



North Carolina Board of Funeral Service

September 2019

Volume 15, Issue 9

Legislature Enacts House Bill 554; Creates New Provisional Licensure Category

In late 2018, the NC Board of Funeral Service discovered an error in the language of NC General Statutes, Chapter 90, Funeral Service and Cremations Laws & Regulations. Requirements for licensure as a funeral director are found at NCGS 90-210.25(a)(1) and stipulate that an applicant must possess a degree in mortuary science or has graduated from a Funeral Director Program, or the equivalent, from a program approved by the Board and accredited by the American Board of Funeral Service Education [ABFSE].

This provision should have read “ . . . approved by the Board or accredited by the American . . . ”

In 2018, the General Assembly ratified House Bill 529 which adopted a number of changes to NCGS 90, and most were effective October 1, 2018.

Prior to October 2018, the referenced statute included the word “or” rather than “and” because the American Board of Funeral Service Education does not accredit 12-month diploma programs in funeral directing.

The statute enabled the NC Board of Funeral Service to approve diploma programs for funeral directing without a parallel requirement for accreditation.

The reason for the lack of accreditation for these programs is that graduates from a 12-month funeral directing program are ineligible to sit for the National Board Exams which include Laws, Rules & Regulations, Funeral Arts and Funeral Science.

Graduates of these programs are eligible, however, to sit for the NC State Board Examinations which include Laws, Rules & Regulations, Funeral Arts, and Pathology.

Candidates for the Funeral Service license, which is dual licensure of funeral directing and embalming, are graduates of Associate of Arts Degree programs accredited by the ABFSE and are eligible to sit for the National Board Exams.

The result of this inadvertent change in language effectively terminated the Board’s authority to issue the Funeral Director license to those candidates meeting all requirements for licensure.

In early 2019, the Board’s Executive Director, Assistant Director and General Counsel met with Representative Jamie Boles and Representative Kelly Alexander to discuss this issue as well as several other necessary technical corrections to the legislation which was ratified in 2018.

By February 2019, Rep. Boles introduced House Bill 554, a technical corrections bill to enable the Board to resume issuing funeral director licenses among other provisions. The NC House passed the bill in late April 2019, and it was sent to the Senate. The bill was initially referred to the

Next Board Meeting . . .

Wednesday, October 9, 2019
1033 Wade Ave., Suite 108
Raleigh, NC

If you require special accommodation to enable your participation in the meeting, please call Judy Burnett, NCBFS Receptionist, at 919.733.9380.

Provisional License Prompts Questions [continued from Page One]

Senate Agriculture/Environment/Natural Resources Committee which approved a Proposed Committee Substitute [PCS] based on an amendment to create a new license category, Provisional Funeral Director License.

The Committee reported the PCS out favorably, and it was referred to the Senate Judiciary Committee. That Committee also reported the bill out favorably, and it was referred to the Senate Finance Committee.

That Committee amended the bill's effective date from June 30, 2019, to July 1, 2019, and subsequently reported the Committee Substitute out favorably for referral to the Committee on Senate Rules and Operations.

Prior to the Committee's meeting, Senator Andy Wells proposed to the Board an amendment to impose a restriction on a provisional licensee for the sole proprietorship or joint ownership of a licensed funeral establishment by inserting new language in NCGS 90-210.27(e). In response, the Board offered additional language to impose further restrictions on provisional funeral director licensees.

These new restrictions require the same degree of supervision as for resident trainees pursuant to the provisions of NCGS 90-210.25(a)(4).

Provisional licensees were also prevented from executing any preneed or at-need contractual or financial instruments with consumers.

These restrictions addressed concerns expressed by members as well as representatives from the NC Board of Funeral Service, the Funeral Directors and Morticians Association of NC, and the NC Funeral Directors Association during the prior Committee meetings as noted above.

When the Committee on Senate Rules and Operations convened, discussion centered on the restrictions and the proposed amendment from Senator Wells. The 6th edition of the bill was subsequently amended to include the proposed changes. The bill was approved by the Senate on a 39-5 vote and messaged to the House.

Upon arrival in the House, the bill was scheduled for a floor vote on Public Concurrence on Monday, July 29, 2019, at 7:00 p.m.

Earlier that day, Representative Brendan Jones, Deputy Majority Leader in the House, requested that the Speaker of the House pull the bill from the House calendar for the 7:00 p.m. session to enable members more time to discuss its provisions prior to voting.

The Speaker granted Rep. Jones' request, and the bill was referred to the Committee on Rules, Calendar and Operations of the House where it remained until Tuesday, August 21, 2019, when it was calendared for a vote on Public Concurrence on the House floor.

After significant debate on the provisional licensure provisions, the House voted 83-31 in favor of concurrence.

The bill was subsequently enrolled and signed by the Speaker of the House and the President Pro Tempore of the Senate before it was sent to the Governor for consideration.

Governor Cooper signed the bill on August 30, 2019, and its provisions were enacted into Session Law 2019-207.

Provisional License Requirements

▪ **Education and Experience**

Undergraduate or Associate degree in any field, or diploma in funeral directing from a Board-approved curriculum at an accredited college of mortuary science. Has a certified resident traineeship, is eligible for certification as a resident trainee, or has at least 5 years of professional experience under the supervision of a licensed funeral director.

▪ **Examinations**

Passing scores on an exam of the laws of NC, the standards set forth in Funeral Industry Practices [Funeral Rule], and rules of the Board and other agencies dealing with the care, transport, and disposition of dead human bodies, **and** a Board-approved entry-level exam in funeral directing.

Provisional License Restrictions

The new law imposes certain restrictions on individuals issued a provisional license. Provisional licensees are subject to the same supervision requirements as a resident trainee. These supervision requirements are found in NCGS 90-210.25(a)(4). Board policy regarding the supervision of resident trainees can be found in Chapter 1, Section 2, Subsection B the Board's [Compliance Guide](#). These guidelines are currently found on pp. 6 through 11.

- An individual provisionally licensed in funeral directing shall not satisfy the statutory provisions that require a funeral director to be both in the ownership structure of a funeral establishment and actively engaged in the operation of the establishment.
 - An individual provisionally licensed in funeral directing shall not be qualified to apply for licensure as a preneed sales licensee or to engage in any preneed sales activity, other than in the same manner as a properly supervised resident trainee.
 - An individual provisionally licensed in funeral directing shall not be qualified to apply for an unaffiliated license issued pursuant to N.C. Gen. Stat. § 90-210.25(a2).
 - Provisional licensees may not independently and without supervision discuss or negotiate at need goods and services, nor may they independently execute a contract for funeral goods and services with families.
 - An individual provisionally licensed in funeral directing shall not be qualified to serve as the licensed manager of a funeral establishment.
-

Why Was A Technical Corrections Bill Necessary?

Initial discussions concerning the need for technical corrections legislation began in late 2018 when Board staff discovered an error in the licensure requirements for funeral directing. When the Funeral Practice Act was amended in 2018, the educational requirement for licensure as a funeral director was defined as “possess a degree in mortuary science or has graduated from a Funeral Director Program approved by the Board **and** accredited by the American Board of Funeral Service Education [ABFSE].

Prior to the amended Act, candidates for the Funeral Director license could be graduates of a Funeral Director program approved by the Board **or** accredited by the ABFSE.

The technical corrections bill was introduced to correct this unintended situation as well as other provisions that include grandfathering provisions for resident traineeship and examinations. Following is a summary of the technical corrections bill as initially proposed:

N.C. Gen. Stat. § 90-210.25(a)

- Amended the statute to empower the Board to issue funeral director and funeral service licenses to individuals who have passed an **entry-level examination in funeral directing**.

Applicants for licensure in either category were previously required to take an entry-level examination in funeral directing administered by the International Conference of Funeral Service Examining Boards.

- Enabled the Board to accept passing test scores obtained on a funeral service examination on or before October 1, 2018, for a period not to exceed five (5) years from the date the applicant passed the examination.

Prior to the correction, all applicants for licensure would have been required to obtain a passing score on a funeral service examination within three (3) years prior to the application date.

- Enabled the Board to recognize traineeships completed on or before October 1, 2018, for a period not to exceed five (5) years from the date the traineeship was certified.

N.C. Gen. Stat. § 90-210.63

Amended the statute to include a new subsection (c) which reads as follows:

Any licensee holding a [funeral establishment permit, unaffiliated practice permit, or licensed as a crematory or hydrolysis licensee] that accepts the transfer of a preneed funeral contract after the death of the preneed [funeral] contract beneficiary **shall file the certificate of performance with the Board and mail a copy to the contracting preneed licensee.** If the preneed funeral contract is performed by a funeral establishment in another state, **the original contracting preneed licensee shall make reasonable efforts to obtain the information needed to accurately complete the certificate of performance and shall file the certificate no later than the time allowed under G.S. 90-210.64. (emphasis added)**

N.C. Gen. Stat. § 90-210.123

Amended the statute to include a new subsection (d1), which states that crematory or hydrolysis licensees must comply with the provisions of the FTC's Funeral Rule. Accordingly, such licensees are now required to:

1. Present consumers of cremation or hydrolysis services with a general price list at which point any discussion regarding those services is initiated by either party. The general price list must be provided for the purchaser's retention and must comply with the provisions of 16 C.F.R. 453 (1984) as amended from time to time.
 2. Must provide consumers of cremation or hydrolysis containers or outer burial containers with a casket price list and outer burial container price list prior to the discussion of such merchandise. Each price list must comply with the provisions of 16 C.F.R. 453 (1984) as amended from time to time.
 3. Must provide consumers of cremation or hydrolysis goods or services with a statement of goods and services selected pursuant to the requirements of 16 C.F.R. § 453 (1984) as amended from time to time. It is Board staff's opinion that the statement of goods and services selected must also include the disclosure required by N.C. Gen. Stat. § 90-210.25(e)(2).
- Amended subsection (i) of the statute to allow the Board to enforce crematory or hydrolysis licensee compliance with the FTC's Funeral Rule.

N.C. Gen. Stat. § 90-210.129(c1)

- For deaths occurring outside North Carolina, amended the subsection to allow crematory or hydrolysis licensees to cremate or hydrolyze human remains once a copy of the burial-transit or disposal permit issued under the law of the jurisdiction in which death or disinterment occurred.

The provisions of this amendment shall not waive the jurisdiction of the medical examiner or the provisions of N.C. Gen. Stat. § 90-210.129(b), which would require a crematory or hydrolysis licensee to obtain a medical examiner's cremation authorization form.

N.C. Gen. Stat. § 130A-113

For deaths occurring outside North Carolina, amended the public health statute to include a new subsection (b1), which concurs with the provisions of N.C. Gen. Stat. § 90-210.129(c1).

N.C. Gen. Stat. § 90-210.129(d)

- Amended the subsection to require the **funeral establishment, unaffiliated practice, crematory licensee, or hydrolysis licensee responsible for completing the decedent's death certificate to ensure all necessary steps have been taken to remove any pacemaker, defibrillator, or other hazardous implants or materials prior to cremation or hydrolysis.**
- Anyone removing a hazardous implanted device or material shall comply with the laws and rules governing the handling of such device or material and with any other regulations enforced by the proper regulating agency.

N.C. Gen. Stat. § 90-210.136(g)

- Amended the subsection to allow for the hydrolyzation of pacemakers and defibrillators, unless otherwise prohibited by the manufacturer of the hydrolysis equipment.
- Amended the subsection to require any other potentially hazardous implanted device or material to be handled in accordance with N.C. Gen. Stat. § 90-210.129(d).

N.C. Gen. Stat. § 130A-115

Amended the statute to include a new subsection (c1), which provides for a physician, or his or her designee, to sign the medical certification of a decedent's death certificate without risk of civil liability for any acts or omissions related to the same so long as the cause of death is determined in good faith and using best clinical judgement and consistent with current guidance provided by the applicable licensing board, unless the acts or omissions amount to wanton conduct or intentional wrongdoing.

Death is like a mirror in which the true meaning of life is reflected.

—Sogyal Rinpoche

Board Issues Licenses After Long Wait

Congratulations to 22 New Funeral Directors!

Because of an inadvertent error in the text of legislation enacted into law as of October 1, 2018, the NC Board of Funeral Service has been prevented from issuing the funeral director license until Governor Cooper signed House Bill 554 into law. Now that the law has been enacted, 22 candidates for the Funeral Director license, some whom have been patiently waiting since late 2018, have been issued their license numbers.

These candidates, graduates of an approved mortuary science program in funeral directing, received their licenses on September 3, 2019, following the Governor's approval of House Bill 554. While relieved to finally receive their licenses, many of those waiting for the technical corrections bill to move through the General Assembly faced difficult choices.

Some renewed their resident traineeships to continue employment; others struggled with

decisions on whether to remain in funeral service as a career choice.

Some faced unemployment. Others faced uncertainty without having a license to practice funeral directing or to fulfill prospective job offers for full-time employment with licensed funeral homes.

One candidate for licensure said, *"For those of us waiting for confirmation of licensing, I somehow feel we are 'caught' in the middle."*

Another expressed relief that the Board could resume issuing the Funeral Director license and said that *"I feel like I have a future again!"*

The Board is pleased to recognize those who waited patiently for the correction to the language in the Funeral Practice Act which restored its ability to issue the Funeral Director license.

Newly Licensed Funeral Directors . . . thanks to the enactment of House Bill 554

Marcia Messer Brown
Adam M. Gochbauer
Clarina Mae Thompson-Smith
William L. Cassell
Joseph Coleman Lashley
Shanell L. Webster
James L. Dunlap
Pamela D. Mosley
David Smith Breece
Latisha D. Crook
Sonja Kaye Black

Aaron M. Pendley
Damien C. Shell
Ronald James Boyd
Rolando M. McLeod
Joyce Kinsey Best
Marc Conner
Elisabeth E. Hamilton-Ferrand
Russell J. Cullen
Victoria Clark Ivie
Teresa Diann Gamble
Salena Worley

NCBFS Newsletter Returns With A New Look!

After a prolonged absence, the Board has resumed distribution of the monthly newsletter as an important communication and outreach with licensees, trainees and other stakeholders. We have introduced a new masthead, and we have organized news items by program area so that you can more easily identify news of interest. We also have a new feature, *"From the President's Desk . . ."*, and we will begin to include national articles and emerging trends impacting funeral professionals. Thank you for your patience as we re-evaluated the Newsletter and redesigned its format to make it a useful and instructive source of information on professional funeral service.

From The President's Desk

In the past 18 months, the NC Board of Funeral Service has experienced its most significant transition in many years. Looking back to early 2018, the Board implemented an automated licensing system known as iGov which has transformed many of our business practices and operations.

It has enabled staff to introduce greater efficiency and cost-savings in our regulatory responsibilities for licensure and compliance. We now have the capacity for license renewal on-line which led to more than 1,200 licensees completing and sending their renewal applications and payments to the Board last year. That number represented nearly 60% of all licensees.

The Board also focused last year on a comprehensive overhaul of our communications services including a redesigned website, newsletter and letterhead.

We have continued our focus since January 2019 on the Board's emphasis on streamlining our operations and services. In February of this year, staff launched an on-line portal allowing you to complete your Preneed Annual Reports in digital format rather than a reliance on paper. Of the 642 preneed establishments required to submit the Annual Report, nearly 500 completed theirs on-line.

A major initiative for this year has been a continued transition from paper to digital formats. Board members now rely upon Microsoft tablets rather than cumbersome paper-dependent notebooks for Board meetings, and we have installed a large screen monitor in the Board room so that we can project public documents for guests and visitors attending our meetings. We have acquired new Adobe technology which will enable us to scan more than 220,000 preneed contracts and Certificates of Performance into our iGov system. Converting these documents to digital format means that our Compliance Inspectors will have ready access to these documents when conducting establishment inspections, and we completely eliminate the need to retain thousands of documents which require significant physical space as well as staff time for filing, retrieval and copying when staff receive requests for these records.

And one of our most important accomplishments this year has been the production of our NCBFS Compliance Manual authored by Brett Lisenbee, our Compliance Officer. This comprehensive on-line document offers a wealth of user-friendly information through the Board website for licensees and consumers alike.

Thus far in 2019, we realize the substantial impact on the Board as well as licensees from legislation that has dramatically amended the Funeral Practice Act. When House Bill 529 was enacted into law late last year, we saw the introduction of alkaline hydrolysis in North Carolina as a means of disposition. And companion legislation introduced this year through House Bill 554 resulted in a new provisional license in funeral directing. We are hopeful that soon we will have an on-line portal for the completion and submission of monthly cremation reports. We will continue our efforts to improve and enhance the way that we provide continuing education courses for licensees to make registration and the award of CE credit as efficient as possible.

I want to acknowledge and recognize the Board staff who work diligently each day to support your work in professional funeral service. And, on behalf of the Board, I appreciate each opportunity we have to hear from you and learn how we can continuously improve our services to you.



*J. Stephen Herndon,
President, NCBFS*

Durham, Wiseman Elected To National Offices



George J. Durham, Jr.

Following a highly successful 92nd Annual Convention in Durham, NC, the FDMANC fielded two candidates for elective office at the organization's national convention in Mobile, Alabama, in August. Former FDMANC President and current Chairman of the Board, George J. Durham, Jr., won election as National Vice President while former member of the NC Board of Funeral Service, Tryphina Wiseman, was elected as Corporate Clerk of the House at the national convention. Congratulations to Mr. Durham and Ms. Wiseman for their leadership and exemplary service in North Carolina and nationally as well.



Tryphina Wiseman

NC Funeral Directors Association

NCFDA Gathers In Pinehurst, NC, for Annual Conference



Gary Overcash

The NC Funeral Directors Association convened in Pinehurst, NC, for their annual conference and exposition in May.

Included in the schedule of events were opportunities for continuing education credit along with an exhibit hall with vendors representing a wide range of organizations and associates that support the funeral service industry.

At the business session, Gary Overcash accepted nomination to continue as NCFDA President for another term. Also elected to office was Peter Burke, Secretary-Treasurer. Serving with Mr. Overcash and Mr. Burke on the Executive Committee are Melissa Barnes, Past President, and Kenneth Caulder, NCFDA Policy Board Representative.

Recent State Board Examination Stats

The Arts

9 Took the exam for the first time
2 failed with scores of 66 and 68
7 passed with a high score of 81 –
other scores were 75, 76, 77, 78

Pathology

12 exams administered
5 failed with an average score of 58
7 passed with an average score of 80

Preneed News

▪ Revisions to Preneed Contract Forms

The Board has considered feedback and input from licensees, insurance providers and other stakeholders regarding a proposal earlier this year for revisions to the existing preneed contract forms. The proposal included collapsing the current 4 forms to 2 forms: Standard and Inflation-Proof. Either type could be funded by a Trust or by the purchase of an Insurance product.

The reason for this initial suggestion was to seek ways to streamline the contract process and to make it easier for consumers to understand. Another reason was prompted by ratification of legislation which amended the Funeral Practice Act including certain provisions of the statutes governing preneed services.

Response to the proposal from licensees and insurance providers indicated that most did not see a need for extensive change to the existing contract forms and were concerned with the length and detail of the proposed forms. The Board received constructive feedback from many licensees and will continue to study the feasibility of incorporating those suggestions but has determined that the existing preneed contract forms will remain in force but with amendments required by statute.

▪ Preneed Contracts & COP's

Preneed program staff urge licensees to closely review preneed contracts forwarded to the Board as required by statute to assure accuracy and avoid delays in processing. Preneed staff have developed a checklist which will accompany any contracts that cannot be processed as a result of incorrect or missing information.

Staff hope that this checklist will prove helpful in quickly identifying any problems that prevent processing and registering the contracts with the Board. Paul Richardson, Preneed Program Manager, said that *"we know everyone is making a concerted effort to make sure all the information on the contracts is accurate, but we still receive a fairly high number that need additional information."* Richardson has outlined the most common problems associated with preneed contract submissions to the Board:

- Many PN contracts are being submitted with the **at-need** establishment number at the top of the contract instead of the **preneed establishment** number which can hinder data entry.
- Licensees should make sure the PN contracts submitted to the Board are clear and legible, especially if submitted as a copy of the original. Illegible information increases the risk of entering incorrect information to our iGov data base. Misspelled names or incorrect address information could delay or prevent a consumer from receiving their confirmation letter.
- If preneed contracts are submitted with errors, we will process the contract with a "Pending" status, and preneed staff will send the licensee a letter stating that the contract remains in pending status until the errors are corrected.
- Preneed staff strongly encourages licensees to submit Certificates of Performance by email. FAX'd COP's are often of poor quality with information that has been cut off or is illegible. Email creates a reliable paper trail with documentation of date sent and results in a higher quality document. Licensees should retain a FAX transmission report to document the date sent. Without proof of date sent, we may impose late filing fees for COP's received after the due date.

- Licensees should emphasize to consumers the importance of retaining all documentation including confirmation letters related to the purchase of preneed products.
- Although the Board does not require Social Security numbers on the preneed contracts, please include the last 4 digits to enable a quick, reliable search on our licensing management system if that becomes necessary.
- It is unnecessary to send the Board documentation every time a payment is made on preneed contracts funded either by trust or insurance. If no modifications are being made to the contract, just update the balance on your next Annual Report.
- Please note that effective October 1, 2018, NCGS 90.210.67(b) was amended to require that new preneed funeral establishments must obtain a surety bond for a period of at least 2 years instead of 5 years as formerly required.

Policy: Release of Preneed Contract Information

Preneed contracts and/or preneed statements of funeral goods and services selected may only be released to the following:

- The original contract funeral establishment;
- The preneed contract purchaser and/or beneficiary; or,
- A successor funeral establishment.

Any request to receive a preneed contract and/or a preneed statement of funeral goods and services must be in writing. The Board has provided a form for this purpose on the website at www.ncbfs.org under the Licensee/Applications & Forms/Prenneed tabs.

When the Board receives a request to provide the documentation to a successor firm, the preneed contract purchaser and/or beneficiary, or the individual legally entitled to make such a transfer, must convey specific consent to allow the release of the requested documents to a named successor firm.

Upon receipt of a written request via e-mail or US Mail, Board staff will respond within two (2) business days or sooner if possible. In cases of immediate need for preneed documents when a death has occurred, Board staff will make every reasonable effort to provide the requested copies at the time of the request.

Remember! It's Almost Time To **RENEW** Your License!

If you need to get those Continuing Education credits before the December 31, 2019, deadline, now is a good time to check the CE listings on our website. You'll find them on our homepage at www.ncbfs.org.

Traineeship Program

- Monthly Work Reports

We are pleased to announce that Glenda Ryan, Program Assistant, is now accepting monthly work reports from trainees and has assumed responsibility for the initial review of trainees' report on hours logged and work activity. In accordance with the Board's standard practice, trainees whose monthly work reports are incomplete or inaccurate will receive a letter indicating the problem and steps for corrective action. Trainees or preceptors who have questions regarding the work reports should contact Ms. Ryan at (919) 733-9380.

Trainees who have questions regarding certification of traineeships, renewals or other issues regarding a resident traineeship should first check the Frequently Asked Questions found on the Board website at www.ncbfs.org. Click on the "Traineeship" tab to open the page.

REMINDER FOR TRAINEES!

21 NCAC 34B .0110 requires that all resident trainees submit a report to the Board by the 10th of the month following completion of the work in the preceding month. Trainees may submit monthly work reports to the Board office via FAX transmission or by e-mail. If sending by FAX, trainees should retain a copy of the FAX confirmation to document the date and time it was sent. Board staff do not recommend sending monthly reports by U.S. Mail given the uncertainty of delivery dates and times. The preferred method for sending monthly reports is by email. Trainees may send their monthly reports by email to trainee@ncbfs.org. Failure to send monthly work reports when due could result in suspension of the resident traineeship.

Compliance & Inspections

COMPLIANCE OPINIONS

The Board's Compliance Officer periodically issues Compliance Opinions in response to questions and issues that licensees raise regarding the Board's administrative rules and/or statutes.

Board staff does not provide legal advice to licensees. Should you have questions concerning your legal rights particularly pertaining to potential liability to any third party or otherwise, you should speak to an attorney of your choice.

The purpose of the Compliance Opinion is to provide you with staff's opinion regarding whether or not your proposed conduct as a licensee and crematory manager, respectively, would be in compliance with the Board's governing statutes and rules based solely upon the facts provided to staff.

Question: Does the law require an individual authorized to arrange disposition per NCGS 130A-420 and NCGS 90-210.124 to identify the decedent's remains prior to cremation or hydrolysis?

NCGS 90-210.125(a)(1) reads as follows: *A crematory [or hydrolysis] licensee shall not cremate human remains until it has received a cremation or hydrolysis authorization form signed by an authorizing agent. The cremation or hydrolysis authorization form shall be prescribed by the Board and shall contain at a minimum the identity of the human remains and confirmation that the human remains are in fact the individual so named.*

The Board's prescribed cremation and hydrolysis authorization forms each read: *Individual Confirming Identity of Decedent* and then provides a space for such individual to insert his or her name and signature. Neither authorization form places any restriction on who may confirm the identity of the decedent.

Therefore, it is Board's staff's opinion that the matter of *who* confirms a decedent's identity is a civil one. A funeral establishment and/or crematory or hydrolysis licensee would be in compliance with the Board's governing statutes to obtain the name and signature of the individual who accepted responsibility for confirming the decedent's identity. If the wrong decedent was cremated or hydrolyzed as a result of a licensee having allowed an unqualified individual to confirm the identity, then the licensee(s) could potentially face disciplinary or civil action based on their failure to ensure the individual confirming the identity was properly qualified. Accordingly, a licensee would not be under any Board-mandated requirement to insist that an individual must be "next-of-kin" to identity remains when they do not wish to do so.

Question: If a licensee receives a request from a family to have tissue or organs removed from a decedent's body, can the licensee allow such a procedure to take place in the preparation room?

NCGS 90-210.25(e1) states that *"no funeral establishment or person licensed under this Article shall permit the taking or recovery of human tissue from a dead human body in its custody or control for human transplantation purposes or for research purposes, except that a funeral establishment or person licensed under this Article may permit an autopsy technician to take or recover tissue at a funeral establishment as follows:"*

- (1) A licensee under this Article that performs embalming or otherwise prepares a dead human body in the ordinary course of business.
- (2) The Chief Medical Examiner or anyone acting under the Chief Medical Examiner's authority.
- (3) An autopsy technician who takes or recovers tissue from a dead human body if all of the following apply:
 - a. The taking or recovery is the subject of an academic research program.
 - b. The academic research program has appropriate Institutional Review Board supervision.
 - c. The academic research program has obtained informed consent of the donor or the person legally authorized to provide consent.

It is Board staff's opinion that a licensed establishment would be in compliance with the Board's governing statutes to allow an autopsy technician to perform the tissue recovery if each of the criteria set forth in N.C. Gen. Stat. § 90-210.25(e1)(3) exist.

Staff Bulletins & Updates

Amy Mauldin, NCBFS Assistant Director, has been appointed to a national Model Application Review Committee which is tasked by the International Conference of Funeral Service Examining Boards to conduct a comprehensive review of the Model Application to determine its continued relevancy, statutory applicability, and needs for updating. Amy joins colleagues from Nova Scotia, Virginia, and Washington, DC, on this important effort aimed at strengthening funeral service in the United States and introducing national standards for licensure application.

Amy's appointment to the Committee is particularly relevant for North Carolina as our Board continues to demonstrate national leadership through its strategic planning and program evaluation initiatives. We are fully committed to North Carolina's positive influence on the practice of professional funeral service, and Amy's acceptance as a member of this Committee signals an important step forward in that direction.



Amy Mauldin, Assistant Director

Stephen Davis, Executive Director, is pleased to announce the appointment of **Mr. W. Bain Jones, Jr.**, as the Board's General Counsel. Mr. Jones' appointment is effective September 12, 2019. Mr. Jones brings an impressive range of knowledge and skill to the General Counsel role resulting from a distinguished career which includes public service as a former Deputy Commissioner/Trial Judge with the NC Industrial Commission; Complaints Attorney with the NC State Ethics Commission; General Counsel for the NC Board of Barber Examiners; and Administrative Law Judge with the NC Office of Administrative Hearings.



W. Bain Jones, Jr., General Counsel

A graduate of the University of North Carolina and the Cumberland School of Law, Samford University in Birmingham, Alabama, Mr. Jones holds membership in the NC Bar Association and the Wake County Bar Association. As General Counsel, Mr. Jones will work closely with the Board's Disciplinary Committee in the development of recommendations on consumer complaints and disciplinary matters as well as prosecution of cases in hearings before the Board. He will provide legal guidance and counsel on a range of matters including the application of general statutes, administrative rules, and policies that pertain to the Board's role in licensure and regulation of the funeral services profession in North Carolina.

Judy W. Burnett of Willow Spring, NC, has been named the NCBFS Receptionist. Ms. Burnett has extensive experience in administrative and technical support roles through her long-term career in public service which included employment with the NC Department of Public Safety and the NC Department of Revenue. She is a former Executive Assistant to the CEO of the Mary E. Wilson Foundation, and she holds an Administrative Professional Certificate from the NC Office of State Human Resources.

Ms. Burnett's professional skills include information technology processing, data entry, purchasing and procurement, and records management. A Wake County native, Ms. Burnett is a graduate of Apex Consolidated High School.



Judy Burnett, Receptionist

Valencia D. Brown, long-term NCBFS employee, has announced her resignation as a Preneed Data Entry Assistant with responsibility for entering preneed contract information into the Board’s automated licensing management system. Valencia’s association with the Board began in 1993 and has continued as both a part-time and full-time employee since that time. Ms. Brown is a graduate of Pantego High School in Pantego, NC, and she attended Shaw University before receiving a certificate in key punch from the Raleigh School of Data Processing. As a long-term employee, Valencia has seen first-hand the growth and development in the Board’s information technology capacity for processing preneed contracts and assuring that consumers receive confirmation letters to affirm their purchase of preneed services. The Board and staff appreciate and recognize her years of service and her work on behalf of preneed licensees and consumers in North Carolina. We convey our sincere best wishes for and success in all her future endeavors.

The NC Board of Funeral Service Has Issued The Following
Licenses & Permits: March-September

FUNERAL SERVICE

Helena S. Norris-Jackson
*Byron D. Winn
Chelsea A. Philyaw
Kathleen F. Stull
*Rene M. Sanchez
Derrek R. Sherrod
Madeline N. Athan
Zachary A. Brown
Jennifer L. Thomas
Amanda Micaela Cook
Graham Hahn Hatley
*Cassius Isiah Murray
Michael Scott Johnson
Eddie Tyler Morris
*Kurtis J. Van Abs
*Jacob Lee Clontz
Danielle Heather Wyke
*Michael James Hagggar
*Willis J. Harper
William D. Zwicharowski
Francis Migliore, Jr.

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Rebecca Elizabeth Doyne	Marcia Messer-Brown
*Stanley Alan Stone	Adam M. Gochnauer
John Paul Womble	Clarina M. Thompson-Smith
Richard Paul Hanna, III	William L. Cassell
Millie Allred Lineberry	Joseph C. Lashley
Shanell L. Webster	James L. Dunlap
Pamela D. Mosley	David Smith Breece
Latisha D. Crook	Sonja Kaye Black
Aaron M. Pendley	Damien C. Shell
Ronald J. Boyd	Rolando M. McLeod
Joyce K. Best	Marc Conner
Elisabeth E. Hamilton-Ferrand	Russell J. Cullen
Victoria Clark Ivie	Teressa Diann Gamble
Salena Worley	

UNAFFILIATED

Melissa Rachels	Funeral Directing
Brantley Gurley	Funeral Service
Carlos T. Callands	Funeral Directing

TRANSPORTATION & REMOVAL

**Reciprocal*

Joshua D. Hicks	Marvin E. Narron
Shaquionna Q. Barnes	Laquita S. Williamson
Omar Q. Little	Wayne A. Haney
Larry P. Strickland	Cody M. Cook
Thomas G. LaHart	

Licenses & Permits (cont'd)

FUNERAL ESTABLISHMENTS

Gilmore Mortuary Services	Charlotte, NC
Winterville Cremation & Funeral Services	Winterville, NC
Akridge Family Funeral Care	Jacksonville, NC
Blackwell Funeral Home of Yanceyville	Yanceyville, NC
Heavenly Arms Family Mortuary & Cremation Services	Farmville, NC
King Funeral Home	Concord, NC
Fulton-Walton Funeral Home [Ownership Change]	Yanceyville, NC
Blue Star Cremations, LLC	Rocky Mount, NC

PRENEED ESTABLISHMENTS

Wake Cremation Services	Cary, NC
Washington Funeral & Cremation [Ownership Change]	Washington, NC
Fulton-Walton Funeral Home [Ownership Change]	Yanceyville, NC

CREMATORY

The Oaks Crematory	Raleigh, NC
Wake Crematory Services	Cary, NC
Eastern Carolina Cremations, Inc.	Farmville, NC
Wake County Crematory	Raleigh, NC
Gordon Funeral Home & Crematory	Mount Pleasant, NC

ALKALINE HYDROLYSIS

Human Aquamation by Clay-Barnette	Shelby, NC
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IN MEMORIAM



RUDY NELSON LEA, SR.

NOVEMBER 5, 1945 – JUNE 23, 2019

Mr. Rudy N. Lea, Sr., Founder and President of Lea Funeral Home in Raleigh, North Carolina, passed away on June 23, 2019.

Mr. Lee served with gracious distinction, vision, and deep commitment as a former Board Member, Vice President and President of the NC Board of Funeral Service. His personal and professional reputation for integrity, honesty, and respect for others created a legacy and a clear path for others in our profession to follow.

We mourn his loss, but we are forever grateful for his kindness, leadership, and insistence on the highest possible professional standard for the practice of funeral service.



ALICE B. BURKE

SEPTEMBER 23, 1924 – SEPTEMBER 27, 2019

Alice B. Burke of Saddle River NJ, died Friday, September 27, 2019. Ms. Burke is the mother of Peter Burke, former Executive Director of the NC Board of Funeral Service.

Alice was born in Brooklyn, NY on September 23, 1924. Alice married Michael J. Burke, and they began their life together which would live on in love until Mike's

death on June 3, 2008. After leaving Brooklyn in 1954, Alice and Mike settled in New Milford, NJ where they would raise their four children. Alice worked as an office administrator for MetLife for many years, but her primary focus was always on her family.

She is survived by her children Mickey (Dawn) of Haskell, NJ, Lynn Horbatuck (Hank) of Ringwood, NJ, Peter (Doreen) of Cary, NC and Terry (Letitia) of Waldwick, NJ.

The funeral Mass will be at 10:00 AM, Saturday, October 5, 2019 at Our Lady Mother of the Church RC Church in Woodcliff Lake NJ. Interment will follow in Christ the King Cemetery, Franklin Lakes NJ.

In lieu of flowers, the family requests memorials to Eva's Village, 393 Main St., Paterson NJ 07501 at www.evasvillage.org or to St. Andrew the Apostle Catholic Church, 3008 Old Raleigh Road., Apex, NC 27502, at www.saintandrew.org.

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Office Hours:

Monday – Friday

8:00 a.m. – 5:00 p.m.



*Seal of the Province of North Carolina
1730 - 1767*

