

MINUTES

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South Carolina Funeral Board

9:30 a.m., February 6, 2002

Board Meeting

Sheraton Hotel and Conference Center, Remington Room

2100 Bush River Road

Columbia, South Carolina

Mike Thornwell, President, of Ft. Mill, called the regular meeting of the S. C. Board of Funeral Service to order at 9:30 a.m., with a quorum present. Other board members present for the meeting included: Robert "Bob" Parks, Vice President, of Charleston; Greg Jones, Secretary, of Greer; James Adcock, of Orangeburg; Phillip Caulder, of Chesterfield; Roger Finch, of Honea Path; Clarence Hampton, of Seneca; Larry Strom, of Pelzer; and A. P. Williams, III, of Columbia.

Charles Green, of Charleston and Ward Avinger, of Holly Hill, were granted excused absences.

Members of the audience included: Cleve B. Brown, Brian Calhoun, Hazel Cauthen, Kay Cauthen, Stephanie Jones, Ky Kiser, Tom Rampey, John Rowland, Gloria Walker Vessels, Wayne Warren, and Archie Williams.

Members of staff participating during the meeting included: Sandra Dickert, Administrative Assistant; Larry Hall, Investigator; Dwight Hayes, Administrator; Jimmy Knotts, Investigator; Jeanie Rose, Administrative Specialist; and Bill Whitby, Investigator.

Mr. Thornwell announced the meeting was being held in accordance with the Freedom of Information Act by notice mailed to The State Newspaper, Associated Press, WIS-TV and all other requesting persons, organizations, or news media. In addition, notice was posted on the bulletin boards at the two main entrances of the Kingstree Building and at the Sheraton Hotel.

Pledge of Alligence

All present recited the Pledge of Allegiance

Approval of Minutes - December 13, 2001 Meeting

Mr. Parks noted one change on page five. He stated his motion regarding Woodside Memorial Chapel included 'upon inspection of the facility'.

Mr. Parks moved the board approve the minutes of the December 13, 2001 meeting as amended. Mr. Adcock seconded the motion, which carried unanimously.

President's Remarks – Mike Thornwell

Mr. Thornwell thanked the S. C. Funeral Directors Association for allowing the board to be a part of the Mid-Winter Conference. He stated he thinks it is the first time he can recall that the board has deviated from the norm. He further stated it shows the board is open to change and hopes this is the beginning of change.

Interim Administrator's Remarks

Mr. Hayes presented the members with a report of the new funeral home permits issued since the last meeting. He noted that two permits were issued since the last meeting.

Mr. Hayes presented the members with a report of new funeral director/embalmer licenses issued since the last meeting. He noted that ten licenses have been issued since the last board meeting.

Mr. Hayes presented the members with a report of managers of new facilities and routine changes of managers since the last board meeting. He noted that there have been five licenses issued.

Mr. Thornwell stated he thought the manager of the Good Shepherd Funeral Home had withdrawn his application. Mr. Hayes stated staff would check into this matter, as he was unaware of this withdrawal of application.

Mr. Caulder stated there has been a concern among those who have dual licenses that separate licenses are not being issued for the embalmers. He thinks there may be a problem.

Mr. Hayes stated the way the system has been set up in the past there have been two separate categories but only one license issued to dual license holders. He further stated if an individual gets one license, either a funeral director or an embalmer one fee would be paid. But if an individual holds a dual license the fee is a little higher. He added that if separate licenses are to be issued to dual licensees separate records would have to be run on the database. Each license would stand on its own and staff would set up the

fee schedule and the procedures accordingly. He indicated it would have to be determined if different license types to include both or different licenses. He continued by saying the fee structure is set up so that dual licensees do not pay a separate total license fee for each one. He also stated if the Board wants to issue separate licenses we need to address the procedures and everything for that.

MOTION

Mr. Caulder moved the Board do whatever necessary to begin again and go back to those who have gotten dual licenses and issue them embalming licenses. The motion was seconded by Mr. Jones and unanimously carried.

Mr. Parks stated it appears to be confusion across the state on how dual licensees to sign death certificates. He recommended that Mr. Hayes contact DHEC to see if they require only one signature on death certificates.

Mr. Thornwell stated he thought the board had determined to revert back to the licenses that had the signatures of all of the members. Mr. Hayes stated staff is in the process of obtaining the appropriate sized paper and an individual who can insert the licensee's name in calligraphy.

Advisory Opinions, If Needed, Sharon Dantzler, Office of General Counsel
No advisory opinions were given during the February 6, 2002 meeting.

Legislative Update, If Needed, Legislative Liaison Office
There was no legislative update given during the February 6, 2002 meeting.

Old Business

There was no old business to be discussed during the February 6, 2002 meeting.

New Business

1. New Facility

Myrtle Beach Cremation and Shipping

Mr. Hayes stated Mr. Richard Neal was unable to attend. He further stated the owner and manager are proposing a cremation and shipping service. The business would be doing business out of an office in Myrtle Beach. He noted Mr. Neal has been licensed in Tennessee since 1978 and licensed in South Carolina since 1998. He added the business would be beginning as soon as there is enough business in the area to build.

A discussion ensued regarding the date stamping of applications, the type of business this cremation and shipping business will be, what would happen if the family requested visitation, and residency ensued.

MOTION

Mr. Hampton moved the board table this matter until Mr. Neal can appear before the board. Mr. Adcock seconded the motion, which carried unanimously.

Mr. Parks stated this company would be a small business. He has concern as to potentially what the Board may be licensing if it's not specifically spelled out to the license holder on how it would actually be functioning within the state.

Mr. Hayes stated it would be a similar situation to a funeral director working in a funeral home who forms another business offering just cremation services in addition to the funeral home.

Dyches Funeral Home

The board carefully reviewed the application. Mr. Hayes noted the business is moving from one location to another location.

MOTION

Mr. Caulder moved to accept pending receipt of favorable SLED report, and pending a favorable inspection. Mr. Finch indicated question #16 was left unanswered. Mr. Caulder amended his motion to include the facility must answer question #16. Mr. Parks seconded the motion, which carried unanimously.

Oconee Cremation Services, DBA Sandifer Funeral Home, Inc.

Mr. Hayes stated Mr. Sandifer is setting up a crematory with a new permit, new license number and new name so he could service other funeral homes who do not have crematories without the appearance of one funeral home passing off to another. He noted the facility would require an inspection by staff.

MOTION

Mr. Adcock moved the Board accept this application pending inspection of the facility. Mr. Strom seconded the motion, which carried unanimously.

2. Reciprocity

Frank Andrew Burns

Mr. Hayes stated the question staff has is whether South Carolina accepts a state exam from the States of Tennessee and Missouri. He further stated he has been in contact with these two states regarding the exam. He said these states feel their exams are comparable to the national exam.

It was noted that Mr. Burns has been licensed for eleven years in another state and has been living in South Carolina for one month.

MOTION

Mr. Caulder moved the Board discuss this matter in executive session. The motion was seconded by Mr. Strom and carried unanimously.

3. Apprenticeship

Mary Ann S. Wylie

Mr. Hayes stated Ms. Wylie completed her apprenticeship in the early 1990s but failed the exam. She is asking that the Board honor that apprenticeship and allow her to take the exam

Ms. Wylie stated her apprenticeship license expired on June 14, 1989. She failed exam in 1990 but continued her training under Mr. Brown on a part-time basis. She has been a secretary at a dialysis center and has been studying at Piedmont Tech. She is asking the board to waive the apprenticeship requirement and allow her to take the examination.

MOTION

Mr. Caulder moved the Board discuss this matter in executive session. Mr. Adcock seconded the motion, which carried unanimously.

James Earl Carroll

Mr. Hayes stated Mr. Carroll completed eighteen months of apprenticeship in 1990, but he did not renew his apprenticeship license. The funeral home allowed him to continue working as an unlicensed individual. He further stated the facility is asking for recognition of that eighteen months to be applied to apprenticeship and that he be allowed a provisional apprenticeship license for six months to complete his apprenticeship.

MOTION

Mr. Parks moved the Board discuss this matter in executive session. The motion was seconded by Mr. Finch and unanimously carried.

2. Reinstatement

a. Isaiah Owens

Mr. Hayes stated Mr. Owens allowed his license to expire in 1999. He further stated Mr. Owens has paid the required fees. He indicated staff would check with funeral home to see what he was doing during the time since his license expired. He went on by saying Mr. Owens needs continuing education hours from 1999/2000, 2000/2001 and 2001/2002. He also stated Mr. Owens was acting as owner/manager in New York, however, he owns a facility in Branchville. He said Mr. Owens has a favorable SLED report.

MOTION

Mr. Strom moved to discuss in executive session. Mr. Jones seconded the motion, which carried unanimously.

Discussion Items

Probate Judge "Round Table Discussions" Report

Mr. Parks stated there appears to be an issue funeral directors are facing regarding cremation laws and probate judges. He discussed a scenario of siblings who have lost a parent and would like to have the parent cremated. However, one sibling has not been in contact with the rest of the family for a number of years so the other siblings ask a probate judge to allow cremation of parent. The probate judges are throwing this issue back to the funeral homes. He stated Mr. Thornwell and he will participate in a panel discussion regarding this matter on February 21, 2002 and would report to the board at the next meeting on the outcome of the discussion.

Mr. Hayes stated staff is attempting to contact a public health doctor with DHEC to discuss Creutzfeldt-Jacob Disease at the next meeting.

Mr. Caulder questioned Mr. Hayes regarding the agency's responsibility of continuing education. Mr. Hayes stated LLR expenses of holding continuing education classes include the facility and the travel expenses of the individual (s) conducting the classes. He indicated that historically there has not been enough money received from the continuing education classes to cover all of the expenses.

Mr. Caulder stated he has heard that there has been an amendment made to the practice act by the Morticians' Association. A discussion on this matter ensued.

MOTION

Mr. Parks moved a letter be drafted to the legislature from the legislative

committee, including the members from the Morticians' Association and the Funeral Directors' Association, expressing the unanimous decision on bill 3515 without the Pinckney amendment. Mr. Jones seconded the motion, which carried with a majority vote. Mr. Finch voted nay.

MOTION

Mr. Finch moved the Board discuss this matter in executive session. Mr. Jones seconded the motion, which carried unanimously.

Public Comments

Ms. Kay Cauthen stated there is a continuing education class this afternoon at the Sheraton Hotel and Conference Center from 3:00 to 4:00 p.m.

Executive Session

The board entered executive session to discuss disciplinary matters.

Return to Public Session to Report on Executive Session

Mr. Thornwell noted for the record that no motions were made and no votes were taken during the time the board was in executive session.

Frank Andrew Burns

MOTION

Mr. Jones moved that this license as funeral director/embalmer be approved with the understanding that he is a dual license holder in South Carolina and will be required to complete the state law exam. Mr. Parks seconded the motion, which carried unanimously.

Mary Ann S. Wylie

MOTION

Mr. Parks moved the Board recognize Ms. Wylie's prior apprenticeship and allow her to sit for her South Carolina examination. The motion was seconded by Mr. Adcock and unanimously carried.

James Earl Carroll

MOTION

Mr. Caulder moved the board recognize the prior apprenticeship of Mr. Carroll and allow him one renewal period on his apprenticeship. Mr. Jones seconded the motion, which carried unanimously.

Isaiah Owens

MOTION

Mr. Strom moved the board approve this application contingent upon receipt

of an affidavit that he has not practiced funeral service in South Carolina in violation of the law since his license has expired. The motion was seconded by Mr. Jones and unanimously carried.

MOTION

Mr. Parks moved, due to the fact that there appears to be advertising across the state that is being done without attaching the name of the licensed mortuary, that the Board ask LLR to begin assessing some of this advertising across the state and in particular issues send the mortuary in question a letter suggesting, strongly, that they attach their company logo to all advertising and by not doing so they are going to be potentially in question working outside the boundaries of the law. Mr. Finch seconded the motion, which carried unanimously.

Adjournment

There being no further business to be brought before the board at this time, the February 6, 2002 meeting of the S. C. Board of Funeral Service adjourned at 12:05 p.m.

The next meeting of the S. C. Board of Funeral Service has been scheduled for April 4, 2002.