient deaths have real consequences

The North Carolina Medical Board frequently receives phone calls and complaints from patients' families, EMS directors, funeral home personnel and others about refusals and/or unacceptable delays in physician completion of death certificates. Most often these concerns relate to an unattended death from natural causes. Most of these decedents have an established relationship with a physician, but for a variety of reasons, the identified physician is reluctant to certify the death. For example, the decedent may not have seen the physician for several months, or the physician may have been providing treatment for stable, conditions that posed no apparent immediate threat to the patient's life (hypertension, diabetes, etc.). Or, the physician may simply feel he or she has no exact idea why the patient died.

Regardless of the reason, delaying the completion of a death certificate or refusing to sign a death certificate creates unnecessary complications with funeral arrangements, estate proceedings, and other legal and personal matters. This makes an already difficult time for surviving family members and other loved ones even more so.

This article will discuss a clinician's professional obligation to certify deaths in a timely manner. And, while I do not intend for this article to serve as an authoritative guide to completing death certificates, I will also offer some basic guidance on certifying deaths. Finally, I want to allay licensees' unwarranted concerns about completing and signing death certificates for deaths from natural causes or in cases where the exact cause of death may be unknown but reasonably deduced.

Whose responsibility is it to complete death certificates?

Under North Carolina law, death certificates must be completed by a licensed physician or, thanks to changes that took effect in fall 2011, a physician assistant or nurse practitioner who has been specifically authorized by his or her supervising physician to certify deaths. In situations where a person dies at home

and is brought by ambulance to a hospital emergency department, it is common practice for hospital staff to check the person's medical records to determine if he or she had an established relationship with a primary care doctor or other physician. If so, the hospital will generally ask the decedent's physician to certify the death. It is the Board's view that this is a reasonable practice, as physicians or other professionals who have examined and treated a patient in the past are arguably in the best position to make an educated guess about the likely cause of death, even if the patient had not been seen recently.

As noted, PAs and NPs may now lawfully share the responsibility of certifying deaths. Amendments to NCGS 90-18.1 require that PAs and NPs be specifically authorized to complete death certificates by the supervising physician under the terms of their written supervisory arrangement or collaborative practice agreement. As with any other delegated tasks, the supervising physician is ultimately responsible for ensuring that death certificates are properly filled out and filed.

Clinicians may not decline to sign a certificate because they are uncertain of the exact cause of death. Clinicians are merely expected to exercise their best clinical judgment under the circumstances, just as they would in diagnosing treatment for a patient. Deaths should not be referred to the medical examiner's office because a clinician involved in a patient's care is not comfortable attributing a cause of death or believes it is another person's responsibility to complete the death certificate. Understand that, before the attending physician is contacted about signing the death certificate, an assessment of the circumstances has almost always been made by EMS, law enforcement, or the medical examiner.

If the death falls within the medical examiner's jurisdiction, it will be referred accordingly. Natural deaths are referred to the medical examiner only in extremely limited circumstances. Refusing to sign a death certificate and forcing the case to be accepted by the medical examiner: 1) Does NOT mean that an autopsy will be done. (It probably will not be.) and 2) Will initiate a chain of events that requires additional time, creates unnecessary expense and hassle for the family, and costs the county about \$300.00.

Basics of completing death certificates

It's important to understand that a death certificate is a legal and not a scientific document. As such, physicians are not required to establish a specific anatomical reason causing the death. If that were the case, postmortem studies (autopsies) would be necessary in all deaths. Obviously, performing autopsies on a routine basis would be unmanageable and beyond the resources of both the medical examiner and hospital-based pathologists.

The requirement for death certification is a statement of the condition most likely responsible for death. Clinicians may be uncertain about the exact cause of death, even if they have been treating the patient for one or more stable chronic conditions. The physician, PA or NP may feel that the death is unexplained and believe the decedent should be referred to the medical examiner to determine a specific anatomical diagnosis. This is NOT the case. The patient's medical history should provide adequate information to state a reasonable cause of death that meets legal requirements.

It is acceptable to use "probable" to identify a suspected final cause of death. If a specific anatomic cause of death is desired a clinician may request permission for a private autopsy from the family after clearing the

death with the medical examiner. Remember, the cause of death is a medical opinion and is based on the preponderance of medical evidence, which includes the cumulative effects of multiple risk factors for particular disease processes. Cause of death is the disease process that sets in motion the chain of events that lead to death. For detailed guidance on completing death certificates, I recommend the U.S. Centers for Disease Control and Prevention booklet, "The Physician's Handbook of Medical Certification of Death."

Licensees should know that the Board is not interested in pursuing disciplinary action against individuals who complete death certificates in good faith and to the best of their abilities. The chance of facing investigation by the Board, or other adverse legal consequences, related to the completion of a death certificate in good faith is remote and should not deter a physician from performing this duty.

How quickly must death certificates be completed?

State law (NCGS §130A 115) specifies that death certificates must be completed within three days of receipt of the request. Based on the calls and complaints the Board receives, this does not always happen. The Board has received reports of families waiting for several weeks to have a loved one's body released due to a physician's unwillingness to certify the death.

The reporting of vital events is an integral part of patient care. The Board requests that licensees (physicians, physician assistants, and nurse practitioners) accept the professional responsibility to complete death certificates for patients (current, recent, and remote) who die of natural causes (manner), regardless of whether the death occurs in or out of the hospital.

Future articles in this series will focus on the role of the Chief Medical Examiner in the timely certification of causes of death and the responsibilities of local health departments and Registers of Deeds in certifying and recording completed death certificates.

Pardee Memorial Hospital Reaffirms Procedure For Death Certificates Prior to Cremation

Pardee Memorial Hospital of Hendersonville, NC, recently reaffirmed their procedure for completion of death certificates by physicians for cremations. Hospital physicians will only complete the "original" death certificate. Upon advice from the hospital's attorney, hospital physicians will no longer sign faxed copies of the death certificate.

The hospital has affirmed that it "will work with funeral homes to ensure that required information is provided in a timely manner."

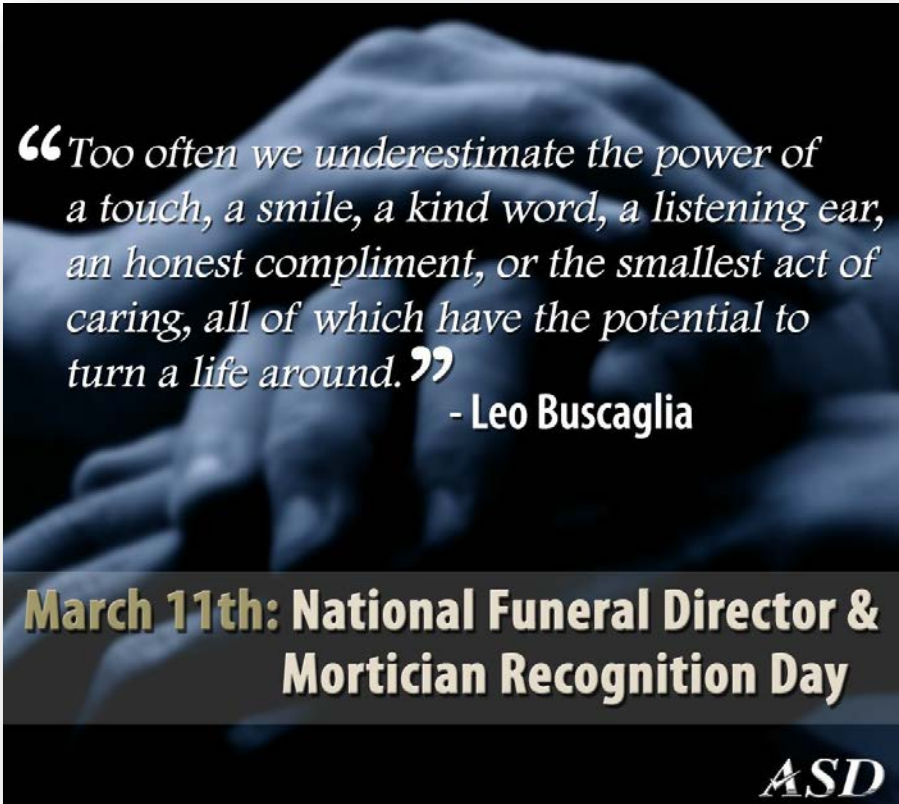
Once the original death certificate has been signed by the physician, the hospital will fax it to the funeral home. The hospital will then contact funeral homes to make timely arrangements for the return of the completed original death certificate.

March 11th Designated As Special Day To Honor Funeral Directors & Morticians

On March 11, 2008, the 110th Congress of the United States passed a resolution designating March 11 as **National Funeral Director and Recognition Day**. This is a day to acknowledge the important work of funeral professionals and express support. Many people outside of the profession are unaware of the many ways funeral professionals devote themselves to others.

“Whereas these special men and women see their chosen profession as a higher calling, a sacred trust, in serving every family regardless of social standing, financial means, or time of day or day of the year, whenever a death occurs; and whereas March 11 would be an appropriate day to designate as National Funeral Director and Mortician Recognition Day to pay tribute to these funeral directors and morticians who, day in and day out, assist our Nation’s families in their times of sadness and grief and help families mourn a death and celebrate a life.”

House Resolution 892, passed by the 110th Congress of the United States



“Too often we underestimate the power of a touch, a smile, a kind word, a listening ear, an honest compliment, or the smallest act of caring, all of which have the potential to turn a life around.”

- Leo Buscaglia

March 11th: National Funeral Director & Mortician Recognition Day

ASD

FEMA Assists With Funeral Costs In Times Of Disaster

The Federal Emergency Management Agency [FEMA], an agency of the United States Department of Homeland Security, offers a Disaster Funeral Assistance program which provides financial support and assistance for unexpected and uninsured expenses associated with the death of an immediate family member[s] when attributed to an event declared to be a major disaster or emergency. In North Carolina, we are all too familiar with the devastation that occurs during hurricane season as a result of coastal storm surge, tornadic winds, floods, and related actions.

But disasters can also occur for other reasons. In times when such disasters occur and there has been

a declared State of Emergency or disaster, families may apply to FEMA for help with funeral costs for family members whose death resulted from the emergency or disaster.

Eligible expenses include the cost of a casket or urn; mortuary services; transportation of the deceased; costs of up to 5 death certificates; burial plot or cremation niche; interment or cremation; and marker or headstone. Families must meet certain eligibility criteria, and applications for financial assistance are subject to review and approval by appropriate FEMA administrators.

Eligibility requirements are:

- A Death Certificate for the decedent
- Documentation from a designated authoritative State or local entity that attributes death or an injury causing death directly to the declared emergency or disaster.
- Proof that the applicant is the responsible party for the funeral expenses.
- Confirmation that funeral expenses have not been paid for by other resources.
- Evidence of an unmet funeral expense such as a receipt from a funeral establishment

Should you have a need to offer this information to affected families, please visit the FEMA website at: <https://www.fema.gov/disaster-funeral-assistance> for more information and guidance.

New Licensees, Transporters & Trainees

FUNERAL ESTABLISHMENTS	Sossamon Funeral Home, Inc. Saunders Funeral Home	Henderson, NC Jacksonville, NC [ownership change]
CREMATORY LICENSEES	Strickland Funeral Home	Wendell, NC
PRE-NEED ESTABLISHMENTS	Sossamon Funeral Home, Inc.	Henderson, NC
CHAPELS	Hunter's Gates Chapel	Gates, NC
TRAINEES	Anna M. Berry Justin C. Burden Tawana N. Burns Tomeika S. Everett Nathaniel E. Hargett, III	Kirksey Funeral Home Garrett-Sykes Funeral Home Stevens Funeral Home L. E. Floyd Funeral Home & Cremations Hargett Funeral Service

DISCIPLINARY 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: M16-0047, M18-0010

Respondent: Stallings Funeral Home, Stallings Memorial Chapel, and Darryl Stallings

Summary: Pursuant to the terms of a 2017 Consent Order with Respondents, a Board staff inspector conducted an inspection of Respondent funeral establishment and found a widespread failure to correct multiple violations of statutes and rules governing preneed funeral service for which Respondent had been cited in 2012 and 2016. Additionally, a Board staff inspector found additional violations of the statutes and rules governing preneed funeral service, including a failure to display preneed establishment permit; a failure to retain copies of the 2012 and 2016 preneed examinations; a failure to have financial reports from all banking institutions and insurance companies through which preneed contracts are funded; a failure to maintain certificates of performance, at-need statement of funeral goods and services selected in all closed preneed contract files; and a failure to make available to Board inspectors multiple preneed contract files upon request. A Board staff inspector also found that Respondent's General Price List, Casket Price List, and at-need Statement of Funeral Goods and Services Selected were non-compliant with the Board's statutes and rules, and the FTC Funeral Rule. A Board staff inspector also determined that Respondent failed to complete a Board Form 56D and cremation authorization form for all files.

Board Action: The Board adopted a Consent Order, whereby:

1. The Board suspended the preneed establishment permit and any and all ancillary preneed sales licenses of Respondent Funeral Home for eighteen (18) months, but stayed the suspension on the following conditions:
 - a. Respondent Funeral Home shall be placed on probation during the period of suspension. Respondent Funeral Home must submit to, and pass, an inspection and audit conducted by a Board staff inspector before any probation period shall be lifted;
 - b. During the period of stayed suspension, Respondent Funeral Home shall not sell any new preneed contracts until all violations identified in the 2018 Inspections are corrected to the satisfaction of the Board staff;
 - c. If Respondent Funeral Home fails to correct all violations identified in the 2018 Inspection within eighteen (18) months to the satisfaction of the Board following the effective date of this Consent Order, the preneed establishment permit and any and all ancillary preneed sales licenses of Respondent Funeral Home shall be automatically revoked without any further disciplinary proceeding; and

- d. Within thirty (30) days from the date this Consent Order takes effect, Respondent Funeral Home shall pay a compromise penalty of One Thousand Dollars (\$1,000.00) to the Civil Penalty and Forfeiture Fund in accordance with Article 31A of Chapter 115C of the North Carolina General Statutes.
2. The Board suspended the preneed establishment permit and any and all ancillary preneed sales licenses of Respondent Memorial Chapel for eighteen (18) months, but stayed the suspension on the following conditions:
 - a. Respondent Memorial Chapel shall be placed on probation during the period of suspension. Respondent Memorial Chapel must submit to, and pass, an inspection and audit conducted by a Board staff inspector before any probation period shall be lifted;
 - b. During the period of stayed suspension, Respondent Memorial Chapel shall not sell any new preneed contracts until all violations identified in the 2018 Inspections are corrected to the satisfaction of the Board staff;
 - c. If Respondent Memorial Chapel fails to correct all violations identified in the 2018 Inspection within eighteen (18) months to the satisfaction of the Board following the effective date of this Consent Order, the preneed establishment permit and any and all ancillary preneed sales licenses of Respondent Memorial Chapel shall be automatically revoked without any further disciplinary proceeding; and
 - d. Within thirty (30) days from the date this Consent Order takes effect, Respondent Memorial Chapel shall pay a compromise penalty of One Thousand Dollars (\$1,000.00) to the Civil Penalty and Forfeiture Fund in accordance with Article 31A of Chapter 115C of the North Carolina General Statutes.
3. The Board suspended the Funeral Director license of Respondent Stallings for eighteen (18) months, but the Board stayed the suspension on the following conditions:
 - a. Respondent Stallings shall be placed on probation for eighteen (18) months, beginning from the date this Consent Order takes effect.

Effective Date: January 9, 2019

Board Case Number: M18-0013

Respondent: Nelson Funeral Service and William Harvey Knotts, II

Summary: Pursuant to the terms of a 2017 Consent Order, the licensed manager of Respondent is currently on probation. A Board staff inspector conducted an inspection of Respondent funeral establishment and found the Respondent's Statement of Funeral Goods and Services Selected was non-compliant with the Board's governing statutes and rules. Moreover, the Board staff inspector found violations of the statutes and rules governing the practice of preneed funeral service, including: a failure to timely file with the Board approximately seventeen (17) preneed contracts; a failure to have an at-need statement of goods and services selected and a certificate of performance in all closed preneed contract files; and a failure to properly calculate credits for cash advances and sales tax on all closed inflation-proof preneed contracts.

Board Action: The Board adopted a Consent Order, whereby:

1. The Board suspended for at least two (2) years the preneed establishment permit and any and all ancillary preneed sales licenses of Respondent Funeral Home, provided that said suspension shall be stayed on the following terms and conditions:
 - a. Respondent Funeral Home shall undergo and pass without substantial deficiencies a preneed examination of its trust-funded and insurance-funded preneed contracts, to be conducted on or before January 2021, prior to the expiration of the stayed suspension; and
 - b. Within thirty (30) days from the date this Consent Order takes effect, Respondent Funeral Home shall pay a compromise penalty of Three Thousand (\$3,000.00) Dollars to the Civil Penalty and Forfeiture Fund in accordance with Article 31A of Chapter 115C of the North Carolina General Statutes.
2. The Board put on probation the Funeral Service license of Respondent Knotts for two (2) year, on the following terms and conditions:
 - a. Within thirty (30) days from the date this Consent Order takes effect, Respondent Knotts shall pay a compromise penalty of Five Hundred (\$500.00) Dollars to the Civil Penalty and Forfeiture Fund in accordance with Article 31A of Chapter 115C of the North Carolina General Statutes.

Effective Date: January 9, 2019

Board Case Number: M18-0049

Respondent: Gilliam Memorial Mortuary, Inc. and Janice Ray Owens

Summary: A Board staff inspector conducted a routine preneed examination of Respondent Funeral Home and found violations of the statutes and rules governing the practice of preneed funeral service, in that Respondent did not maintain a preneed receipt book, ledger or computer-based software designated solely for preneed; failed to make available any year-end insurance company statements; failed to maintain copies of all financial transactions related to closed preneed accounts. Respondent Owens was not the licensed manager of the Respondent Funeral Home at the time these violations occurred, and that she was not the direct cause

for the violation. However, Respondents acknowledge that said violations need to be addressed and corrected while she is serving as manager of the Respondent Funeral Home. Moreover, Respondents did not timely file its 2017 Preneed Annual Report.

Board Action: The Board adopted a Consent Order, whereby:

1. The Board placed on probation for one (1) year the Pre-Need Establishment Permit of Respondent Funeral Home, No. 550, on the following terms and conditions:
 - a. Respondent Funeral Home shall timely file its 2018 Preneed Annual Report, which is due on or before March 31, 2019; and
 - b. Within thirty (30) days from the date this Consent Order takes effect, Respondent Funeral Home shall pay a compromise penalty of Five Hundred (\$500.00) Dollars to the Civil Penalty and Forfeiture Fund in accordance with Article 31A of Chapter 115C of the North Carolina General Statutes.
2. The Board put on probation the Funeral Service license of Respondent Owens for one (1) year.

Effective Date: January 9, 2019



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