North Carolina Board of Funeral Service NewsLetter

VOLUMNE 1 SPRING 2004 NUMBER 1

OUR NEW HOME —— OPEN HOUSE

The Board has a new permanent address - 1033 Wade Avenue, Suite 108, Raleigh, NC 27605. Please make note of this for future reference. A forward mail order has been placed with the Post Office for the old street address, 2321 Crabtree Blvd., Suite 100, Raleigh, NC 27604 effective for one year. The P. O. Box 27368, Raleigh, NC 27611 address will be valid until July 1, 2004 with a forward mail order then becoming effective for one year.

The Board will host an Open house on Sunday May 16, 2004 from 3:00 until 6:00. All licensees are invited for light refreshments and a tour of the new office. If you plan to attend, please call the Board at 733-9380 by May 1.

PROPOSED RULE CHANGES

The public comment period for proposed changes to 21 NCAC 34A .0100 General Provisions and 21 NCAC 34C Crematories began on February 17 and will end on April 17. The Board held a public hearing as required on March 17, 2004. Other than Board staff, no one made any comments during that hearing. The Board accepted and adopted the recommendations from the Crematory Authority to modify the letter designations of the BFS-56 series forms to more accurately reflect the chronology of tracking the remains through the cremation process. The Board set the date of January 1, 2005 as the mandatory compliance date to allow use of forms already printed by licensees. In addition the Board adopted the Crematory Authority recommendation to add wording to paragraph 11 of the required information for cremation authorization. The corrected forms are on the website. The added language is in bold italics and that paragraph now reads:

11. The Authorizing Agent(s) understand(s) that after this cremation authorization form is executed, the authorizing agent(s) can only revoke the authorization and instruct the crematory licensee or funeral establishment to cancel the cremation and to release or deliver the human remains to another crematory licensee or funeral establishment by providing such instructions to the crematory licensee in writing prior to the commencement of the cremation. The crematory licensee shall honor these instructions provided that it receives such instructions prior to commencement of the cremation of the human remains.

By executing this Cremation Authorization Form, as Authorizing Agent(s), the undersigned warrant that all representations and statements, except for Paragraph 5c ***if that information is unknown to the Authorizing Agent(s),*** *contained on this form are true and correct, that these statements were made to induce the Crematory to cremate the human remains of the Decedent, and that the undersigned have read and understand the provisions contained on this form.*

There are proposed changes to other rules: pre-need, continuing education and traineeship. You can follow this process in the email newsletter and under the current events link on the website. Please check these areas for updates on the rules approval process.

THIS MONTH'S HIGHLIGHTS

From the Executive Director ... pg 2
Disciplinary Actions pg.3
New Licensees .....pg 3
Exam Schedule .....pg 4
Spring CE Clinic Info .....pg 4

NEW FEES EFFECTIVE MARCH 1, 2004

On Thursday, February 19, 2004, the North Carolina Rules Review Commission approved the proposed changes to 21 NCAC 34A .0200 fees and other payments. These changes became permanent on March 1, 2004. The immediate effect will be in the pre-need contract registration fee which is now $ 20.00 and the fee per cremation which is now $10.00. The other fee increases will effect new license applications in 2004 and renewals in 2005.

NORTH CAROLINA
BOARD OF FUNERAL SERVICE
1033 Wade Avenue, Suite 108
Raleigh, NC 27605
1-919-733-9380
1-800-862-0636
fax 919-733-8271

BOARD MEMBERS

Alex Lee ..... Garner
President
Jack Briggs ..... Denton
Vice President
James L. Boles ..... Southern Pines
Secretary

Windell Daniels ..... Wilmington
Rudy Lea ..... Raleigh
Harvey H. Leavitt, III ..... Wadesboro
George S. Parrott ..... Raleigh
Nancy G. Rorie ..... Monroe
Jerry W. Hawks ..... High Point

ADMINISTRATIVE

Paul Harris ..... Executive Director
Stephen N. Dirksen ... General Counsel
Lyn Cochrane ..... Executive Assistant
Elizabeth R. Stegall ..... Administrative Services Supervisor
Ruth Britt ..... Program Assistant
Marty Mills ..... Program Assistant
Courtney Taylor ..... Program Assistant
Carolyn J.Connor ..... Inspector-West
Susan Cox ..... Inspector- Central
Corrine J. Culbreth ..... Inspector-East
Lloyd H. Davis ..... Auditor Burial Assoc.
Virginia W. Harris ..... Burial Assoc.

The North Carolina Board of Funeral Service NewsLetter is published bi-annually. Any questions or comments should be directed to the office at 919-733-9380 or 1-800-872-0636

3,000 copies of this document were printed at a cost of $.1913 per copy

FROM THE EXECUTIVE DIRECTOR....

The North Carolina Board of Funeral Service has experienced a lot of changes in the past six months: a name change, a new office and a new Executive Director. As a licensed funeral professional, I bring over twenty years of continuous experience to this position. I've been in the shoes of licensees dealing with the day to day issues facing funeral professionals today. I also know what is expected in terms of compliance with the laws governing funeral practice in North Carolina.

Many licensees see the board as an adversary rather than as a resource. I plan to work for a change in that viewpoint. Have you ever considered using the board in a positive way for your clients? Do you explain that all the regulations and forms are in place to reassure the families you are serving they are well protected? Perhaps you can turn a perceived negative into something positive for your clients to feel good about.

My hope is to continue to improve Board functions and the relationship with our licensees while making sure the funeral consumers of this state remain well protected.

NON – COMPLIANCE WITH FTC AND PRE-NEED

Even twenty years following the inception of the FTC Funeral Rule, we still have licensees without General Price Lists, Casket Price Lists and Outer Burial Container Price lists. The inspectors are reporting several instances of non-compliance with FTC rules.

Proper pre-need procedures is the other area of concern. The inspectors report many licensees' failure to maintain proper records and failure to file certificates of performance. The Pre-Need Manual developed by the Board is a guide to proper pre-need procedures. Use the manual or call the Board office for assistance.

IN MEMORIAM

Since our last newsletter, the Board has learned of the deaths of the following licensees:

Robert M. King, Sr., Wilson - Dec. 2003
Paul Love, Graham - Feb. 2004
Joe Johnson, Elkin - Feb. 2004
Robert Wentworth Cavin, Mooresville - Feb. 2004
Tim Brooks ,Elkin - Feb. 2004

Condolences are extended to their families and friends. The Board is grateful for their service to families, communities and the funeral profession.

PLEASE NOTE....

*The Board's website is **www.ncbfs.org** and has current Board news under the "current events" link on the homepage. You can also review Board approved minutes and obtain the most up to date forms. There are even links to the staff email addresses if you need to contact the Board.*

On March 1, the Board began sending the monthly email newsletter. This will enable information to reach licensees in a timelier manner. Please send an email to wpharris@ncbfs.org so you can be added to the address list.

Congratulations
to these funeral professionals who have been licensed since the last newsletter.

New Funeral Director Licensee's

N. Gary W. Addison	Gray, TN
Christine Dancy Horne	Rocky Mount
Mark Laughlin	Greensboro
Valdus T. Lockhart	Fayetteville
Teresa B. Morris	Asheville
Gloria L. Murchison	Chapel Hill
Jeanette D. Ramey	Cana, VA
Chad Snead	Willow Springs
Bruce E. Taylor	Brasstown
Keisha Manson Veale	Williamston
Judith A. Warren	Clinton

New Funeral Service Licensee's

Charles R. Akers	Raleigh
Denise Am brosy	Connelly Springs
Charlie Baskerville, Jr	Henderson
Jason L. Benton	hallotte
Candice Laura Blankenship	Marion
Katrina L. Byrd	Brooklyn, NY
Brenda Jean Cahill	Raleigh
Gary Wayne Dolen	Laurinburg
Craig Steven Fulcher	Charlotte
Antoine Demetrese Hill	Raleigh
J. Michael Johnson	Rocky Mount
Jonathan Mark Lane	Pikeville
Brian Mack Metcalf	Salada
Barry W. Miller	Rome, GA
Kenneth B. Pearce	Belmont
James Edward Smith	Clayton
Bradford R. Steele	Columbia, SC
Katherine Kilpatrick Wilson (Converted to FS)	Goldston
Derrick Stephen Robinson	Lancaster, SC
William L. Sides	Kannapolis
Sherrie Leeann Strickland	Boone
Cheryl Williams Tudor (Converted to FS)	Reidsville
Christopher Lee Turnage (Converted to FS)	Farmville
Richard T. Wilhide	Raeford

New Embalmer Licensee

Marvin Murray	Belmont

CROWN MEMORIAL CASE UPDATE

Earlier this year the NC Court of Appeals overturned the trial court decision to allow Crown Memorial Park to sell caskets pre-need by a unanimous vote of 3-0. Crown has filed notice of appeal to the NC Supreme Court. We are awaiting the Court's decision on whether to hear the appeal.

RECENT DISCIPLINARY ACTIONS

CASE FILE NUMBER: V03-016
LICENSEES: Charles Reese (FSL #1303);
Memorial Funeral Chapel (FE #653)
VIOLATION: N.C. G. S. §§ 90-210.61(e), 90-210.67(d), 90-210.69(c)(1), 90-210.69(c)(4), 90-210.65(e).
BOARD ACTION: The Board and Licensee entered into a Consent Order admitting to these violations. Licensee surrendered its pre-need establishment and sales licenses, transfer all pre-need contracts within thirty days of approval of the Consent Order, and suspended Mr. Reese's funeral service license for six months.
EFFECTIVE DATE: December 10, 2003.

****

CASE FILE NUMBER: V98-036
LICENSEES: Demetrice Brewington (FDL #3414);
R. L. Sanders Funeral Home (FE #527);
Hugh Sanders (FSL #1667)
VIOLATION: N.C. G.S. § 90-210.25(e)(1)b.
BOARD ACTION: The Board and Licensees entered into a Consent Order whereby Hugh Sanders and R. L. Sanders Funeral Home were placed on probation for eighteen months effective January 21, 2003. Demetrice Brewington was placed on probation for 12 months effective January 21, 2003.
EFFECTIVE DATE: February 11, 2004

****

CASE FILE NUMBER: **V03-043**
LICENSEES: James Cumby (FSL #188);
Cumby Family Funeral Service (FE#129)
VIOLATION: N.C.G.S. § 90-210.25(e)(1)
BOARD ACTION:The licensees and the Board entered into a Consent Order whereby James Cumby's funeral service license was placed on probation for two years and the funeral establishment permit was placed on probation for six months. In addition, the licensees were assessed $2,000.00 in civil penalties.
EFFECTIVE DATE: March 17, 2004

****

CASE FILE NUMBER: M02-017(q)
LICENSEES: Ray Hockaday (FDL #1229/EM #686);
Hockaday Funeral Home (FE #251).
VIOLATION: N.C.G.S. §§ 90-210.64(a), 90-210.64(e), 90-210.27A(e).
BOARD ACTION: The Board and the licensees entered into a Consent Order whereby Ray Hockaday was placed on probation for two years, the funeral establishment permit of Hockaday Funeral Home was placed on probation for one year, and the preneed establishment license was placed on probation for one year. In addition, Ray Hockaday and the preneed sales licensees at Hockaday Funeral Home were required to attend a preneed continuing education class.
EFFECTIVE DATE: March 17, 2004

2004 Board Meeting Calendar
May 17
July 13-14
September 7-8
October 5-6,
November 2-3,
December 14 (Winter CE clinic) & 15.

PRENEED REFRESHER PROGRAM

Due to the increase in pre-need problems we are now offering a refresher course in pre-need. This will be a comprehensive program from proper contract completion to entries in the required documents for record keeping. Preneed Refresher Programs will be offered in different areas across the state beginning in Clemmons as part of the Spring CE clinic and continuing through the summer.

SPRING CE CLINIC

Tuesday, April 13, 2004 9 a.m. – 4:00 p.m.
Registration Fees: Licensees- $ 30.00--Non-licensees- $ 20.00 Registration: 8 a.m. to 9 a.m.
Village Inn Golf and Conference Center, Clemmons, NC (www.thevillageinn.com)

The program is open to all licensees and also non-licensed funeral home staff members. This clinic has been approved for 5 hours CE. It is open to licensees and non-licensed funeral home staff members.

9:00 a.m....."History of the National Cemetery System"
"Burial Requirements for National Cemeteries"
"Expansion Plans for the National Cemetery System"
"Achieving National Shrine Status for the Salisbury National Cemetery"
Ms. Arleen Vincenty.....Director of Salisbury National Cemetery, Salisbury, NC

10:45 a.m....."Burial and Survivor Benefits"
Mike Hampton and Randy Greenwood, NC Division of Veteran's Affairs

12:00 Noon- 1:30 p.m.... Lunch break

1:30 p.m....."Serving the Hispanic Family" - James Edwards, Brown-Wynne Funeral Homes

2:45 p.m....."Proper Pre-need Procedure" - Paul Harris,Executive Director –NC Board of Funeral Service

4:00 p.m.....Conclusion

Crematory Authority News

Frank G. "Jerry" Hardister resigned effective March 5, 2004. Louis Bennett declined to be appointed for another term and Trent Lloyd accepted the appointment for another term. The appointments were made because no one participated in the CA election process last year and the statutes do not include steps for this event other than appointment by the Authority. Travis Clements of Durham was nominated for appointment to fill the unexpired term of Hardister and Keith Green of Winston-Salem was nominated for appointment to the seat left vacant by Mr. Bennett.

Exam Schedule

April 6	September 7
May 4	October 12 (State Exam)
June 8	November 9
July 13 (State Exam)	December 14
August 10	

A reminder to candidates for the Funeral Director Exam: the next state exam on July 13, **will include questions on pathology** as required by statute.

NORTH CAROLINA BOARD OF FUNERAL SERVICE
1033 WADE AVE, SUITE 108
RALEIGH, NORTHCAROLINA 27605