



North Carolina Board of Funeral Service

July 22, 2020

Licensee Advisory

Board Seeks To Fill New Compliance Inspector Position

Executive Director Stephen Davis has announced a staff vacancy for an additional Compliance Inspector to join the Compliance Inspections Team under the direction and management of Brett Lisenbee, Compliance Officer. As Mr. Lisenbee's role has developed as a senior manager for the Board with broader responsibility than in the past, he has identified a need for the additional position. Lisenbee recently told the Board that *"I truly love my work as an inspector and the time I can spend with licensees during an inspection of their establishment, and I wouldn't want to give that up."*

Lisenbee noted however, that the time required for other Board projects has inevitably reduced the time he has available for assuring timely inspections in the Western Region. The Board authorized the new position earlier this year and recognized the scope of duties and responsibilities in Mr. Lisenbee's role as the Board Compliance Officer. Davis echoed the Board's observation and affirmed Mr. Lisenbee's critical role in a range of administrative and managerial duties on behalf of the Board.

The new position has been posted to the Board website at www.ncbfs.org on the homepage under "Employment Opportunity." We have also included it as an attachment to this Advisory to Licensees on the last page.

Board Approves CE Waiver and Allows Further Credits

Continuing Education: Roll-Overs To 2022 Renewals

You will recall in an earlier **Advisory to Licensees** [June 29, 2020] that the Board approved a Waiver for Continuing Education in response to the coronavirus pandemic. Following is the text of the information we provided at that time:

The Board requires licensees to complete at least five (5) hours of Continuing Education annually as a prerequisite for license renewal. Of these 5 hours, no more than 2 hours can be completed through online instruction. The Board has waived the 2-hour limit for online continuing education instruction and will now permit all 5 hours of the mandatory CE instruction to be completed online. The waiver applies only to Continuing Education requirements for the 2021 renewal period which means that licensees may complete their 5-hour CE requirement through December 31, 2020, via online instruction. All CE courses, whether instructor-led, by online instruction or by webinar, are posted on the Board's website at www.ncbfs.org.

At its meeting on July 15, 2020, the Board added clarifying language to allow licensees to complete their 5 hour CE requirement for the 2021 renewal period and to accrue an additional 5 hours of credit through the waiver for rolling over to calendar year 2021 which would then apply to the 2022 renewal period. The initial 5 hours of CE credit can be acquired entirely by online instruction, or it may be a combination of online, classroom and webinar instruction. Once acquired, however, the Board will allow licensees to acquire an additional 5 hours of CE credit prior to December 31, 2020, under the waiver. These additional hours can then be rolled over to calendar year 2021 for CE credit required for the 2022 license renewal.

Board President Mark Blake emphasized the importance of supporting licensees especially during this difficult time and assuring as much regulatory flexibility as possible during the pandemic. He recognized that many licensees may encounter difficulty in acquiring the necessary CE credits for the 2021 renewal without the approved waiver given the recent stay-at-home orders and other precautions invoked during the pandemic. Board members agreed that the flexibility offered through the CE waiver was an important and tangible way to assist North Carolina licensees and readily approved the additional 5 hours of CE credit for roll-over.

PRENEED PROGRAM

Richardson Urges Attention To Preneed Contract, COP Requirements; Issues Additional Guidelines

Paul Richardson, Manager of the Preneed Services Program, expresses appreciation to all licensees who are engaged in the sales and administration of preneed contracts for their attention in the proper execution and documentation of these documents. He noted that the preneed contracts are legal documents and must conform to the Board's statutes and rules which govern their completion. He further stated that the accurate completion of the contracts is equally important for consumers as well as licensees to assure that all parties have met the requirements expressed in general statutes and administrative rules pertaining to preneed contracts.

Following are guidelines Mr. Richardson has issued with encouragement to all licensees to follow them to assure consistency and compliance with regard to preneed contracts and Certificates of Performance:

- **Preneed Contract: Purchaser's Initials To Acknowledge Receipt of General Price List**

Board staff has noted many preneed Statements of Goods and Services have been submitted to the Board office but do not include the purchaser's initials in the lower left-hand corner affirming that they received a current General Price List for their recordkeeping as required by the Funeral Rule.

Please assure that you and your preneed licensees are securing the purchaser's initials on the preneed Statement of Goods & Services in the space provided for them to acknowledge receipt of the General Price List.

- **Certificates of Performance [COP]: Online Templates**

The Board revised the COP template in September 2019, and it is available on the Board website at www.ncbfs.org in a fillable PDF format. The former 1-page template is no longer valid and must be discontinued. Please be sure that you are using the current COP template [BFS Form PN-5] located on the website under the "For Licensees" tab. Then, open the Preneed page and you'll see this fillable form listed

under “Certificate of Performance.” This Board-approved form has replaced the now obsolete 1-page form that was in use prior to September 2019.

Effective immediately, the Board will no longer accept the outdated COP form since it does not include all necessary information to assure compliance.

Preneed: Inflation-proof Calculator

Although the COP template referenced above is mandatory for performing Standard and Inflation-proof preneed contracts, it is especially essential when performing inflation-proof contracts. When an inflation-proof preneed contract is performed, the licensee must use the Board’s Inflation-Proof Calculator to determine if a refund must be given to the appropriate party, or to calculate any balance due the funeral home. The current Certificate of Performance template corresponds to the calculations found in the Inflation-Proof Calculator, and it is necessary to use the “COP Match Up” function on the Calculator to complete the “At-Need Credit Computation” section on Page 2 of the COP. Using the old template will not enable you to use the Inflation-Proof Calculator.

Please access the Inflation-Proof Calculator and the Instruction Manual on the Board website homepage at www.ncbfs.org.

Confirmation Letters to Consumers

We want to make you aware that the recent precautions that the Board implemented in response to the coronavirus directives and Executive Orders has created a delay in sending Preneed Confirmation Letters to purchasers. While we regret that we are approximately 10-15 days beyond our 30-day turnaround time for these important letters, we are making every reasonable effort to eliminate the backlog including hiring additional temporary staff. The delay resulted when the Board’s preneed staff were required to telework during the recent stay-at-home directives which slowed the entry of preneed contract information into our automated licensing system.



North Carolina Board of Funeral Service

About the Board

In 1901, the North Carolina General Assembly created what now is called the North Carolina Board of Funeral Service (the "Board") to regulate the practice of funeral service in North Carolina. As set forth in Chapter 90, Article 13A of the North Carolina General Statutes, the Board serves to safeguard the public health, safety, and welfare of North Carolinians by ensuring that those individuals and entities licensed to practice funeral services in this state are duly qualified. Among the funeral services regulated by the Board is the preneed funeral industry, which enables North Carolina consumers to prepay funeral establishments for their own funerals.

Position Announcement: Compliance Inspector

The Board has opened a search to identify experienced, competent licensed individuals to join its Compliance Inspections Team. This opportunity will require in-depth knowledge of the laws, rules and regulations pertaining to funeral service in North Carolina; an ability to work on a self-directed basis in conducting on-site inspections of licensed funeral establishments in an assigned region of the state; and the capacity for offering guidance and direction on issues pertaining to licensees' compliance with the NC Funeral Practice Act and the Federal Trade Commission's Funeral Rule. Successful candidates for this opportunity will demonstrate exceptional written and oral communications skills; an ability to express ideas, findings and inspections results clearly and effectively to licensees of the Board, the general public and consumers; and an ability to exercise independent judgment and discretion in decision-making. The work requires a thorough knowledge of the Board's regulatory functions, requirements and procedures and comprehensive knowledge of the field of professional funeral service including funeral directing, embalming, cremation, and alkaline hydrolysis.

The Compliance Inspector performs on-site inspections in accordance with established procedure and protocols for the inspections team as expressed in the NCBFS Compliance Guide and the NCBFS Standard Operating Procedures for inspections staff. Inspections include conducting detailed examinations of preneed records, documents, and files; investigating consumer complaints; and providing witness testimony in hearings and other matters before the Board or in the General Courts. Compliance Inspectors may conduct undercover investigations in response to consumer complaints or allegations of non-compliance with applicable state and federal statutes. Compliance Inspectors work under the direction of the Board's Compliance Officer and in collaboration with General Counsel on investigatory and compliance-related matters.

Regional Assignment: Western North Carolina generally bounded by McDowell County to the west and Davie County to the east. The region shares a border with South Carolina and Virginia.

Minimum Education & Experience: Associate Degree in Mortuary Science or related field from an accredited college of mortuary science and three [3] years of progressively responsible experience as a practitioner in professional funeral service including two [2] years' experience in preneed contract administration and/or sales.

Additional Necessary Qualification: Licensure as a professional funeral practitioner by the NC Board of Funeral Service or by reciprocity.

Hiring Range: \$42,500 - \$44,000

Closing Date: August 4, 2020 – Candidates for the position should mail a resumé to the Board at 1033 Wade Avenue, Suite 108, Raleigh, NC 27605, or email to amauldin@ncbfs.org.

The NC Board of Funeral Service is an Equal Opportunity Employer. We do not discriminate on the basis of race, religion, color, sex, gender identity, sexual orientation, age, non-disqualifying physical or mental disability, national origin, veteran status or any other basis covered by appropriate law. All employment is decided on the basis of qualifications, merit, and business need.