

MINUTES
South Carolina Board of Funeral Service
Board Work Session Meeting
10:00 a.m., August 3, 2010
Synergy Business Park
110 Centerview Drive, Kingtree Building, Room 105
Columbia, South Carolina

Meeting Called to Order

Jeff Temples, president, of Columbia, called the work session meeting of the SC Board of Funeral Service to order at 10:08 a.m. Other Board members present for the meeting included: Eddie Nelson, vice president, of Columbia; *Michelle Cooper, of Moncks Corner; Thomas Baker, of Kershaw; Glen Crawford, of Lancaster; Homer Elwood, of Laurens; Thomas Genoble, of Union; William Horton, of Kingtree; and Margery McWhorter, of Columbia.

Staff members participating in the meeting included: Doris Cubitt, Administrator; Amy Holleman, Administrative Specialist; Jeanie Rose, Administrative Specialist; Sheridan Spoon, Assistant Deputy General Counsel; and Michael Teague, Administrative Assistant.

Public Notice

Mr. Temples announced that public notice of this meeting was properly posted at the SC Board of Funeral Service office, Synergy Business Park, Kingtree 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.

Pledge of Allegiance

All present recited the Pledge of Allegiance.

Introduction of Board Members and Persons Attending the Meeting

The Board members and staff introduced themselves.

Approval of Excused Absences

MOTION

Mr. Crawford made a motion the Board approve Mr. Beasley's absence and Mr. Tipton's absence. Mrs. McWhorter seconded the motion, which carried unanimously.

President's Remarks – Jeff Temples

Mr. Temples made no remarks at this time.

Administrator's Remarks – Doris Cubitt

Mrs. Cubitt stated there are items on the agenda which need to be discussed and if a member knows of a matter which needs to be discussed staff will be happy to discuss it. She further stated the Board could not vote on an issue that is not on the agenda, but staff could add the issue to the agenda for a later meeting.

6. Apprentice Funeral Director/Embalmer Revised Quarterly Reporting Form

Mrs. Cubitt stated Mr. Ernest Adams had revised the apprentice quarterly reporting form. She noted he was unable to attend today's meeting. She further stated during discussion at staff level regarding the reports was that 50 bodies would be required to complete an apprenticeship to become a funeral director or an embalmer. She asked the Board members what items on the form the apprentice must complete for the body to count as one of the 50 bodies. She said Mr.

Adams feels that raising the vessels would need to be done to count toward credit for an embalmer.

The Board stated the items listed in bold on the quarterly report were tasks which need to be completed. The Board asked how the completion of the items can be enforced. Mrs. Cubitt replied that if the bolded tasks are not completed it would not count toward the 50 bodies.

Discussion ensued and included topics such as embalming tasks must be completed on at least one-half of the cases, the six bolded tasks must be completed to count as credit, confusion on how to complete the quarterly report, changing the wording to include one-half of the completed cases under funeral director apprentice to be in sync with embalming apprentice.

The Board determined to include the wording at least one-half of your completed cases under funeral director and to bold and cap the word 'must' under funeral director and embalming. Further discussion ensued and the Board determined it would clarify the requirements by stating that 25 of your mandatory 50 cases must including the following tasks. Both sentences would read as follows:

Funeral Directing – In order for a case to count towards your apprenticeship, at least 25 of your mandatory 50 cases **MUST** include the following tasks: A, F, G, H (in bold) in addition to a combination of any six of the remaining tasks.

Embalming - In order for a case to count towards your apprenticeship, at least 25 of your mandatory 50 cases **MUST** include the following tasks: L, M, N, O, R, S (in bold) in addition to a combination of any five of the remaining tasks.

Once the changes are made the Board agreed that the quarterly report forms can be posted to the Board's web page.

Mrs. Cubitt stated the form states the report must be submitted to the Board within ten days after the close of each quarter. She further stated ten days sounds like a short period of time and staff has been allowing the forms to be submitted by the end of the month immediately following the end of a quarter.

MOTION

POLICY

Mr. Elwood made a motion the Board give the apprentices thirty days from the end of the quarter to return the quarterly reports. Mr. Horton seconded the motion, which carried unanimously.

MOTION

Mr. Horton made a motion the Board approve the quarterly report form as amended. Mr. Crawford seconded the motion, which carried unanimously.

Discussion ensued in regard to when the quarterly reports should be submitted and that the Board suggests that the forms be sent certified mail.

7. Discussion on Regulation 57-06 (8)

Regulation 57-06(8) states, 'If an apprentice does not become licensed as a funeral director or embalmer within five years of completing his or her apprenticeship, the Board may require the applicant complete all or part of the apprenticeship period.'

Mr. Horton asked that a page listing all requirements be included with an application. Mrs. Cubitt stated an instruction sheet is included with an application. She noted the instruction sheet would be modified to include the decisions made during this meeting.

Mrs. Cubitt stated if an individual completes the apprenticeship within two years, however, the individual needs to complete his/her education and successfully pass the test within five years of completing the apprenticeship, but does not complete the education and pass the test until seven years after completing the apprenticeship. She asked if the individual must complete the apprenticeship again. She further stated the Board has determined an individual may renew an apprentice license three times at one year intervals for a maximum of five years. She said some individuals may take the five years the Board allows to complete the apprenticeship but could not pass the test and did not become licensed but now wants to become licensed.

*Ms. Cooper arrived during discussion on this matter.

The Board determined individuals who have completed the apprenticeship but who have not become licensed within the five year time period as set by the Board must appear before the Board, which will make a decision on a case by case basis.

Mrs. Cubitt asked if an individual who has passed the state law exam more than five years ago applies for licensure can staff accept the state law score or must the individual take the state law exam again. The Board determined the individual must take the state law exam after he/she has taken the national exam.

MOTION

POLICY

Mr. Crawford made a motion the state law exam must be the last of the licensing exams to be taken for licensure and applicants must successfully complete the national funeral director or embalmer exam prior to taking the state law exam. Mr. Horton seconded the motion, which carried unanimously.

8. Refusing to Release a Body Until Payment is Received

Mrs. Cubitt stated Mr. Adams had requested this matter be placed on the agenda. She noted the statute says a funeral home cannot hold a body for payment; however, it has been done. She went on to say the issue has sometimes been the funeral home's word against the consumer's word, sometimes a funeral home has embalmed a body and wants to be paid for the service.

Mr. Horton stated this is a matter for the IRC; however, if it is taking place it then becomes a civil or a criminal matter.

The Board stated should this issue arise the family should contact the local sheriff's department or local police department. The Board would become involved in the situation only if a complaint is filed with the Board.

9. Zoning Issues

Mrs. Cubitt asked the Board for standard motions in regarding to new facilities being built or existing facilities so that wording is not left out. She stated what if it is known that there is a zoning issue or that a new facility applicant has been denied by the zoning board. She asked the Board if the zoning approval should be included with the application.

The Board stated the zoning approval or a letter from the local jurisdiction stating there is no zoning within that jurisdiction should be included with the application.

Mrs. Cubitt stated the application instruction sheet would be modified to include documentation regarding approval or no zoning in that area.

Mrs. Cubitt stated asked the Board if they wanted to have one member ask questions to ensure all applicable questions are asked. She noted the since the applicants will now be required to show approval of the facility's zoning the Board will no longer have to ask that question. She went on to say the Board also requires the facility to reappear if the facility has not been completed within one year. She noted the Board's motion regarding a crematory should state approval pending inspection, completion within one year, any other stipulations the Board may impose and the facility must provide proof of training within 30 days. She went on to say if the facility is an existing facility staff must receive a confirmation letter from the SC Department of Consumer Affairs that the pre-need accounts are in order. She noted that matter may need to be included with the application and the Board can then ask for an acceptable report from the Department of Consumer Affairs. She said staff informs the applicants that the inspection will not take place immediately; however, the Board may wish to inform the applicant as well. She said it will sometimes take up to two weeks to inspect a facility.

10. Discussion on Preceptor Training Course – Piedmont Tech. College

Mrs. Cubitt stated the Board had previously discussed a maximum of two apprentices for every preceptor, that the preceptor had to be licensed for a certain number of years prior to being allowed to become a preceptor, and requiring preceptors take a training course. She further stated Piedmont Technical College had said they could design a course depending on what the Board wanted the course to contain. She went on to say the course would count toward continuing education credit. She said the course was suggested because some preceptors need to be updated on the law. She went on to say the preceptors would not have to take the course every year but would be mandated to take the course every five years.

MOTION

POLICY

Mr. Elwood made a motion the Board make a policy that a funeral director or embalmer must be licensed in the State of South Carolina for five years prior to becoming a preceptor. Ms. Cooper seconded the motion, which carried unanimously.

The Board discussed clarifying the manager of a facility.

MOTION

POLICY

Mr. Nelson made a motion that an individual must be a resident of South Carolina for one year prior to and currently a resident of South Carolina to become a manager. Mr. Baker seconded the motion, which carried unanimously.

Mrs. Cubitt stated Section 40-19-250 of the practice act states the Board shall develop a continuing education program and that each licensee shall attend a minimum of three credit hours of continuing education annually. She went on to say Regulation 57.11 states that continuing education must be obtained during every licensure period as a condition of renewal of their license. She asked if the Board counts continuing education every calendar year or every fiscal year.

The Board stated when continuing education began it ran the fiscal year, that a licensee could not take six hours of continuing education two days prior to the end of the license year.

MOTION

POLICY

Mr. Elwood made a motion that to renew a license an individual must complete six hours of continuing education within the 24 month licensure period. Mr. Nelson seconded the motion, which carried unanimously.

11. Unclaimed Bodies

Ms. Cooper stated she has had bodies for months because the families do not have the money to claim the bodies. She noted the Berkeley County Coroner has four bodies in his morgue because family members do not have the monies to claim the bodies. She noted Berkeley County has a law that authorizes the coroner to cremate the body after 30 days if it is unclaimed; however, that is a county expenditure. She asked the Board what is she to do when a body becomes unclaimed as a result of lack of funds. She noted that North Carolina has a law which states if a body is unclaimed after ten days that body will be moved to the medical examiner to be used in teaching and research, which relieves the coroner and the funeral home of the body.

The Board determined this matter would have to be handled by the legislature.

12. Can Funeral Homes with Different Names Have the Same Manager?

Mrs. Cubitt stated this matter has come before the Board. She went on to say if she owns a funeral home and buys another funeral home, she would place her name in the name of the funeral home in order to have continuity, she can hire a manager to manage both facilities if the individual lives within the 25 mile radius of both funeral homes. She ran a search and found 104 funeral homes in which a manager managed three or more and it could be a parent, a branch and a crematory or a parent and two branches. She noted the majority of these funeral homes had the same name; however, there are two funeral homes that are not in compliance with the Board's interpretation of having the same name. She noted the biggest difference is that in several instances the parent facility and the branch had the same name but the crematory has a different name. She found one instance in which one manager oversees six facilities, 14 instances in which a manager oversees facilities with the crematory having a different name.

Executive Session

MOTION

Mr. Elwood made a motion the Board enter executive session to seek legal advice. Mr. Baker seconded the motion, which carried unanimously.

Public Session

A motion was made, seconded and approved to return to public session.

Mr. Temples noted for the record that the Board took no official action during executive session.

MOTION

POLICY

Ms. Cooper made a motion that an individual, as long as he/she is duly licensed as a funeral director, can be the manager of more than one establishment as long as he/she lives within the 25 mile radius and the establishments are owned by the same entity even if the establishments do not share the same name. Mr. Crawford seconded the motion, which carried with a majority vote. Mr. Baker voted nay.

Mr. Spoon stated the Board's interpretation is that as long as the owner of the establishment is the same the name of the establishments are not required to be the same and that if the

individual meets all other requirements, such as living within the 25 mile radius, that individual may be manager of more than one facility with different names.

13. Adjournment

MOTION

Mr. Crawford made a motion the meeting be adjourned. Mr. Horton seconded the motion, which carried unanimously.

The August 3, 2010 work session meeting of the SC Board of Funeral Service adjourned at 1:30 p.m.