

MINUTES South Carolina Funeral Board Board Meeting 10:00 a.m., June 6, 2002 Synergy Business Park 110 Centerview Drive, Kingstree Building, Room 108 Columbia, South Carolina

Mike Thornwell, President, of Ft. Mill, called the regular meeting of the S.C. Board of Funeral Service to order at 10:00 a.m., with a quorum present. Other members participating during the meeting included: Gregory Jones, Secretary, of Greer; James Adcock, of Orangeburg; Ward Avinger, of Holly Hill; Roger Finch, of Greenville; Charles Green, of Charleston; Clarence Hampton, of Seneca; Larry Strom, of Pelzer; and A.P. Williams, III, of Columbia.

Bob Parks, Vice President, of Charleston, and Phillip Caulder, of Chesterfield, were granted excused absences.

Members of staff participating during the meeting included: Sharon Dantzler, Deputy General Counsel, LLR-Office of General Counsel; Sandra Dickert, Administrative Assistant; Dwight Hayes, Interim Administrator; Jeanie Rose, Administrative Specialist; and Bill Whitby, Investigator.

Members of the audience included Casey V. Ward, V. Leverne Ward, and Lou Ann Pyatt.

Mr. Thornwell announced that public notice of this meeting was properly posted at the S. C. Board of Funeral Service office, Synergy Business Park, Kingstree Building, Room 108 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. He also noted that a quorum was present.

Pledge of Allegiance All present recited the Pledge of Allegiance.

Invocation Mr. Avinger delivered the invocation.

Approval of Minutes for the April 4, 2002 Meeting Mr. Green moved the minutes be approved as presented. Mr. Finch seconded the motion, which carried unanimously

President's Remarks Mr. Thornwell welcomed all present and thanked all present for attending the meeting. He further stated he attended the National Conference of Examining Boards meeting in April 2002. He feels the Board should always have representation present at the annual meetings.

Mr. Thornwell stated he hopes the Board will continue to work on the apprentice program and other matters that have recently come before the Board. He further stated he has had some questions from the S.C. Morticians' Association regarding required continuing education and has some questions of staff regarding inspectors and complaints.

Interim Administrator's Remarks, For Information Mr. Hayes stated the board should have copies of the legislation which was passed and signed by the Governor on June 5, 2002. He went on to say the statues would be incorporated to include the new legislation. He noted that the funeral aspect of the new legislation would take effect July 1, 2002 and that the cemetery aspect would take effect January 1, 2003.

Mr. Hayes stated that changes would be made to the state law exam to meet the new legislation and that the changes would be presented to the Board at the August 15, 2002 meeting. He also stated that there are several forms, including applications, which would need to be revised. He indicated that staff would be making these revisions over the next couple of months.

Mr. Hayes presented the members with a draft certificate for embalmers and funeral directors. He indicated if the Board approves the certificate staff would obtain preprinted forms with the state seal on parchment paper. He also noted that the funeral homes would not be receiving one of the certificates since they receive a new certificate each year. He indicated the certificates would be held until each Board meeting for the members to sign.

Mr. Hayes stated a continuing education class was held on May 23, 2002. Dr. Ball, of DHEC, and Dr. Clay Nichols, a pathologist from Richland Memorial Hospital, made presentations during this continuing education class. He hopes the continuing education committee would assist with the type of presentations to be made at future continuing education classes.

Mr. Hayes stated the videotape used for continuing education is an issue that needs to be resolved. He indicated staff does not mail out tapes past April, however, individuals are driving from as far away from Charleston to obtain videotapes for viewing. He also stated that several individuals who viewed the videotape last year viewed the tape again this year. He requested that the Board consider this matter and advise staff of criteria to apply to the videotapes. He feels that more videotapes are needed. He said that staff would like to resolve this issue by this autumn.

Mr. Hayes stated that if the Board is be able to combine forces with the cemetery board, staff may be able to hire two inspectors, with one of those positions being an inspector/ investigator. He further stated that the inspector/investigator with the cemetery board would be inspecting cemeteries across the state and should be able to inspect funeral homes.

Mr. Hayes stated staff received a letter from Ms. Gaynelle T. Workman's attorney, Mr. Thomas E. Dudley, indicating she is withdrawing her appeal in regards to the retail casket store located in Greenville. [Note: This letter is a result of a hearing against the casket store and Ms. Workman, the owner of the store. This matter went before the Administrative Law Judge (ALJ) and then to the Circuit Court. Mr. Dudley had appealed to the Court of Appeals in this mater.] Mr. Dudley's letter indicates there were several

technical problems in the Court of Appeals. Mr. Dudley has asked that the matter be removed from the record and closed.

Mr. Hayes stated he has had an issue with a funeral director/embalmer whose license has been expired in excess of five years. He further stated that the law indicates that the individual must be re-tested. He indicated there are two types of tests: 1) a national exam which is customized for South Carolina (technical exam), and 2) a state law exam, which tests the applicant on South Carolina law. He asked the Board if the individual must take both exams or just the state law exam.

Mr. Hayes presented the members with a report of funeral home permits issued, licenses issued to funeral directors/embalmers, and managers. He noted that there were two licenses issued to managers as a result of new funeral home permits issued since the last meeting. He also noted that five funeral director/embalmer licenses were issued since the last meeting and two new funeral home permits issued. (This list is herewith attached to the permanent record as Addendum A.)

Mr. Jones questioned Mr. Hayes regarding the Palmetto Care Funeral Service license. He indicated did not recall that facility appearing before the Board. Mr. Hayes indicated he would have staff check into the matter and have an answer prior to the end of the meeting.

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

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

Unfinished Business There was no unfinished business to be discussed.

New Business New Facility Ward Funeral Home, Inc. Mr. Casey Ward appeared before the Board at this time. Mr. Chris Ward is the proposed manager for this facility.

MOTION Mr. Avinger moved the Board accept the application. Mr. Adcock seconded the motion. Mr. Avinger amended the motion to include pending inspection of the facility. The motion carried unanimously.

Conway Funeral Services, LLC Mr. Hayes spoke with Mr. Walsh this morning who indicated that due to unforeseen circumstances he could not be present at today's meeting. He went on to say Mr. Walsh is renovating an old church and that Mr. Walsh lives six miles from the funeral home. He noted that Mr. Chris Burroughs, from Myrtle Beach, would be the embalmer.

Mr. Hayes noted that Mr. Walsh was arrested for simple possession, which is a

misdemeanor. He indicated that Mr. Walsh paid the fine in this matter.

Mr. Avinger asked Mr. Hayes who Paula Cribb is in reference to the funeral home. Mr. Hayes stated that Ms. Cribb is a managing partner of the corporation that owns the proposed facility. He further stated he had questioned Mr. Walsh on this issue and was informed Ms. Cribb would be keeping the books.

MOTION Mr. Strom moved the board consider this application in executive session. The motion was seconded by Mr. Hampton and unanimously carried.

Discussion Items Update on Probate Judge Round Table Discussion This matter was deferred to the August 15, 2002 meeting.

Mr. Strom asked if the Board has an active newsletter and then asked if there is a possibility of producing a newsletter. Mr. Hayes indicated a newsletter could be published to the Board's web page. He went on to say it is his understanding there are not funds for printing and mailing.

Mr. Thornwell stated he hopes that the continuing education committee will meet prior to the next meeting. He further stated that the committee has discussed the tape.

Mr. Strom asked if letters have been mailed to the associations regarding the dual license numbers and some other issues that were discussed at the last meeting. Mr. Hayes stated it was his understanding that the Board members would be discussing this issues with the associations.

MOTION Mr. Strom moved that a letter from legal counsel or the administrator be mailed at least to the president of the South Carolina Morticians Association and the president of the South Carolina Funeral Directors Association requesting that the membership of both organizations take a vote as far as whether they want to pay an upcharge to get both certificates. Mr. Jones seconded the motion, which carried unanimously.

Mr. Hayes stated that Palmetto Care Funeral Services, which Mr. Jones had questioned earlier, was approved on August 14, 1999. Mr. Strom indicated the business has been advertising for a long time. Mr. Hayes indicated the facility was inspected on June 4, 2002. Mr. Strom indicated the facility has been conducting funerals for the past three months. Mr. Hayes stated staff is aware of what has been going on and is conducting an investigation in this matter.

Public Comments There were no public comments made during the June 6, 2002 meeting.

Recess The Board took a five-minute recess at 10:50 a.m.

Executive Session The Board entered executive session to discuss an application.

Return to Public Session to Report on Executive Session Mr. Thornwell noted for the record that no motions were made and no votes taken during the time the Board was in executive session.

Conway Funeral Service MOTION Mr. Avinger moved the Board table this application until a representative can appear before the Board to explain the discrepancy that Paula Cribb is stated as manager in the Articles of Incorporation and in the application she is stated as the owner. Mr. Jones seconded the motion, which carried unanimously.

Mr. Hayes stated the matter of the license lapsed over five years came about when he received a call from an individual whose license has been lapsed for the past seven years. Mr. Thornwell stated he feels the individual should take the full exam.

Mr. Hayes asked if the Board would take a different approach if individual has been practicing funeral service in another state. Mr. Thornwell stated in those instances the individual should only take the law exam. The Board agreed with Mr. Thornwell on these matters and determined it would make this an official ruling.

A discussion on Regulation 57-09(D) ensued.

MOTION Mr. Finch moved that staff apply 57-09(D) such that any person whose most current license has been expired more than five years is required to take both examinations. Mr. Green seconded the motion, which carried unanimously.

MOTION Mr. Strom moved that LLR be recognized in their work with the State Board, also with the SCFDA and the South Carolina Morticians Association, especially the three that are in the room now, Ms. Dickert, Ms. Dantzler and Mr. Hayes and that Mr. Thornwell send a letter to the agency director, Ms. Rita McKinney, recommending that Mr. Dwight Hayes be appointed as permanent administrator of the State Board. Mr. Jones and Mr. Green seconded the motion, which carried unanimously.

A discussion on the election of officers ensued.

A brief discussion ensued on the apprentice program and crematories.

Adjournment There being no further business to be brought before the Board at this time, Mr. Green moved the meeting be adjourned. Mr. Avinger seconded the motion, which carried. The meeting adjourned at 11:40 a.m.