

North Carolina Board of Funeral Service

January – March 2021

Ensuring the Safety, Health & Welfare of NC Citizens Through Professional Funeral Service

Don Brown, Chris Watson, Steven Lyons To Lead NC Board of Funeral Service

Board Elects New Officers for 2021



Don Brown, President

At the close of 2020, the NC Board of Funeral Service elected officers for 2021 to include Don Brown, President; Chris Watson, Vice-President; and Dr. Steven L. Lyons, Secretary. Nominated and subsequently elected by their colleagues on the Board, Mr. Brown, Mr. Watson and Dr. Lyons serve as the Board's Executive Committee along with Phillip Mark Blake, Immediate Past President. Board officers serve a 1-year term. Mr. Brown is the Owner of Don Brown Funeral Home in Ayden and Robinson Funeral Home in Littleton, North Carolina. Mr. Watson is the Manager for Parrish Funeral Home in Selma, North Carolina. Dr. Steven L. Lyons is the President of Steven L. Lyons Funeral Home in Raleigh, North Carolina.



*Dr. Steven Lyons,
Secretary*



*Chris Watson, Vice-
President*

As Funeral Service licensees, the newly elected officers are well-acquainted with the regulatory and compliance requirements for professional funeral service in North Carolina as well as the importance of consumer protection and advocacy. Each have a demonstrated record of commitment to their local communities through various leadership and volunteer roles. Board President Don Brown recently noted in remarks to the Board that *"we have a collective responsibility to the licensees in our state who rely upon us for guidance on compliance with our statutes and rules. We want to assure that North Carolina is recognized and trusted as a national leader in the practice of funeral service, and we can be proud that our state's funeral professionals adhere to the highest standards and best practices of our profession."*

Governor Cooper Appoints Hilderbrand; NC Senate Taps Jansen For Board Seat

At the close of 2020, two seats on the NC Board of Funeral Service became vacant when terms expired for Mr. Valduis Lockhart, representative of the Funeral Directors and Morticians Association of NC [FDMANC] and Mr. Craig Olive, appointee of the NC Senate as a Public Member of the Board.

In December, Board President P. Mark Blake recognized Mr. Lockhart and Mr. Olive in offering the Board's thanks and appreciation for their service to professional funeral service and North Carolina citizens. In his remarks, Mr. Blake noted that *"serving on the Board requires a steadfast commitment to the high standards and ideals that have identified funeral professionals in North Carolina for many years. We are privileged to have had benefit of their leadership and guidance on a number of significant issues affecting licensees and consumers during their terms."*



Thomas Hilderbrand

Governor Roy Cooper appointed Thomas T. Hilderbrand, a Certified Funeral Service Practitioner and a Lifetime member of The Academy of Professional Funeral Service Practice, in January 2021 to serve a 3-year term on the Board. Mr. Hilderbrand is currently a funeral professional on the staff of James F. Johnson & Sons Funeral Home in High Point, NC.



Robb Jansen

Also in January 2021, the North Carolina Senate appointed Mr. Robb Jansen to fill the seat formerly held by Mr. Craig Olive, Johnston County Register of Deeds. Mr. Jansen is a Public Member of the Board and has extensive experience in state government. He is a former Policy Development Analyst for the NC State Board of Education and currently serves as an Administrator in the Office of the State Treasurer in the NC Department of the State Treasurer.

Funeral Assistance for Families Available Through FEMA

The Federal Emergency Management Agency [FEMA] is providing financial assistance for COVID-19 related funeral expenses incurred after January 20, 2020 in an effort to ease some of the financial stress and burden caused by the virus. In a March 24, 2021, FEMA Press Release, agency officials announced that the funeral assistance policy has been finalized and that they are moving rapidly to implement this important program for families affected by COVID-19 on a nationwide basis. Acting FEMA Administrator Bob Fenton said that *“The COVID-19 pandemic has caused immense grief for so many people. Although we cannot change what has happened, we affirm our commitment to help with funeral and burial expenses that many families did not anticipate.”* To be eligible for the funeral assistance funds, the following criteria must be met:

- The applicant must be a US citizen, non-citizen national, or qualified alien who incurred funeral expenses after January 20, 2020, for a death attributed to COVID-19.
- If multiple individuals contributed toward funeral expenses, they should apply under a single application as applicant and co-applicant. FEMA will also consider documentation from other individuals not listed as the applicant and co-applicant who may have incurred funeral expenses as part of the registration for the deceased individual.
- An applicant may apply for multiple deceased individuals.
- The COVID-19 related death must have occurred in the United States, including the US territories and the District of Columbia.
- The assistance is limited to a maximum financial amount of \$9,000 per funeral and a maximum of \$35,000 per application.

Funeral assistance is intended to assist with expenses for funeral services and interment or cremation. Those wishing to learn more about this assistance program or application procedures may contact FEMA at the **COVID-19 Funeral Assistance Line Number at 1-844-684-6333/TTY 1-800-462-7585.**

The NC Board of Funeral Service has provided a link to the FEMA Funeral Assistance information on its website at www.ncbfs.org. The FEMA site includes a Frequently Asked Questions resource which licensees and families may find helpful in learning about this financial assistance program.

FEMA's Funeral Assistance Program has controls in place to mitigate fraudulent activity. FEMA will not contact anyone until they have called FEMA or have applied for assistance. Do not disclose information such as the name, birth date or social security number of any deceased family member to any unsolicited telephone calls or emails from anyone claiming to be a federal employee or from FEMA. If you doubt a FEMA representative is legitimate, hang up and report it to the FEMA Helpline at 800-621-3362 or the National Center for Fraud Hotline at 866-720-5721. Complaints also may be made by contacting local law enforcement agencies.

Looking Back



*Phillip Mark Blake
2020 Board President*

Few among us would likely say that 2020 was a normal, typical year. In reflecting on the problems and difficulties presented in 2020 as a result of the novel coronavirus, I realize that funeral service workers in North Carolina continuously demonstrated impressive determination, creativity and professional conduct in the many ways they confronted these challenges.

When Governor Cooper imposed Stay-at-Home orders in early 2020, our licensees quickly implemented plans to assure the safety of staff and families relying upon them for funeral and committal services for their deceased loved ones. Many of you collaborated with each other in your local communities so that communication with citizens was consistent and compliant with mandated restrictions. The Board recognized the many ways you assured dignity and respect for the deceased in spite of remarkable obstacles resulting from the pandemic.

Throughout the year, the Board was tireless in its advocacy for licensed funeral professionals. We were successful in assuring that funeral service professionals were deemed essential, front-line workers, and we succeeded in assuring that all public health facilities and hospitals disclosed the cause of death at the time of removal and transportation of decedents. We relaxed our rules governing requirements for continuing education to facilitate license renewal. And we confirmed with public health officials that funeral workers in North Carolina were included in the first priority group to receive the COVID-19 vaccination.

2020 was challenging in many unanticipated ways. One positive outcome, however, was a clear and compelling realization that funeral service workers in North Carolina are indeed essential and critical. Your efforts in confronting the pandemic are to be applauded and commended.

Looking Ahead

While the COVID-19 and its variants are still persisting in North Carolina, we can be reassured that there are fewer of our fellow citizens requiring hospitalization and fewer dying from this devastating virus. With lowered mortality rates and hospitalizations, we look forward to fewer restrictions and other obstacles that we all endured in the past year. The NC Board of Funeral Service will continue to advocate for funeral service workers in your collective efforts to serve the families who depend upon you for honoring their loved ones who have passed.

We are optimistic that 2021 will be a more hopeful year than 2020 as the pandemic subsides, and the Board will be working hard on your behalf to continue the transition from paper-based procedures to digital platforms that will streamline our operations. We are hopeful that we can begin planning a Preneed Portal on our website to enable the efficient and timely submission of preneed contracts and fees to the Board office. This portal will require significant planning and funding before implementing, but we are certain that this initiative will facilitate the management and administration of preneed contracts at all preneed establishments. The Crematory Report portal that we launched in January has thus far proven effective in assuring that reports are submitted timely and accurately. And we are pleased that nearly 94% of all licensees and establishments used the 2021 License Renewal Portal for online renewal and payment of licenses. We also look forward to the final phase of training in fully implementing the NC DAVE system which supports the electronic death registration system administered through the NC Department of Health & Human Services.

The Board anticipates a busy but productive 2021 with an ambitious agenda. Our primary mission, however, will be continued service to and advocacy for licensees and permit holders as well as protection of the public safety, health and welfare.



*Don Brown
2021 Board President*

Board Adopts, Amends Administrative Rules

In recent months, the NC Board of Funeral Service has been proactively engaged in the review of various Board programs and services to determine a need for the adoption or amendment of administrative rules which support statutes in the Funeral Practice Act. The rulemaking process is governed by strict guidelines through the NC Office of Administrative Hearings. The NC Rules Review Commission is the agency with authority for the approval or denial of proposed rules including adoptions and amendments. Following is a summary of the Board's decisions regarding various administrative rules.

21 NCAC 34B .0502 Reciprocal Licensure

This rule was amended to clarify the language regarding equivalent examination for applicants seeking reciprocal licensure from North Carolina. The amended rule stipulates that applicants for a reciprocal Funeral Director license must have successfully passed an entry-level examination for funeral directing and an examination of the laws and rules pursuant to their jurisdiction. Candidates for a reciprocal Funeral Service license must have successfully passed the National Board Examinations as administered through The International Conference of Funeral Service Examining Boards or other agency approved by the Board.

21 NCAC 34A .0204 Predetermination

Session Law 2019-91 [House Bill 770, An Act to Clarify and Simplify a Licensee's Qualifications for Licensure and to Require Recognition by Licensing Boards of Certain Apprenticeship and Training Experiences] including language regarding the Board's use of criminal history background checks in considering applications for licensure. This rule enables applicants to seek a predetermination from the Board as to whether or not an application for licensure would be approved.

21 NCAC 34D .0302 Preneed Annual Report

This amendment to the rule removes the requirement for a notarized certification by the location manager or by a corporate officer of a preneed establishment licensee. When submitting the Preneed Annual Report, either a location manager or a corporate officer must certify that the information provided is accurate, but this certification no longer needs to be notarized. In future reports, the Certification may be included with the submission of the report and not sent to the Board as a separate document. The public comment period closes on May 14, 2021. The Board votes on the amendment to the rule at its June meeting.

21 NCAC 34A .0119 Disciplinary Hearings

This rule enables the Board to deliberate on matters pertaining to a disciplinary proceeding immediately upon the conclusion of the proceeding. If the Board does not reach a decision immediately upon the conclusion of the disciplinary hearing, it shall deliberate on the issues at its next Board meeting following the parties' submission of proposed findings of fact and conclusions of law. The rule further stipulates that the Board shall make a written final agency decision in accordance with G.S. 150B-42 and may assess disciplinary costs against an applicant, licensee, or permit holder if the decision results in disciplinary action following a show cause hearing as set forth in G.S. 90-210.23(d1). The public comment period closes on May 14, 2021. The Board votes on adoption of the rule at its June meeting.

21 NCAC 34B .0707 Refrigeration

21 NCAC 34C .0202

These rules regulate a funeral establishment and crematory's use of temporary refrigeration units and off-site refrigeration units to ensure proper protocols for a decedent's identification, care and chain of custody. Initially submitted as emergency rules, these two rules were simultaneously submitted as temporary rules and are now under consideration for permanent rulemaking. These rules are in response to the COVID-19 pandemic.

This amended rule enumerates the specific information required on the annual license renewal form and further updates the process by which licensees and permit holders renew their licenses and permits each year.

In direct response to the COVID-19 pandemic, the Board adopted an emergency rule allowing it to waive any rule in 21 NCAC Chapter A that is not statutorily required if a licensee, trainee, or continuing education course provider submits a written request. The rule offers seven [7] factors that the Board shall consider in determining waivers.

The Board amended this rule to enable the notification of annual renewal to license and permit holders by electronic mail. The written notification shall contain instructions on how to renew said license, permit or courtesy card online.

Board Transitions to Digital Platforms

2021 Online Renewals Pace Ahead of 2020 at 94% Participation

A major objective for the Board in 2020 and continuing into the future actually began in 2019 when former Board President Steve Herndon launched an initiative to transition from paper-driven operations to digital platforms for a range of Board programs and services.

This initiative followed the implementation in 2018 of a multi-level, comprehensive licensing management system known familiarly as iGov. In 2020, the Board continued this important objective and installed two web-based portals to facilitate the preparation and submission of mandatory reports for the Preneed and Cremations programs.

These portals enable licensees and establishments to complete these reports online through a program-specific platform which assures timely electronic submission to the Board. The process for populating and completing these reports is user-friendly and easier for licensees than past procedures requiring manual entry of data on paper.

Another important enhancement occurring recently was the Board’s decision to amend an existing administrative rule allowing notification to licensees, permit holders and establishments of the annual renewal deadlines by electronic means rather than through the U.S. Postal Service.

This amended rule prompted an immediate cost savings to the Board by eliminating the need for postage, temporary staff, and outsourcing for the preparation of mailing labels, envelopes, and insertion of paper notices.

Cost savings were approximately \$16,238 which represented the invoiced amount for the cost of temporary staff, postage and outsourcing the preparation of mailing labels and envelope insertion.

This transition to online renewals for the 2021 renewal cycle was well-received and highly successful with an increase in online renewals from 72% for the 2020 renewal cycle to 94% in 2021.



Upcoming Board Meetings

May 12, 2021

June 9, 2021

July 14, 2021

August 11, 2021

September 8, 2021

October 13, 2021

November 10, 2021

December 8, 2021

Board meetings will begin at 9:00 a.m. at the Board office at 1033 Wade Avenue, Suite 108, Raleigh, North Carolina 27605. Please check the Board website at www.ncbfs.org for information on livestreaming. Individuals requiring special accommodation to enable attendance at the meeting should call the NCBFS receptionist at 919.733.9380.

National Funeral Directors
and Morticians Day

March 11, 2021

Funeral directors and morticians
dedicate their lives to helping us
celebrate our loved ones.

They bring together the memories
and achievements of someone
we've lost to death.

When we grieve, the pain of loss
takes on many different faces.

When the pain and suffering ends,
funeral director and funeral service
professionals provide a sense of
peace and unity at a time that can
seem chaotic even at its best.

Alert! Board to Phase Out Fax

In 2018, the Board shifted from an analog fax transmission technology to an online digital service in an effort to overcome connectivity problems with our telecommunications provider which often prevented the successful transmission of a fax from licensees and others.

While the online fax service improved the transmission and receipt of faxed documents, this method has not proven effective or efficient. When documents are sent to the Board from older, non-digital facsimile equipment, they are often distorted or incomplete.

In many cases, documents from non-digital sources are not received at all.

Board staff hopes to eliminate the concerns from many licensees about failed FAX transmission of documents by requesting that all documents be sent by email.

By scanning documents and then attaching them to an email, you can be confident that your document will be received timely and without distortion.

Email will include a date and time stamp for additional confirmation of receipt. And you will have a record of documents sent to us through your **Sent Mail** option. Your documents will be in PDF format and will be more secure than a FAX transmission.

Beginning June 1, 2021, we will temporarily suspend FAX service so that we can fully assess and evaluate the transmission of documents via email. We hope that you will find email with a PDF attachment a more reliable, efficient and secure way to send important documents to us.

We Remember. In Honor of Those Who Died.



Global Coronavirus Pandemic Impacts Professional Funeral Service In North Carolina

In early 2020, the declaration of a global pandemic resulting from the transmission of the COVID-19 virus prompted the Board to respond in a number of unanticipated ways.

In March and April, Board staff noted a measurable reduction in the number of preneed contracts and application fees filed with the Board. Beginning in May, these revenues began to return to projected levels. The reduction is attributed to a gubernatorial Executive Order requiring residents to stay at home except for maintaining essential public operations and services.

As mortality rates increased in North Carolina due to the virus, there was a parallel increase in the numbers of reported cremations and cremation fees submitted to the Board.

As the need for mitigation and control of the virus' transmission increased, the Executive Director suspended establishment inspections for a 4-week period; allowed staff to work at home along with staggered work schedules after the suspension of the Governor's stay-at-home order; and implemented remote Board meetings rather than in-person meetings.

These efforts prompted unanticipated expenses for IT services to enable the transition to remote Board meetings including the acquisition of an additional large screen monitor for the Board room as well as cameras and microphones to enable remote participation by Board members, respondents and attorneys during disciplinary hearings, and invited guests presenting information to the Board.

Another critical impact as a result of the pandemic involved Board policy and communications issues with the NC Office of the Governor, the NC Department of Health and Human Services, the NC Office of the Chief Medical Examiner, the

NC Institute of Medicine, and a number of public health providers.

At the direction of the Board President and with the Board's approval, the Executive Director wrote two letters to the Governor. The first letter urged acknowledgement that funeral service workers in North Carolina must be considered essential and critical infrastructure as designated by the U.S. Department of Homeland Security/Critical Infrastructure Services Agency.

The other letter expressed the Board's concern that some hospitals, the Office of the Chief Medical Examiner, and other public health providers were refusing to disclose the cause of death upon the removal and transportation of decedents.

In December, the Board approved a communication to the NC Vaccination Advisory Committee asserting that funeral service workers should be included in the first priority group to receive a vaccination against the coronavirus based on their state and federal designation as essential, front-line workers.

The Board also approved two resolutions in response to legislation requiring state agencies including occupational licensing boards to assure flexibility in oversight and regulatory requirements where feasible and possible.

The first resolution waived the limit on the number of hours allowed for online continuing education instruction thus allowing licensees to acquire up to 10 hours of online CE credit rather than 2 hours.

The other resolution allowed for an extension of time for payment of civil penalties if a licensee submitted a written request for additional time.

The Board anticipates ongoing activity and response to the pandemic in 2021.

Resident Traineeship Program

One of the largest programs that the NC Board of Funeral Service administers is its Resident Traineeship program which assures that candidates for licensure have an opportunity to acquire knowledge, skill and ability in preparation for their career in professional funeral service.

The Resident Traineeship program currently includes the following:

▪ Funeral Service Trainees	106
▪ Funeral Director Trainees	79
▪ Embalmer Trainees	18

The Resident Traineeship program is purposely designed to enable prospective licensees an opportunity to develop professional competencies under the supervision of an experienced preceptor.

Resident trainees must complete a specific number of hours and cases depending on which license they are pursuing.

One of the guiding principles of the Resident Traineeship program is that trainees complete their caseloads, credit hours, and work reports accurately and timely.

New Rules in Effect for Resident Trainees

The NC Board of Funeral Service has amended 21 NCAC 34B .0110, Work Reports and Checklists, which outlines certain requirements for the Resident Traineeship Program. The Board filed notice with the NC Office of Administrative Hearings indicating that the amended rule was intended to modernize the work report requirements for resident trainees performing traineeships for the purpose of obtaining licensure. Highlights of the amended rule include the following:

- Active resident trainees shall submit a report to the Board every month no later than the 10th day of the calendar month that immediately follows the month during which the work was performed.
- The trainee's supervisor shall certify that the data contained in the report is correct. **Neither the trainee nor the trainee's supervisor shall be permitted to amend or revise the work report after it is submitted to the Board.** The Board shall not accept incomplete work reports, and a trainee who fails to submit a complete work report by the date on which it is due shall be subject to a late fee and discipline.
- **A late fee of \$25.00 shall be assessed against the trainee for each work report that is submitted after the date on which it is due.** Failure to submit work reports on a timely basis will result in discipline for the first, second and third late submissions which could ultimately result in revocation of the traineeship.
- Resident trainees must maintain a checklist for each decedent for whom he or she performs funeral services on a form provided by the Board. Resident trainees must maintain a list of the preneed funeral contracts with which the resident trainee participated. All documents and information set forth in the Rule must be retained by the trainee until his or her traineeship has been certified.

It is expected that Resident Trainees often work on an independent, self-directed basis with appropriate oversight from the preceptor.

Both the trainee and the preceptor are accountable and responsible for assuring a successful apprenticeship by adhering to the guidelines provided each trainee at the time of their application.

Trainees should consult the Frequently Asked Questions on the Board's website at www.ncbfs.org regularly so that they are informed and reminded of the program's requirements and the Board's expectations for successful completion of a traineeship.

The FAQ's outline key information in the following areas:

- General Information/Overview
- Procedures for Application
- Supervision Requirements & Discipline
- Work Reports & Daily Checklist
- Renewal; Inactive Status; Certification; Examinations

Preneed Program & Services

We are seeking your support and cooperation in the submission of **Preneed Contracts** and **Certificates of Performance**. We have outlined below guidance that we hope will prove helpful to you when sending us contracts and COP's. We are trying to assure that the information you send to us is consistent with the statutory requirements for the preneed program. We also want to minimize inconvenience for you and avoid having to return documents that are incomplete or illegible.

PRENEED CONTRACTS

- **Do Not Submit Preneed Contracts on Carbon Paper**

We cannot easily read the information on carbon paper because it is often faint, smudged, or torn. We cannot scan carbon paper which means delays in assigning a contract number and entering the contract information in our licensing management system. These delays in turn cause delays in mailing confirmation letters to consumers. In lieu of carbon paper, please send us a copy of the original if you are not sending us the original document. Review the contract to assure that is complete and properly signed.

- **Do Not Send Us Copies of Insurance Applications or Checks**

When submitting a newly-executed preneed contract, just send a copy of the contract, a **Statement of Goods and Services**, and the check or money order for the \$20.00 filing fee. You should retain copies of insurance applications and related documents including copies of checks for your preneed records. Do not send these to us. If the contract is a transfer from another funeral home, you may write the originating funeral home's name on the top of the contact copy.

- **Preneed Package Plans**

Many of you offer consumers a preneed package plan which may include a discounted price. Examples are:

- Chapel or Church Service with 2-hour Visitation
- Chapel Service with 1-hour Prior Visitation
- Graveside Service with No Visitation

Please be sure to indicate the **Name of the Package Plan** on the Statement of Goods and Services. Include the Total Price and indicate all items included in the Package Plan. You must provide product details about merchandise selected so that this information can be used to determine reasonable substitutions if the specific merchandise selected is unavailable at the time of death.

You are required to provide the General Price List to the consumer and their acknowledgement of receipt by their initials in the space provided on the Preneed Statement of Goods and Services. This requirement applies to all preneed contracts: Standard and Inflation-proof whether funded by Trust Accounts or Insurance Policies.

- **Timely Submission of Preneed Contracts**

The Board strongly recommends that you do not send Trust-Funded Preneed Contracts to us through a third-party, such as a banking institution. If you send us a preneed contract through a financial or banking institution, there is no guarantee that it will be received within the 10-day legal requirement for submission which then triggers an invoice for a late fee. You should always send preneed contracts directly to the Board within the statutory time limit to avoid late fees.

The Board will determine timely submission of contracts by the postmark date on the mailing envelope. The statutory requirement for submission is 10 days from the date the contract is signed.

CERTIFICATES OF PERFORMANCE

- Please do not send incomplete Certificates of Performance to the Board. All data fields on the COP form must be filled in before sending to the Board.
- Please be sure to indicate the Preneed Contract number in the space provided on the COP form. This contract number should be included with other identifying information on the Preneed Annual Report. This number is critical to staff's ability to accurately identify the appropriate preneed contract with the COP once death has occurred.

Preneed Training Offered for CE Credit

Mr. Paul Richardson, Preneed Program Manager, will be conducting a Preneed Webinar on May 20, 2021. You may choose from one of two 3-hour sessions he will offer: 1:00 pm – 4:00 pm, or, 6:00 pm – 9:00 pm. Mr. Richardson will discuss the proper procedures for the completion and submission of preneed contracts and certificates of performance.

If you wish to register for this training, please contact Mr. Richardson at prichardson@ncbfs.org for more information. Completion of a Preneed Training Session qualifies you for 3 hours of Continuing Education credit for the 2022 license renewal cycle.



Too often we underestimate the power of a touch,
a smile, a kind word, a listening ear, a sincere compliment,
or the smallest act of caring,
all of which have the potential
to heal and bring comfort at a time of loss.

Disciplinary Actions

Complete copies of the Disciplinary Actions taken by the Board are available on the Board website here: <https://ncbfs.org/disciplinary-actions.php>

Board Case Number: C20-0024

Respondent: Purcell Funeral Home & Cremation Service, LLC

Summary: Respondent Funeral Home did not provide all services for which Complainant contracted and paid, by failing to embalm the decedent or dress the decedent in his military uniform. Respondent Funeral Home alleges that the decedent was unable to perform these services because the decedent was in an advanced state of decomposition and, as a result, Respondent Funeral Home did not fully open the decedent's body bag. However, Respondent Funeral Home did not disclose to Complainant that it was unable to perform the services for which it was paid. Because Respondent Funeral Home failed to fully open the decedent's body bag, Respondent Funeral Home failed to return to the Complainant the decedent's personal effects that were enclosed with the body bag in which the decedent was transported from OCME to Respondent Funeral Home.

Board Action: The Board accepted a Consent Order whereby the at-need establishment permit (AN Permit No. 0928) of Respondent Funeral Home is placed on a one-year suspension, provided that said suspension is stayed on the following terms and conditions:

- Within thirty (30) days following the effective date of this Final Agency Decision, 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.
- Within thirty (30) days following the effective of this Final Agency Decision, Respondent Funeral Home shall provide proof to the Board that it has issued a refund of One Thousand One Hundred Ninety-Five Dollars (\$1,195.00) to the consumer.
- During the period of stayed suspension, the licensure of Respondent Funeral Home shall be on probationary status and it must comply with all statutes and rules governing the practice of funeral service.

Effective Date: January 13, 2021

Board Case Number: C20-0067

Respondent: Mills Funeral Home, Inc. and Gary Franklin Nobles

Summary: Respondents performed funeral services, which included cremation. Thereafter, Respondents did not return the cremated remains to the person identified on the decedent's standard cremation authorization form. Instead, Respondents return the cremated remains to a third party and failed to immediately disclose the improper release to the decedent's next of kin.

Board Action: The Board accepted a Consent Order whereby the at-need establishment permit (AN Permit No. 0391) of Respondent Funeral Home is placed on a two-year suspension, provided that said suspension is stayed on the following terms and conditions:

- Within thirty (30) days following the effective date of this Final Agency Decision, Respondent Funeral Home shall pay a compromise penalty of Two Thousand Dollars Five-Hundred (\$2,500.00) to the Civil Penalty and Forfeiture Fund, in accordance with Article 31A of Chapter 115C of the North Carolina General Statutes.
- All licensed employees of Respondent Funeral Home shall complete a Board-sponsored continuing education course on cremation on or before June 30, 2021.
- During the period of stayed suspension, the licensure of Respondent Funeral Home shall be on probationary status and it must comply with all statutes and rules governing the practice of funeral service.

Moreover, Respondent Individual's funeral service license is placed on a two-year suspension, provided that said suspension is stayed on the following terms and conditions:

- Respondent Individual shall complete a Board-sponsored continuing education course on cremation on or before June 30, 2021.
- During the period of stayed suspension, the licensure of Respondent Individual shall be on probationary status and he must comply with all statutes and rules governing the practice of funeral service.

Effective Date: February 10, 2021

Board Case Number: M21-0001

Respondent: Rachels Family Funeral Home, LLC and Melissa Lenore Rachels

Summary: On or about March 1, 2021, a warrant for arrest was issued to Melissa Lenore Rachels by the Fuquay Varina Police Department, alleging that probable cause exists to believe that Ms. Rachels fraudulently, or knowingly and willfully, misapplied or converted preneed funeral funds for her own use.

Board Action: The Board accepted a Consent Order whereby the at-need establishment permit of Rachels Family Funeral Home, LLC (AN Permit 0987) and the funeral director license of Ms. Rachels (FD 4215) are permanently surrendered; Ms. Rachels agrees not to apply for licensure with the Board in the future; and Ms. Rachels agrees not to be involved in the operations, management, or ownership of an entity licensed by the Board in the future.

Effective Date: April 14, 2021.

Board Case Number: M21-0025

Respondent: Beach River Funeral Home, LLC

Summary: Beach River Funeral Home, LLC is a newly licensed establishment that has applied for a preneed establishment permit. Beach River Funeral Home, LLC has requested that the Board administratively transfer preneed contracts previously housed at Beach Rivers Funeral Home, LLC prior to the expiration of its licensure on December 31, 2020. At the time its preneed permit expired, Beach Rivers Funeral Home, LLC was under a Consent Order for certain statutes and rules governing the practice of preneed funeral service.

Board Action: The Board accepted a Consent Order whereby the Board shall issue a preneed establishment permit to Respondent Funeral Home and shall authorize the administrative transfer of preneed contracts previously housed at Beach Rivers Funeral Home, LLC, on the following conditions:

- The preneed establishment permit and all ancillary preneed sales licenses of Beach River Funeral Home, LLC shall be placed on a stayed suspension until at least November 24, 2023, provided that:
 - Respondent Funeral Home shall not apply for an ancillary preneed sales license on behalf of Edward Kirk Rivers (FD 3676) in the future;
 - Respondent Funeral Home shall not allow Edward Kirk Rivers (FD 3676) to serve as its licensed manager in the future;
 - The preneed establishment permit and the ancillary preneed sales licenses of Respondent Funeral Home shall remain on a probationary period until at least November 24, 2023, and until such time as Respondent Funeral Home submits to and passes without substantial deficiency a second preneed examination and an at-need inspection conducted by a Board Staff Inspector, which should be conducted on or before October 2023;
 - Respondent Funeral Home shall obtain a surety bond in an amount not less than Fifty Thousand Dollars (\$50,000.00) and shall maintain said bond for at least five (5) years following the date this Consent Order is executed;
 - During the period of probation, Respondent Funeral Home shall comply with all statutory and regulatory provisions governing the practice of funeral service.

Effective Date: April 14, 2021.