

MINUTES
South Carolina Board of Funeral Service
Committee Meeting

9:00 a.m., February 3, 2015
Synergy Business Park
110 Centerview Drive, Kingstree Building Room 202-03
Columbia, South Carolina

Tuesday, February 3, 2015

1. Meeting Called to Order

Wallace McKnight, Jr., President, called the committee meeting of the SC Board of Funeral Service to order at 9:01 a.m. Other Committee members present for the meeting included: Charlie Bradford Evans, Vice President, of Abbeville; Thomas E. Baker, II, of Kershaw; William B. Horton, Jr., of Kingstree; Eddie Nelson, of Blythewood; Mark R. O'Steen, of Spartanburg; John L. Petty, III, of Landrum; and, Jeffrey K. Temples, of Columbia.

Staff members participating in the meeting included: Amy Holleman, Interim Administrator; and, Donnell Jennings, Advice Counsel, Office of Advice Counsel.

a. Public Notice

Mr. McKnight announced that public notice of this meeting was properly posted at the SC Board of Funeral Service office, Synergy Business Park, Kingstree Building, and provided to all requesting persons, organizations, and news media in compliance with Section 30-4-80 of the South Carolina Freedom of Information Act.

9:03 a.m. Meeting Recessed

MOTION

Mr. Horton made a motion the Board recess the meeting and reconvene at the Columbia Metropolitan Convention Center. Mr. Temples seconded the motion, which carried unanimously.

**10:01 a.m. Meeting Reconvened at the
Columbia Metropolitan Convention Center
1101 Lincoln Street, Columbia, SC**

2. Meeting Called to Order

Wallace McKnight, Jr., President, of Andrews, reconvened the regular meeting of the SC Board of Funeral Service at 10:01 a.m. Other Board members present for the meeting included: Charlie Bradford Evans, Vice President, of Abbeville; Marcus D. Brown, Secretary/Treasurer, of Anderson; Thomas E. Baker, II, of Kershaw; Michelle Cooper, of Monks Corner; William B. Horton, Jr., of Kingstree; Eddie Nelson, of Blythewood; Mark R. O'Steen, of Spartanburg; John L. Petty, III, of Landrum; and, Jeffrey K. Temples, of Columbia.

Staff members participating in the meeting included: Wendi Elrod, Program Assistant; Amy Holleman, Interim Administrator; Donnell Jennings, Advice Counsel, Office of Advice Counsel; Buddy Poole, Inspector, Office of Investigations and Enforcement; and, Ernest Adams, Inspector, Office of Investigations and Enforcement.

Members of the public attending the meeting included: Mary Nickles, of Piedmont Technical College; McBee Lewis, Dial Murray Funeral Home; Glenn Crawford, SC Morticians Association (SCMA); Scott Fowler, of the

SC Funeral Directors Association (SCFDA); Elizabeth Simmons, Morticians Association (SCMA); and, Lou Ann Pyatt, SC Morticians Association (SCMA).

3. Introduction of Board Members and Persons Attending the Meeting

The Board members, staff, and all other persons attending the meeting introduced themselves.

4. Approval of Excused Absences

There are no absences at this meeting.

Amend Agenda

MOTION

Mr. Evans made a motion that the Board amend the agenda to move item 8) A) Administrative Authority recommendations, to before 6) Approval of Minutes from January 21, 2015 committee meeting & January 22, 2015 Board meeting. Mr. Temples seconded the motion, which carried unanimously.

5. Approval of Minutes from January 21, 2015 committee meeting & January 22, 2015 Board meeting

MOTION

Mr. Evans made a motion that the Board approve the minutes for both the January 21, 2015 committee meeting and January 22, 2015 board meeting as is. Mr. Baker seconded the motion, which carried unanimously.

6. President's Remarks – Wallace McKnight

Mr. McKnight welcomed everyone and thanked them for attending. He stated that Ms. Doris Cubitt is no longer the Administrator for the Board of Funeral Service. He stated Ms. Holleman is now the Interim Administrator.

7. Administrator's Remarks – Amy Holleman

A. Administrative Authority recommendations

Discussion of Permissions and Duties which May Be Given or Assigned to the Board Administrator

A. Application changes for facility manager, location changes, and additional facilities

Mr. Evans read the recommendations from the January 21, 2015 committee meeting.

Ms. Cubitt stated the administrator currently has the authority to approve manager changes, location changes, and additional facilities. She stated the sometime around 2006 or 2007 the Board gave the administrator the authority to approve manager changes; however, we do not show a motion in any board minutes to verify this. Ms. Cubitt stated at the April 3, 2013, board meeting the administrator was given the authority to approve applications for additional locations. And at the September 23, 2013, board meeting the administrator was given the authority to approve applications for location changes.

Ms. Cubitt stated that we need to formalize these items giving the administrative authority to approve these applications.

Recommendation

Mr. Evans recommended that the Board give the administrator the authority approve manager changes, location changes and additional facilities.

MOTION

Mr. Temples made a motion that the Board accept the committee's recommendations as policy. Mr. Baker seconded the motion, which carried unanimously.

B. **Granting facilities a thirty (30) day extension for manager change**

Mr. Evans read the recommendations from the January 21, 2015 committee meeting.

Ms. Cubitt stated that the law currently states that the board must be notified within thirty (30) days upon the death, resignation, or incapacity of the manager of a funeral establishment or crematory.

She stated it may be beneficial for her to be given the authority to extend an additional thirty (30) days for the manager change, depending on the circumstances, as long as the funeral establishment has a full-time licensed person there.

Recommendation

Mr. Horton recommended that the Board give the administrator the authority to give the funeral establishment one (1), thirty (30) day extension with documents showing their efforts.

MOTION

Mr. Evans made a motion that the Board accept the committee's recommendations as policy. Ms. Cooper seconded the motion, which carried unanimously.

C. **Reinstatement of license to be manager**

Mr. Evans read the recommendations from the January 21, 2015 committee meeting.

Mr. Horton asked why does someone reinstating their license need to be licensed for one (1) year before being manager of a funeral home.

Mr. Evans stated that this was addressed at the December 11, 2014 Board meeting.

December 11, 2014 Board meeting

Ms. Cubitt stated that the question has come up if a licensee lets their license lapse and reinstates the license can they be a manager immediately following the reinstatement.

Mr. Evans stated in Section 40-19-20 (16) "Manager" - means a licensed funeral director who has been licensed in this State for at least one year, who is a fulltime regular employee, and who is responsible for and has the binding authority from the owner for the day-to-day management of funeral establishments or crematories including compliance with all applicable laws governed by this chapter.

He stated the Boards position is the license must be active and in good standing for one (1) year prior to being a manager.

Mr. Nelson inquired on if the manager of the crematory has to be a crematory operator as well. Ms. Cubitt stated the manager of a crematory does not need to be a crematory operator unless the manager is the operator of the crematory.

Recommendation

Mr. Evans recommended that the Board stick to the written statute regarding manager.

Executive Session

MOTION

Mr. Temples made a motion that the Board enter into executive session for legal advice. Mr. Evans seconded the motion, which carried unanimously.

Return to Public Session

MOTION

Mr. Evans made a motion that the Board return to public session. Mr. Baker seconded the motion, which carried unanimously.

Mr. McKnight stated, for the record, that no votes were taken during executive session.

MOTION

Mr. Nelson made a motion that this go back before the committee for reconsideration. Mr. Temples seconded the motion, which carried unanimously.

D. Deregulating for Retail Sales Outlets

Mr. Evans read the recommendations from the January 21, 2015 committee meeting.

Mr. Evans stated that he believes that the Board of Funeral Service no long wants to regulate "Retail Sales Outlets". Ms. Cubitt states that goes back to the deregulating committee task force. She stated she will find the Bill that was proposed for deregulating retail sales outlets and present that to the Board at the February 3, 2015 meeting.

MOTION

Mr. Evans made a motion that the Board go with the committee's recommendations if statute allows the deregulating. Ms. Cooper seconded the motion, six yeas and Mr. Temples and Mr. Nelson were nay.

E. Apprenticeship served for the fourth (4th) time

Mr. Evans read the recommendations from the January 21, 2015 committee meeting.

Ms. Cubitt stated that we currently allow apprentices to serve their apprenticeships three (3) times and the fourth (4th) time they must appear before the board for approval to serve the apprenticeship the fourth (4th) time, which would be the fifth (5th) year.

Recommendation

Mr. Evans recommended that the Board give the administrator the authority to give approve the apprenticeship for the fourth (4th) time.

MOTION

Mr. Evans made a motion that the Board adopt this policy and make this the last time an apprentice can serve the apprenticeship. Mr. Horton seconded the motion, which carried unanimously.

F. Apprentices with other employment (full-time and part-time)

Mr. Evans read the issue and recommendations from the January 21, 2015, committee meeting for the record.

Ms. Cubitt stated that currently staff advises apprentices that they must work full-time at the funeral home, under direct supervision, and during normal business hours of operation of the funeral home.

Ms. Cooper stated that the apprentice should be allowed to work at anytime as long as their supervisor is on the premise.

Recommendation

Mr. Evans recommended that the apprentice would receive credit for the apprenticeship as long as the apprentice and supervisor are on the premise together full-time. He suggested that staff change the apprentice application to state that signing the apprentice application that the apprentice and supervisor understand they must work the same hours full-time.

Ms. Cooper stated that they also included that the manager of the funeral home must sign the application as well.

MOTION

Mr. Evans made a motion to change the apprentice application to include for the apprentice, supervisor/preceptor and funeral home manager must sign the application. And that they understand that the apprentice and supervisor/preceptor must work the same hours full-time. Mr. Temples seconded the motion, which carried unanimously.

Mr. Jennings stated that there should be two motions based on the committee recommendations. The first motion is for the apprentice to receive credit for the apprenticeship the apprentice and supervisor/preceptor are on the premise at the same time full-time. The second motion should be for the apprentice to receive credit for the apprenticeship the apprentice, supervisor/preceptor and funeral home manager should sign the application.

Ms. Cooper explained to Mr. O'Steen, since he is a public member on the Board, that it has become clear that funeral homes tend to change their hours of operation so the Board is unable to determine what if full-time for each apprentice.

Mr. O'Steen stated that it is clear if you have other 40 hour week employment you can't work full-time at the funeral home. Ms. Cooper stated that it is an ongoing problem when they bring in a schedule and testify on hours worked. She asked that if they are not dedicating the proper time to the apprenticeship, how they can get licensed without the proper training? That is also why the Board is requiring the apprentice, supervisor/preceptor and the manager of the funeral home to sign the paper work. So then the supervisor/preceptors and managers licenses are on the line if the apprentice violates the statute.

Mr. Evans stated for further clarification stated that the funeral profession has changed. So apprenticeships are not the same as it was when most Board members served their apprenticeship. He stated it is much harder to serve the apprenticeship today. He stated those that are truly dedicated in doing the apprenticeship the board wants to make sure they have all the proper documentation so they will be successful in this profession.

AMENDED MOTION

Mr. Evans made an amended motion to add to his previous motion for the apprentice to receive credit for the apprenticeship, they and the supervisor/preceptor are on the premises together full-time and the manager to sign the paperwork. Mr. Temples seconded the motion, which carried unanimously.

Ms. Holleman stated that she is the new Interim Administrator.

She stated that Ms. Jeanie Rose and Ms. Elrod are still with the Board as well as work with the Perpetual Care Cemetery Board and Auctioneer's Commission. She stated that staff will continue working with the Accountancy Board until mid February 2015.

She stated that Ms. Rose and Ms. Elrod have physically moved their desks.

Ms. Holleman reminded all Board members that they must file their economic interest forms by March 30, 2015 or they may face penalties for filing late.

She stated that she, Mr. Temples, Mr. Adams and possible Mr. Evans will attend the International conference meeting in Dallas, Texas on February 25, 2015 thru February 27, 2015.

8. Discussion from Pre-need Regulation Hearing

Ms. Holleman stated that she, Mr. Horton, Mr. Nelson, and Mr. Evans attended the Preneed Regulation Hearing on February 2, 2015.

She stated that if anyone has any questions please contact Kelly Rainsford, with Consumer Affairs, by February 9, 2015.

Mr. Horton stated that an irrevocable trust account cannot be rolled over to an insurance policy.

MOTION

Mr. Horton made a motion that the Board strongly recommends that the proposed regulations for 28-800 include a provision that irrevocable trust accounts opened between 1989 and 1995, the time period before the insurance law went into effect, be allowed to be transferred into a preneed insurance policy. Mr. Temples seconded the motion, which carried unanimously.

9. Public Comments (no votes taken)

No public comments at this time.

10. Adjournment

MOTION

Mr. Evans made a motion the Board adjourn. Mr. Baker seconded the motion, which carried unanimously.

The February 3, 2015, meeting of the SC Board of Funeral Service adjourned at 11:26 a.m.

The next scheduled meeting of the SC Board of Funeral Service is scheduled for March 19 & March 20, 2015.