

MINUTES

South Carolina Funeral Board

Working Session Meeting

10:00 a.m., March 14, 2002

Synergy Business Park

110 Centerview Drive, Kingstree Building, Room 108

Columbia, South Carolina

Mike Thornwell, President, of Ft. Mill, called the working session meeting of the Board of Funeral Service to order at 10:00 a.m., with a quorum present. Other members present for the meeting included: Bob Parks, of Charleston Vice President; Gregory Jones, of Greer, Secretary; Jim Adcock, of Orangeburg; Ward Avinger, of Holly Hill; Phillip Caulder, of Chesterfield; Roger Finch, of Greenville; Charles Green, of Charleston; Clarence Hampton, of Seneca; Larry Strom, of Pelzer; and A. P. Williams, III, of Columbia.

Staff members participating at various times in the meeting included: Sharon Dantzler, Deputy General Counsel, LLR-Office of General Counsel; Sandra Dickert, Administrative Assistant; Dwight Hayes, Interim Administrator; and Jeanie Rose, Administrative Specialist.

A member the public participating in the meeting was Ezekial Trezvant.

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.

NEW BUSINESS

Apprenticeship Program

Mr. Hayes addressed some of the problems staff needs to have addressed by the board. (A list of these matters is herewith attached as Addendum A.)

The board asked staff to review apprentice reports with other boards within the agency. Ms. Dantzler stated that Long Term Health Care Administrators has excellent an apprentice program report (AIT) to review.

It was noted that most of the boards within the agency that have apprentice programs require 3,500 hours that are to be acquired within 24 months to

60 months.

A discussion ensued regarding the value of time spent by the apprentices in each area of funeral directing and/or embalming.

Mr. Thornwell asked that the board members consider these problems prior to the next board meeting. The board would be discussing the problems at the board meeting on April 4, 2002.

Recess

The Board recessed for five minutes at 11:15 a.m.

Return to Public Session

Cremation Procedures

Mr. Hayes stated in light of what has happened with the crematory in Georgia; South Carolina has come out well in the media. He further stated that all of the crematories have been inspected within the last ten days and noted that no problems were found. He noted that a television station asked to be present at an inspection of a cremation facility in Greenville. Following clearance from the agency's Office of Communications & Governmental Affairs the inspection proceeded. He also stated that the inspection had gone smoothly and positively.

A discussion regarding the cremation law ensued. During the discussion it was noted that the cremation law is solid, however, there are some areas of the cremation law that need to be updated.

Mr. Thornwell stated that Senator Bill Sandifer recently contacted him regarding the cremation law. He went on to say that Senator Sandifer wanted to introduce a bill, separate from bill #3515, regarding cremation. He continued by saying that Senator Sandifer had asked that the board requested the board's input for the cremation bill.

Ms. Dantzler suggested that staff write a letter to Senator Sandifer to inform him that the crematories have been inspected within the last three weeks; that no significant problems were found; that there is no shortcoming in the board's statutory framework; and that the board would welcome any suggestions from him.

Mr. Parks suggested that the letter include asking Senator Sandifer to research asking the probate judges to address certain cremation aspects such as guidelines for the statute regarding probate judges and the definition

of common law spouses.

A discussion ensued regarding training of the operators for the incinerators for the crematories, continuing education credits for the training, opening a free standing crematory and holding a memorial service for an individual who has been cremated.

Mr. Trezvant stated the Board was confronted with this when he was on the Board. He further stated Sections 32-8-380 and 32-8-385 of the Safe Cremation Act indicate the duties the Board is charged with regarding crematories. He suggested the board insert language requiring a quarterly report of cremations with a fee in the letter to Senator Sandifer.

3. Inspectors

A discussion on inspectors and inspections ensued. The discussion included the concept of the inspector going to every funeral home and investigating all of the complaints. It also included the stipulation of using the monies received from quarterly report and fee from the crematories to hire an inspector/investigator for funeral service/crematories.

Mr. Thornwell suggested that Mr. Hayes contact Mr. Bryant and Ms. McKinney regarding an inspector/investigator for the Funeral Board. He also suggested the letter to Senator Sandifer include the hiring of an inspector for the board as soon as possible.

The letter to Senator Sandifer is to be reviewed by each board member prior to mailing.

Ms. Dantzler suggested the letter to Senator Sandifer ask the legislature to consider the Board's needs instead of for an additional source of funding. She indicated that whether the legislature by loosening their grasp on the funds or by appropriation would be helpful. She further stated the boards essentially have a tightening of authorization to expend funds. She continued by saying now would be the time for the board members to contact the members of the Senate Finance Committee.

Ms. Dantzler stated the letter to Senator Sandifer would include reporting that inspections on the crematories have been conducted and that no problems were found. The letter would also state that the board believes the current statutory framework regarding crematories works. The letter would ask that the legislature consider providing legislation guidance to the probate

judges on their duty right to deal with disputes concerning the primary right of disposal, provide guidance to the probate judges in how to deal identifying and dealing with claims of common law spouses. The letter would also suggest he might review methods to provide funding for routine inspections of funeral homes and crematories in South Carolina.

Recess

The Board recessed for five minutes.

Return to Public Session

Pre-Need Law

A brief discussion regarding the pre-need law ensued. It was noted that the board's legislative committee would be discussing this matter. The discussion also included remarks regarding third parties selling pre-need insurance.

5. Dual Licenses, Funeral Director Licenses and Embalmer Licenses

Mr. Caulder is asking that the board revert back to its practice of issuing separate funeral director licenses and embalmer licenses as it had been previously done.

A discussion regarding issuing the separate funeral director licenses and embalmer licenses versus dual licenses ensued.

A discussion regarding the South Carolina death certificate ensued. During the discussion Mr. Hayes stated he had contacted the Office of Vital Statistics of DHEC and asked what their requirements were on a death certificate regarding the signatures of a funeral director and an embalmer. He further stated that Vital Statistics replied that a funeral director must sign the death certificate and that the embalmer's signature is not required.

Mr. Thornwell asked that staff send a letter to DHEC suggesting the agency be consistent in requiring the signatures and/or license numbers of the funeral director and embalmer on death certificates and that the agency be advised that the death certificate should be red flagged if one signature is absent.

The discussion of separate funeral director licenses and embalmer licenses included how the board would want to handle the fees and the continuing education. The board members stated the original embalmer and funeral numbers assigned to each category should be retained. It was noted that

the new computer system is designed so that all of the boards' license information must fit within the same framework. It was suggested that the continuing education requirements be changed to four hours, two hours for funeral director and two hours for embalmers. This would mean those individuals who hold both the funeral director license and the embalmer license would have to obtain four hours of continuing education.

Mr. Thornwell asked that Mr. Hayes review the new computer system for the methodology for issuing two separate licenses. Mr. Hayes stated he has seen the new system and indicated it would cost a lot of money to obtain what the board wants. He also stated the agency is shooting to have all of the boards on the new computer system within one year. Mr. Hayes explained that the new system is set up to show all of the licenses an individual holds.

Mr. Adcock and Mr. Avinger left the meeting at this time.

MOTION

Mr. Parks moved the Board ask LLR to draft letters and send letters to the S. C. Funeral Directors Association and the S.C. Morticians Association and in that letter provide an explanation as to the current situation with LLR and its computerization system and define the system the board is currently under and if it is the board's endeavor professionally to continue to have two license numbers then provide an explanation in that letter that it will be necessary that it be mandated that we have to have two separate categories. If we wish to maintain a separate funeral director's license **that is the category** that is the category that it will be in, that will be the number and there will be continuing education and fee requirements for that. If the associations' wish is to have an embalmer's license that would be a separate category and we **disseminate penetrate** this information to the respective associations and ask for their feedback as to what they would like us to do. The associations should send their responses back to the board by the June 2002 meeting. Mr. Jones seconded the motion, which carried unanimously.

Mr. Caulder left the meeting at this time.

Legislation

Mr. Thornwell stated Mr. Finch had indicated to him that he had spoken with Ms. McKinney who informed him that the bill, in her opinion, would die as it is.

Mr. Hayes stated that a cemetery bill, S.3319, is currently on the has been introduced in the Senate Calendar.

A discussion ensued regarding cemeteries and what can and cannot be done by a funeral home.

7. State Law Exam

Mr. Hayes stated that the state law exam is antiquated and asked the board if they would review the questions or if the board wanted him to review the test. The board directed Mr. Hayes to review the questions and recommend new questions to the board for its review.

Adjournment

There being no further business to be brought before the Board at this time, Mr. Green moved the meeting be adjourned. Mr. Parks seconded the motion, which carried unanimously. The meeting adjourned at 2:08 p.m.