

SOUTH CAROLINA DEPARTMENT OF
LABOR, LICENSING & REGULATION
SOUTH CAROLINA BOARD OF FUNERAL SERVICES
BOARD MEETING
OCTOBER 31, 2011

BOARD MEMBERS:

MICHELLE COOPER, CHAIRMAN

GLEN CRAWFORD, VICE CHAIR

THOMAS BAKER

JEFF TEMPLES

C. BRAD EVANS

KENNETH BEASLEY

MARGERY MCWHORTER

JAMES SEXTON SPOON, ESQUIRE

CHARLES IDO, ASST. DEPUTY DIRECTOR

This hearing held in Room 105 at the South Carolina Department of Labor, Licensing and Regulation, The Kingstree Building, 110 Centerview Drive, Columbia, South Carolina, reported by Cecelia P. Englert, Verbatim Court Reporter and Notary Public in and for the State of South Carolina; said meeting/hearing being held on the 10th day of October, 2011, scheduled for 10:00 a.m.

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20 Court Reporter's note:

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22 -- indicates interruption; incomplete phrases; trailing

23 off; unfinished sentences

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1 CHAIRMAN COOPER: Public notice of this meeting was
2 properly posted at the South Carolina Board of
3 Funeral Service Office, Synergy Business Park,
4 Kingstree Building, and provided to all requesting
5 persons, organizations and news media, in compliance
6 with Section 30-4-80 of the South Carolina Freedom
7 of Information Act. A quorum is present. If we can
8 stand. Mr. Temples will you lead us in the Pledge
9 of Allegiance?

10 Board members stand to recite the Pledge.)

11 CHAIRMAN COOPER: Mr. Crawford, would you have the prayer
12 please?

13 (Prayer is given.)

14 CHAIRMAN COOPER: If we could start with the introduction
15 of the board members and all those attending this
16 meeting. Start to my right.

17 MR. SAXON: I'd like to introduce y'all to Jennifer
18 Cooper who is administrative assistant to the Office
19 of Advice Counsel. And also as our go-to person for
20 legislation. I'm Jamie Saxon.

21 MS. COOPER: Shelly Cooper, Moncks Corner.

22 MR. CRAWFORD: Glen Crawford. And I apologize the way
23 I'm dressed. The last time we had a workshop. I
24 was the only one in a tie. So I'm the only one
25 without a tie today, so I apologize. Lancaster.

1 CHAIRMAN COOPER: You're forgiven.

2 MR. BAKER: Tommy Baker, Kershaw.

3 MR. TEMPLES: Jeff Temples, Columbia.

4 MR. EVANS: Brad Evans, Abbeville.

5 MR. BEASLEY: Ken Beasley, Fountain Inn.

6 MS. MCWHORTER: Margery McWhorter, Columbia.

7 MS. ELROD: Wendi Elrod, LLR.

8 MS. HOLLEMAN: Amy Holleman, LLR.

9 MR. IDO: Charlie Ido. I'm assistant director of LLR.

10 MS. ENGLERT: I'm Ciel Englert, court reporter.

11 CHAIRMAN COOPER: Thank you. Approval of excused
12 absences. Mr. Horton could not be here today. He
13 is short staffed and has a service. Mr. Nelson was
14 coming, but he also has a service and had someone
15 who called in sick. Mr. Petty is on a trip which
16 was preplanned and he had no idea that this meeting
17 was going to occur. So if I can have a motion to
18 approve these absences.

19 MR. EVANS: So moved.

20 MR. CRAWFORD: Second.

21 CHAIRMAN COOPER: All those in favor?

22 BOARD MEMBERS: Aye.

23 CHAIRMAN COOPER: President's remarks. I really don't
24 have any. I, as well as I know the rest of us here
25 would like to extend our deepest sympathies to you,

1 Brad, for your recent loss.

2 MR. EVANS: Thank you.

3 CHAIRMAN COOPER: And also to Mr. Horton, who could not
4 be here today. Administrator's remarks.

5 MR. IDO: Chairman Cooper and members of the Funeral
6 Board, my name is Charlie Ido. I'm assistant deputy
7 director at LLR. If you don't know, Doris Cubitt
8 had a fall over the weekend, and she didn't break
9 her wrist; she sprained it severely. But she's on
10 medication and she couldn't let her fly in because
11 her medication's pretty good, I guess. But she
12 called and I'm going to ask -- I've asked Amy
13 Holleman to facilitate the meeting today. But the
14 chairman and advice counsel, in your agenda, should
15 pretty well speak for itself.

16 I would ask you to do your best, and I'm sure
17 you do, to stay on point. It will help us, since
18 Doris isn't here, if you can pretty well stay on
19 point with the agenda. Not to say you can't, you
20 know, drill a little bit deeper, you know, on the
21 issues. I thought it was interesting that someone
22 talked about the Funeral Board having a mock funeral
23 for a Halloween this afternoon. I've got several
24 recommendations. But since I'm on record here, I
25 won't go further. But I hope you have a great

1 meeting and thank you.

2 Are any new members here? Anybody new?

3 Everybody's a case-hardened vet. Well, that's
4 great. We certainly appreciate, you know, the
5 service you do to not only your profession, but to
6 the public and LLR. Can't function without you.
7 Thank you very much. Oh, and why were you looking
8 at him when you got the gavel? You were looking at
9 Mr. Baker when you got that.

10 MR. BAKER: We have an inside joke.

11 CHAIRMAN COOPER: They understand.

12 MR. IDO: Thank you, ladies and gentlemen.

13 CHAIRMAN COOPER: As he said, we'll try our best to stick
14 to this agenda. The main thing is, is Mr. Saxon's
15 informed me that we, you know, have a limited amount
16 of time to get this stuff done and in for the next
17 legislative session. There's names certainly on
18 here that I think they're more concerned with than
19 others.

20 MR. SAXON: Do you want me to get those dates?

21 MS. COOPER: What did you want me to say?

22 MR. SAXON: The dates that we need everything done.

23 MS. COOPER: Well, for regulations, we really need a
24 notice of drafting for the month of November. So I
25 pretty much need a plan, propose regulations ready

1 by December, I'd have to draft up a general notice
2 of which I can do really easily just in the next
3 week.

4 MR. SAXON: Okay. And for statutory?

5 MS. COOPER: For statutory, we have almost to the end of
6 January, actually, to introduce that.

7 CHAIRMAN COOPER: Now, Ms. Cubitt told me we only had
8 till November the 7th to have --

9 MR. SAXON: That's for regs, right?

10 MS. COOPER: Yeah. We have to have a 120 day period.
11 The last day possible is January 27th on the
12 statute.

13 MR. SAXON: For the statutes. But what's the last day
14 possible for the regs?

15 MS. COOPER: Really --

16 MR. SAXON: November 7th?

17 MS. COOPER: Well --

18 MR. SAXON: Give yourself some cushion.

19 MS. COOPER: Okay. As soon as possible would be great.
20 But if we can get them in by the December register,
21 that would be ultimate.

22 CHAIRMAN COOPER: 6-A, is Transportation Services. If
23 I'm correct, our issue with this was people
24 transporting for non-licensed establishments or
25 individuals; is that correct?

1 MR. TEMPLES: That is correct.

2 CHAIRMAN COOPER: And I think we pretty much agreed that
3 they could not do this unless they were --

4 MR. TEMPLES: Contracted.

5 CHAIRMAN COOPER: -- contracted by a licensed funeral
6 establishment.

7 MR. TEMPLES: That's correct.

8 CHAIRMAN COOPER: And so pretty much, that's all we need
9 to state in this law is "a transportation services
10 must be contracted by a licensed funeral
11 establishment in order to transport the remains of a
12 deceased.

13 MR. TEMPLES: That is correct. And they cannot act on
14 -- as a funeral provider.

15 CHAIRMAN COOPER: Exactly. And if they're not working
16 for a licensed establishment, then they would be
17 acting as a funeral provider and would be required
18 to have a license.

19 MR. TEMPLES: That is correct.

20 MS. HOLLEMAN: Can I interrupt real quick? I apologize.
21 One of the things that has been brought up here and
22 was also, apparently some coroner's offices contract
23 with non-licensed people. Would you like to add
24 coroner's office in there with licensed
25 establishment? Or not? Because they are not

1 operating on behalf of a funeral establishment.

2 MR. TEMPLES: That is correct. If we're going to do
3 that, then we need, if they are acting for the
4 coroner's office, then they should follow some
5 regulations as far as must have a --

6 CHAIRMAN COOPER: Wouldn't that be up to the Coroners?

7 (Talking over one another.)

8 CHAIRMAN COOPER: I think we better leave that alone.

9 MR. EVANS: Because coroner's usually hire somebody to
10 transport it to the --

11 CHAIRMAN COOPER: To the morgue.

12 MR. EVANS: -- morgue.

13 CHAIRMAN COOPER: Exactly right. And, I mean, even if
14 it's one of their deputies, I mean, they're not
15 licensed, I mean --

16 MR. EVANS: So I don't think we want to go there.

17 MR. SAXON: Let me make sure I understand. You want it
18 so that non-licensed people can't do this unless
19 contracted by a licensed funeral establishment. You
20 must be contracted by a licensed funeral
21 establishment in order to transport a deceased
22 remains and may not be acting as a funeral
23 establishment.

24 MR. TEMPLES: That's correct.

25 MR. SAXON: Is that right?

1 MR. TEMPLES: That's correct.

2 COURT REPORTER: May I interject something just a second?

3 CHAIRMAN COOPER: Yes, ma'am.

4 COURT REPORTER: Y'all are paying me to get everything
5 that you're saying. When you've got five people
6 talking, whoever is the loudest is what I'm hearing.

7 MR. SAXON: Okay.

8 COURT REPORTER: So if we could just let one person talk
9 at a time. I'm just trying to do the best job for
10 you, so I just wanted to bring it to your attention.

11 MR. SAXON: Thank you.

12 CHAIRMAN COOPER: What was that last thing you said
13 Jamie?

14 MR. SAXON: May not be acting as a funeral establishment
15 or -- is that how you put it?

16 CHAIRMAN COOPER: As the funeral provider.

17 MR. SAXON: Provider.

18 MR. EVANS: Madam Chairman, aren't we going to contradict
19 ourselves a little bit here by, you know, if we put
20 a statute or a regulation in, but the coroners can
21 have anybody transport, I mean --

22 CHAIRMAN COOPER: We don't have anything to do with
23 the --

24 MR. EVANS: No, but I mean, where is there a problem with
25 this?

1 CHAIRMAN COOPER: The problem is is in like with these
2 -- the green situation, that type thing, where just
3 anybody's out there picking up a body and delivering
4 it to a cemetery, therefore, they're acting as a
5 funeral director and are not licensed as such.

6 MR. EVANS: But isn't there a law in South Carolina, you
7 don't have to be a licensed funeral director. You
8 could take your own mom to a funeral home, correct?

9 CHAIRMAN COOPER: You can. But then there's liability if
10 you engage somebody else in transporting the
11 deceased.

12 MR. EVANS: Just for clarification.

13 MR. TEMPLES: Madam Chairman, I think there also was an
14 issue where transportation companies were offering
15 services for embalming and direct burials as well.

16 MR. CRAWFORD: Also shipping them out of state, too.

17 MR. TEMPLES: That is correct.

18 CHAIRMAN COOPER: Exactly. And they were not licensed
19 to do so.

20 MR. EVANS: Got you. Okay.

21 MR. TEMPLES: That's why we wanted to clarify that.

22 MR. EVANS: Got you.

23 MR. SAXON: Do we have a consensus on this?

24 MR. EVANS: Yes. A better understanding.

25 CHAIRMAN COOPER: Are we all on the same page?

1 MR. EVANS: Yeah.

2 MR. CRAWFORD: Let's make sure.

3 CHAIRMAN COOPER: We need to be sure.

4 MR. EVANS: We were missing a piece there.

5 CHAIRMAN COOPER: I'm sorry. I think you might have had
6 to leave early that day

7 (Talking over one another.)

8 MR. SAXON: It will be re-written and sent to y'all.

9 I'll send it to Shelly and Shelly will disseminate
10 it as she wants to. And we're not going to send
11 anything to them without y'all's approval.

12 MR. CRAWFORD: Okay.

13 MR. EVANS: Thank you.

14 MR. CRAWFORD: Good. Thank you.

15 CHAIRMAN COOPER: Michael still has my computer, and I'm
16 hoping for the -- I researched Georgia and North
17 Carolina laws with regards to comparison of South
18 Carolina laws for item B for crematories and
19 everything last night. They're having a little
20 trouble printing that. So I would like to skip that
21 right now and move to Item C, until we hear from
22 Michael as to whether he can get that printed or
23 not. There was a good bit of information in there
24 that pretty much mirrors our stuff, but stipulates
25 it more directly.

1 MR. CRAWFORD: Shelly.

2 CHAIRMAN COOPER: Sir?

3 MR. CRAWFORD: Could I back up for a moment?

4 CHAIRMAN COOPER: Yes, sir.

5 MR. CRAWFORD: On this transportation. If we call for a
6 removal service to make a removal from any where I
7 would say, what liability would the funeral home
8 would have.

9 CHAIRMAN COOPER: It is the funeral home's liability.

10 MR. CRAWFORD: Totally.

11 CHAIRMAN COOPER: Yeah. Because I mean the manager of a
12 funeral home is responsible for anything that goes
13 on there, there employees and everything else. So
14 you are contracting these people.

15 MR. CRAWFORD: Right.

16 CHAIRMAN COOPER: So you are going to be sure that, you
17 know, they have the proper credentials and --

18 MR. CRAWFORD: Okay. That's what I was getting at.
19 Okay.

20 CHAIRMAN COOPER: Yeah, they're acting as a agent for
21 you.

22 MR. CRAWFORD: For me. That's exactly -- yeah, okay.
23 Just wanted to make sure I'm clear about that.
24 Thank you.

25 CHAIRMAN COOPER: First thing, this would be backing up

1 to Item 6-B. I went through this and also looked at
2 some things with regards to like the inspections and
3 things like that and problems that Ernest encounters
4 like when he goes to a funeral home and there's no
5 one present for him to conduct an inspection. In
6 Georgia, if you look at Item No. 1, it states that
7 the funeral director does not have to be present for
8 the inspections, but that upon the arrival of the
9 inspector, if no one is there, then they are to
10 contact the establishment at the telephone number of
11 record, with the board, and then it says "if the
12 establishment is not made available for an
13 inspection by an establishment employee within 60
14 minutes of the telephone contact or if the contact
15 was unsuccessful, the board representative shall
16 issue a written warning, notifying an inspection
17 attempt was made."

18 I don't know if we want to deal with this
19 today, but -- or if that's not something that we can
20 just make policy. You know about that? Would you
21 know, Jeff?

22 MR. TEMPLES: Could we make this? We could not.

23 MR. SAXON: It's got to be in the statutes or
24 regulations.

25 MR. TEMPLES: Okay.

1 CHAIRMAN COOPER: But we could make this policy --

2 MR. SAXON: If it's not in the statutes or regulations,
3 we cannot have it.

4 MR. CRAWFORD: So if we want it, we got to put it in
5 regulations.

6 MR. SAXON: Well, the statutes trump regulations. So if
7 in any place that the statutes and regulations
8 differ or contract, the statute controls. So if
9 this is not -- if this is something already in your
10 statutes and you want to change it, then we'll do
11 that and we'll try to make the regulations
12 correspond to it. If it's not in there, then we'll
13 try to put it in there. And then make sure if it's
14 in the regs, that -- well, if it's in the statutes,
15 it doesn't necessarily have to be in the regs.

16 CHAIRMAN COOPER: Well, I don't think we necessarily want
17 to open up anything new today.

18 MR. TEMPLES: No. Okay.

19 CHAIRMAN COOPER: Next thing, a lot of this I copied, but
20 you don't need to read all this. If you go to item
21 250-6-01, licensure requirements amended. In
22 Georgia, if you will read Item No. 2, it says that
23 "a crematory must have a licensed funeral director
24 in full and continuous charge." And I think that
25 deals with our cremation laws and that is something

1 that Mr. Horton mentioned to me, that he felt like
2 the manager of a crematory must be a licensed
3 funeral director.

4 MR. CRAWFORD: As it stands now, that's not the case.

5 MR. TEMPLES: No, to be a -- you have to be a licensed
6 funeral director to be the manager of a crematory,
7 as it stands.

8 CHAIRMAN COOPER: Well, but we're not clear on that law,
9 is the problem.

10 MR. CRAWFORD: That's what I'm saying.

11 CHAIRMAN COOPER: Because we've got to define a crematory
12 more precisely and the fact it must be a licensed
13 funeral establishment, unless it is just a crematory
14 operating by contract for a licensed establishment.

15 MR. BEASLEY: Well, should we first define crematory?

16 MR. TEMPLES: I think we should first define crematory
17 and funeral establishment together.

18 CHAIRMAN COOPER: Okay.

19 MR. BEASLEY: What is defined?

20 MR. TEMPLES: Okay. Then define crematory.

21 MR. EVANS: So right now, Madam Chairman, South Carolina
22 stats 5701, Letter F, crematory means a facility
23 equipped with gas, fire cremation, and retail
24 specifically designed in use in a cremation of human
25 remains."

1 CHAIRMAN COOPER: What page are you on?

2 MR. EVANS: I'm looking at our statutes.

3 MR. TEMPLES: And we're looking at the underlying statute
4 as we --

5 MS. HOLLEMAN: It's on 31 in your yellow book.

6 MR. EVANS: If we're defining crematory, you mean we're
7 changing that definition to crematory.

8 CHAIRMAN COOPER: I think what it was was it needed
9 clarification.

10 MR. TEMPLES: Because we go from -- if you look, we go
11 from Article 8 and we go through the definition of a
12 crematory. And then following that, he says
13 "inspection guidelines," which is in Article 9. And
14 all of those guidelines are the things that you
15 would need at a funeral home. The problem that
16 we're having is people are not -- they're saying
17 well, a crematory is separate and we want to show
18 that this is actually -- Article 9 is actually the
19 inspection of a funeral establishment. And people
20 are getting confused that they do not need Article
21 9. And what we're trying to establish is that a
22 funeral establishment is a funeral home that
23 requires six caskets, motorized hearse.

24 And then the crematory, you must be a funeral
25 establishment to offer a crematory. If not, then

1 you can offer a crematory, but you can be a
2 crematory separate, but you cannot offer that to the
3 public. You can only offer that to a licensed
4 funeral director.

5 MR. SAXON: So if you look at Section 40-19-20,
6 Subsection 6 under your statutes --

7 MR. EVANS: Section what now?

8 MR. SAXON: 40-19-20, Subsection 6. It defines
9 crematory. And y'all would like to refine that, if
10 I'm correct, to say that it must be operated by a
11 licensed funeral director; is that correct?

12 CHAIRMAN COOPER: No. It must be a licensed funeral
13 establishment.

14 MR. SAXON: Okay.

15 CHAIRMAN COOPER: Or it must qualify as a licensed
16 funeral establishment. Also, if y'all will notice
17 in that same, that 250-6.07 of what I just gave
18 y'all, you'll notice that Georgia law mirrors South
19 Carolina law in requiring like a chapel-type room
20 where services can be conducted, a display room, an
21 operable motor hearse with current Georgia
22 registration for the transportation of human
23 remains, which must be either owned or leased by the
24 said firm.

25 So it is requiring that they prove that they

1 own this vehicle. So this is actually mirroring our
2 law as it stands. There just seems to be trouble
3 with the idea that a crematory is not a licensed
4 funeral establishment when, in fact, it's doing
5 everything --

6 MR. TEMPLES: Except providing the six caskets, the
7 embalming room and what we wanted to actually is
8 that you're a funeral establishment that has a
9 crematory.

10 CHAIRMAN COOPER: Exactly. So you --

11 MR. SAXON: So you do not want a standalone crematory.

12 CHAIRMAN COOPER: That's correct.

13 MR. SAXON: Am I understanding you correctly?

14 CHAIRMAN COOPER: That's correct.

15 MR. SAXON: So what we would --

16 CHAIRMAN COOPER: A standalone crematory cannot provide
17 services to the public.

18 MR. CRAWFORD: Right.

19 CHAIRMAN COOPER: We have situations in which like
20 Wilbert Vault operates a crematory, but they only
21 cremate for licensed funeral establishments.
22 Therefore, it's up to the funeral establishment
23 themselves whether they want to accept the risk of
24 using non-licensed --

25 MR. SAXON: Crematories.

1 CHAIRMAN COOPER: Exactly. They must be licensed to
2 operate --

3 MR. SAXON: But y'all don't want to distinguish between
4 two types of crematories. Y'all want one type and
5 that, as we just said --

6 CHAIRMAN COOPER: No. We're doing two.

7 MR. SAXON: You want two.

8 MR. EVANS: There's wholesale versus retail.

9 (Talking over one another.)

10 MR. TEMPLES: Jamie is correct.

11 MR. SAXON: So if we changed No. 6 to add "and must
12 qualify as a licensed funeral establishment, as
13 defined in Subsection 11," what is it y'all want to
14 say about the other kind? Whether it becomes a new
15 No. 7 or whatever?

16 CHAIRMAN COOPER: Well, on the crematory, you could
17 actually say "if providing services to the general
18 public." And what did we want to say about -- how
19 do we want to state the other?

20 MR. EVANS: For the wholesale?

21 MR. TEMPLES: The wholesale, is what you're saying.

22 CHAIRMAN COOPER: Yes.

23 MR. TEMPLES: Jamie, how would we word --

24 MR. SAXON: Tell me what it is you're trying to do.

25 MR. TEMPLES: The wholesale. There are certain

1 crematories here in South Carolina that exist today.

2 We do not want to take them out of

3 business --

4 MR. SAXON: They just serve an established funeral
5 home.

6 MR. TEMPLES: That is correct.

7 MR. SAXON: All right. So --

8 MR. TEMPLES: They do not serve the public. They are not
9 a funeral establishment. They are just a standalone
10 crematory.

11 MR. SAXON: Then how about -- all right. We've got it,
12 as I said, as defined in Subsection 11 in providing
13 services to the general public. When providing
14 services to an established funeral home --

15 CHAIRMAN COOPER: No, to a licensed establishment.

16 MR. SAXON: To a licensed establishment. All right.

17 Bear with me; I'm going to write as we go along.

18 CHAIRMAN COOPER: Okay.

19 MR. SAXON: To a licensed funeral establishment. Now, do
20 y'all want to use the word "wholesale"?

21 MR. EVANS: No.

22 MR. CRAWFORD: No.

23 MR. SAXON: That's what I thought, okay.

24 MR. TEMPLES: That's just our language.

25 MR. SAXON: Well, I know we talk in one way, and we write

1 in another.

2 MR. TEMPLES: Another.

3 MR. SAXON: And, of course, what I write here today may
4 not be what it eventually comes out because we'll
5 draft it as nicely as we can. Let me first make
6 sure I understand what you're telling me. "When
7 providing services to a licensed funeral
8 establishment, the crematory need not be a licensed
9 funeral establishment itself"; is that right?

10 CHAIRMAN COOPER: That's correct.

11 MR. TEMPLES: That is correct.

12 MR. SAXON: Is that the extent of what you want?

13 CHAIRMAN COOPER: Well --

14 MR. TEMPLES: It must continue on that they may not -- if
15 they are not a licensed establishment, they cannot
16 provide services to the public.

17 MS. HOLLEMAN: Can I interrupt here for a second?

18 CHAIRMAN COOPER: Yes, ma'am.

19 MR. SAXON: Please.

20 MS. HOLLEMAN: Section 40-19-265 --

21 MR. TEMPLES: On which page?

22 MS. HOLLEMAN: Page 22. That is the --

23 MR. SAXON: 265?

24 MS. HOLLEMAN: 265-D. Which is the permit requirements
25 for a funeral home has a whole section --

1 MR. SAXON: Amy, I don't have that. I printed these out
2 from online --

3 CHAIRMAN COOPER: Are you on the permit for a crematory
4 may be issued if the applicant dah, dah, dah, dah,
5 dah, dah?

6 MS. HOLLEMAN: Right. Right. And what I was going to
7 say is, because you still want the crematory itself
8 to be a funeral -- I mean, the crematory needs to be
9 licensed --

10 CHAIRMAN COOPER: The crematory still --

11 MS. HOLLEMAN: It sounds to me like --

12 CHAIRMAN COOPER: -- has to be licensed by the board.

13 MR. TEMPLES: Board. And must be a licensed funeral
14 director.

15 MS. HOLLEMAN: I've got that. But it sounds to me like
16 -- and I don't know if this is -- I could be hearing
17 you wrong; that's why I just wanted to clarify.
18 That you're saying -- say I'm operating a wholesale
19 crematory, I don't have to have a license because
20 I'm not serving the public. But I still have to
21 have a license.

22 CHAIRMAN COOPER: You have to be licensed by the state
23 and you will be inspected by the state.

24 MR. TEMPLES: And you must be a licensed funeral director
25 still, because you will be --

1 MS. HOLLEMAN: Right. Right. It just to me sounded like
2 you guys were saying --

3 MR. TEMPLES: -- Cremations.

4 CHAIRMAN COOPER: Does Wilbur have --

5 MR. TEMPLES: Yes, they do. Jeff Atkins is the licensed
6 funeral director.

7 MR. SAXON: So even the wholesale must be --

8 MR. EVANS: Licensed.

9 MR. SAXON: -- must include a licensed funeral director.

10 MR. TEMPLES: That is correct.

11 MS. HOLLEMAN: And it must be licensed as a crematory.

12 MR. SAXON: Or have one on staff? or be operated by? or
13 how do y'all want that?

14 MR. EVANS: Managed by.

15 CHAIRMAN COOPER: Managed by.

16 (Talking over one another.)

17 MR. EVANS: Certified.

18 MR. TEMPLES: Yes.

19 CHAIRMAN COOPER: Most of this stuff I printed was for
20 information, just to show that it reflects a lot of
21 our current laws and supports them. On No. 11 down
22 here, they define crematory, "A crematorium means
23 the building or buildings or a portion of a building
24 on a single site that houses the cremation
25 equipment, the holding and processing facilities,

1 the business office and other parts of the crematory
2 business. A crematory must comply with all
3 applicable public health and environmental laws and
4 rules and must contain the equipment and meet all of
5 the standards established by the rules, adopted by
6 the board." So that's just more language that they
7 use that supports what I think we're trying to
8 actually achieve.

9 What I got from Doris was looking at different
10 states like around us and determining, you know,
11 what their laws are in regards to ours as far as
12 getting this stuff passed.

13 MR. SAXON: So nothing you do foresees any changes in
14 265-D? Those all stay the same, correct?

15 MR. TEMPLES: That is correct.

16 MR. EVANS: Yes.

17 MR. SAXON: Amy and Jennifer, looking at this, the way we
18 want to re-write, I think it probably would be best
19 to make reference to 265-D that those requirements
20 remain in place. We don't want to give the false
21 impression that we're changing that.

22 MR. TEMPLES: No.

23 MR. CRAWFORD: No.

24 MR. TEMPLES: Because they still have a manager, as the
25 crematory operator, in that statute.

1 MR. SAXON: Right.

2 MR. EVANS: Manager of that facility.

3 MR. TEMPLES: Of the facility. That would still remain
4 the same.

5 MS. HOLLEMAN: Now did you say that a crematory to sell
6 to the public, though, does not have to have an
7 embalming room and the six caskets? Or did I just
8 make that up?

9 CHAIRMAN COOPER: If they're not selling to the general
10 public, they don't have to have the six caskets.

11 MR. TEMPLES: They are not --

12 MS. HOLLEMAN: But if they do, then they have to have
13 everything --

14 CHAIRMAN COOPER: They have to meet the requirements of a
15 licensed funeral establishment.

16 MR. SAXON: But as long as they're not providing services
17 to the public, they don't have to do that; right?

18 MR. TEMPLES: That is correct.

19 MR. SAXON: So we still want it, when providing to a
20 licensed funeral home, "the crematory need not be a
21 licensed funeral establishment itself, and may not
22 provide -- but may not provide services to the
23 public."

24 MS. HOLLEMAN: Well, would you need to say "does not have
25 to be a licensed funeral establishment as defined

1 by --

2 MR. SAXON: Right.

3 MS. HOLLEMAN: -- 11." But still, 265 lists crematories
4 under a funeral establishment.

5 MR. SAXON: Right.

6 MS. HOLLEMAN: It's confusing; that's why I'm asking.

7 MR. TEMPLES: And that's what we're trying to clear up.

8 CHAIRMAN COOPER: That's what we're trying to do is
9 clarify this.

10 MR. SAXON: And I think we want to make sure, though,
11 that a crematory, even whether providing services to
12 the public or not still must meet the guidelines
13 found in 265-D; am I correct?

14 MR. TEMPLES: (Nods head.)

15 MR. SAXON: Okay. And we can simply --

16 COURT REPORTER: Is that a yes?

17 MR. TEMPLES: Yes. That is correct.

18 MR. SAXON: Then I think, Amy, can't we just include it
19 in that way, that the requirements of Section 40-19-
20 265-D remain in place?

21 MS. HOLLEMAN: I think --

22 MR. SAXON: Or words to that affect?

23 MS. HOLLEMAN: Yeah.

24 MR. SAXON: Well, you and I can dress it up.

25 MS. HOLLEMAN: I mean, my opinion doesn't matter.

1 MR. SAXON: But I mean is that what -- that's what y'all
2 are foreseeing; is that not right? Y'all aren't
3 taking anything out of 465-D.

4 MR. TEMPLES: No, we're not. We're not trying to
5 take --

6 MR. SAXON: You're just trying to clarify under 40-19-
7 20, Subsection 6.

8 MR. TEMPLES: -- right.

9 MR. CRAWFORD: Last time that was what the guy was
10 trying-- he has some.

11 MR. EVANS: Yeah. There's some loopholes in it now.

12 MR. CRAWFORD: So he could almost do what he wanted.

13 MR. TEMPLES: Wanted to do; that is correct?

14 MS. HOLLEMAN: That's why I was making sure that you guys
15 weren't leaving --

16 MR. EVANS: Right.

17 MS. HOLLEMAN: -- anything ambiguous.

18 MR. SAXON: And so regardless of whether you're serving
19 the public or a licensed funeral establishment, you
20 still have to meet the requirements of 265-D,
21 correct?

22 CHAIRMAN COOPER: Yes.

23 MR. SAXON: Amy, is that your understanding too?

24 MS. HOLLEMAN: Yes. It is now.

25 MR. SAXON: Bear with me just a moment, please.

1 (Off the record.)

2 MR. SAXON: I think I've got that. And, of course,
3 anything I write down today is not written in stone.
4 It will go to Shelly and she'll share it with y'all.
5 And we'll get it right. With Jennifer's help and
6 Amy's help --

7 MR. CRAWFORD: Shelly will dissect it. And that's good.

8 MR. SAXON: The more eyes that look at it, the better;
9 don't you think?

10 CHAIRMAN COOPER: Oh, yeah.

11 MR. TEMPLES: That is correct.

12 CHAIRMAN COOPER: Now, Jeff, you mentioned defining a
13 funeral establishment. Do you not feel like the
14 definition we have is adequate? On the last page of
15 what I printed or copied last night, this is North
16 Carolina law. Item H defines a funeral
17 establishment. And I feel like they're talking
18 about the same thing you are. But I feel like we're
19 actually more specific in what we're going.

20 MR. TEMPLES: Right.

21 CHAIRMAN COOPER: And I think that we need to be more
22 specific.

23 MR. TEMPLES: We do.

24 MR. CRAWFORD: Yes.

25 CHAIRMAN COOPER: You know, their's is more general but

1 they mean the same thing we are, but this needs to
2 be --

3 MR. TEMPLES: And you're on page, in your book?

4 CHAIRMAN COOPER: Page 7.

5 MR. SAXON: And I'm looking -- and for the record, this
6 is 40-1910, Sub 11. And did I hear earlier maybe I
7 misheard that 11-D, at least one motor hearse, did
8 y'all want to include license in South Carolina? Or
9 does that matter to you? I may have misheard
10 somebody.

11 CHAIRMAN COOPER: No, no, no.

12 MR. EVANS: That was Georgia.

13 CHAIRMAN COOPER: I was reading what the Georgia law
14 said, and I mean, let's talk about that a minute,
15 Jamie. That's a good point. I mean, do we want to
16 be more specific about this motor hearse, so that
17 it's not so easy for someone to go like borrow one
18 for an inspection or --

19 MR. BAKER: I'd say licensed to the funeral establishment
20 in the state that the license is granted.

21 MR. CRAWFORD: But how would that affect the
22 corporations?

23 MR. BEASLEY: Because Stewart's is licensed in
24 Louisiana.

25 MR. CRAWFORD: They bring them back across lines --

1 MR. BEASLEY: Yeah.

2 MR. CRAWFORD: -- in our area. North Carolina.

3 CHAIRMAN COOPER: How about license to the --

4 MR. EVANS: Funeral home.

5 CHAIRMAN COOPER: -- to the funeral establishment or the
6 corporation --

7 MR. BEASLEY: Or the parent company.

8 CHAIRMAN COOPER: -- or the parent company

9 MR. TEMPLES: My main concern is that you have funeral
10 establishments, funeral homes and you ride by and
11 there's not a hearse anywhere around. And it's not
12 fair --

13 MR. BAKER: And see, I don't call a van with landau bars
14 a hearse.

15 CHAIRMAN COOPER: I don't either.

16 MR. TEMPLES: And that's what we need.

17 MR. EVANS: But we don't have a definition of a hearse;
18 do we?

19 MR. TEMPLES: We don't have a definition of a hearse.

20 MR. EVANS: Just a vehicle to carry a body with landau
21 bars.

22 CHAIRMAN COOPER: But I mean, like, up in the mountains,
23 probably more practical for something like that.

24 MR. TEMPLES: I don't think you can push that.

25 MR. SAXON: I'm not sure you want to get that specific.

1 CHAIRMAN COOPER: Yeah.

2 MR. SAXON: I'm not sure that you want to be so specific
3 as to say "licensed in South Carolina." But if you
4 want to, that's something we can pursue.

5 MR. TEMPLES: No. I don't have any problems with being
6 licensed in South Carolina. The more tax breaks we
7 can bring to this state, the better off we are.

8 MR. SAXON: And I would just simply insert under D, "At
9 least one motor hearse licensed in South Carolina
10 -- licensed in this state for transporting casketed
11 human remains." Is that --

12 CHAIRMAN COOPER: License to the specific funeral
13 establishment, right?

14 MR. SAXON: Okay. Licensed --

15 MR. BAKER: Because you can't go borrow one.

16 MR. SAXON: Well, "licensed to a" --

17 CHAIRMAN COOPER: Licensed to that specific --

18 MR. SAXON: To the specific funeral establishment using
19 the hearse.

20 CHAIRMAN COOPER: Applying for the license.

21 MR. CRAWFORD: Yeah.

22 MR. SAXON: Okay. Wait a minute. "Licensed in South
23 Carolina, by the funeral establishment using the
24 vehicle."

25 MR. BAKER: Correct.

1 MR. SAXON: Is it okay to call it a vehicle?
2 MR. TEMPLES: Yes.
3 MR. BAKER: Yes.
4 MR. CRAWFORD: Don't say hearse.
5 MR. SAXON: Jennifer, are you getting this too?
6 MS. COOPER: Uh-huh.
7 MR. SAXON: All right. Got that. Is there a consensus
8 on that? Is that what the we want?
9 BOARD MEMBERS: Yes.
10 MR. SAXON: Then the way I would read it is "at least one
11 motor hearse licensed in South Carolina by the
12 funeral establishment using the vehicle for
13 transporting casket and human remains." All right.
14 CHAIRMAN COOPER: Jeff, you can't do this.
15 MR. TEMPLES: Yes.
16 MR. SAXON: I apologize, but --
17 MR. SAXON: No, no, no. I just want to make sure I'm
18 understanding you.
19 MS. HOLLEMAN: Does it have to say "casketed human
20 remains"? Or just "human remains"?
21 MR. EVANS: Human remains.
22 CHAIRMAN COOPER: Yeah, for transporting human
23 remains.
24 MR. CRAWFORD: Take "casketed" out.
25 CHAIRMAN COOPER: You can take "casketed" out.

1 MR. SAXON: All right. Got it.

2 CHAIRMAN COOPER: Could be a shipping, you know.

3 MR. SAXON: It now has an X on it, all right.

4 CHAIRMAN COOPER: Actually, the Item C fits in with B
5 because if we're looking at --

6 MR. SAXON: On 6C now?

7 CHAIRMAN COOPER: Yeah. Because if we're talking about
8 the definition of a funeral establishment, the first
9 thing is is 11A, a chapel or parlor in which funeral
10 services may be conducted. So I don't feel we're
11 getting off base here because we're dealing with the
12 definition of a licensed funeral establishment. And
13 item C's talking about defining a chapel and the
14 minimum number of seats required in a chapel.

15 MR. TEMPLES: And there has been a issue on both sides on
16 trying to require minimum number of seating required
17 in a chapel. I don't think we can agree on that.
18 But there's one way to --

19 MR. SAXON: Jeff, may question about that?

20 MR. TEMPLES: Yes.

21 MR. SAXON: Would that vary by region and town? For
22 instance, you might need a larger one in Columbia
23 than you might need in --

24 MR. CRAWFORD: I think so.

25 MR. BEASLEY: -- Abbeville. And you do.

1 CHAIRMAN COOPER: But that would be up to you. But there
2 would be a minimum requirement and --

3 MR. TEMPLES: But there is no requirement now.

4 CHAIRMAN COOPER: Right. What I got out of North
5 Carolina and Georgia is their minimum requirement is
6 30.

7 MR. SAXON: Let me ask you this: Does a problem exist
8 now that we're trying to solve?

9 MR. TEMPLES: Yes.

10 MR. SAXON: And I see you're saying yes.

11 MR. BAKER: Because somebody --

12 MR. SAXON: Tell me what that problem is.

13 MR. BAKER: -- somebody has taken a closet and says
14 "that's a chapel."

15 MR. SAXON: Okay.

16 MR. BAKER: And they've defined it as "it has an entrance
17 and an exit."

18 CHAIRMAN COOPER: That's exactly right. That's the only
19 -- that's the only definition of a chapel.

20 MR. SAXON: So y'all would like --

21 CHAIRMAN COOPER: We need to address the minimum number
22 of seats required in a chapel. Now like I said,
23 I've rendered all this and looked at all this,
24 mainly for information to compare with our laws.
25 And what I find, like I said, in North Carolina and

1 Georgia is they set that minimum at 30. And I mean,
2 I don't know if that's where we want to be. I mean,
3 because you've got small towns.

4 MR. TEMPLES: That's a fair number, even as far as --

5 CHAIRMAN COOPER: I mean, I think that's very fair.

6 MR. BAKER: I think that's within reason.

7 MR. CRAWFORD: Yeah, it is.

8 MR. TEMPLES: Or we can make the statute that mirrors
9 larger cities.

10 CHAIRMAN COOPER: This is reasonable to all --

11 MR. SAXON: We could say --

12 CHAIRMAN COOPER: -- involved.

13 MR. SAXON: -- "chapel or parlor accommodating at least
14 30 persons, in which funeral services may be
15 conducted"; is that --

16 MR. EVANS: Sounds great.

17 MR. TEMPLES: That sounds great.

18 MR. SAXON: Accommodating at least 30 persons.

19 CHAIRMAN COOPER: All right. So does that take care of
20 the definition of the chapel by defining --

21 MR. SAXON: Minimum --

22 CHAIRMAN COOPER: -- seating?

23 MR. BAKER: Yes.

24 CHAIRMAN COOPER: That should resolve all of that?

25 MR. SAXON: Do you want me to say "accommodating --

1 MR. BAKER: Seating for 30.

2 MR. SAXON: -- seating for at least" --

3 MR. CRAWFORD: They can stand up.

4 MR. SAXON: Well, that's right, because you know sometime

5 -- I've been to funerals where I --

6 MR. BEASLEY: I had to stand up.

7 MR. BAKER: Seating for 30.

8 CHAIRMAN COOPER: This stuff that I printed might have

9 language in it for you.

10 MR. SAXON: Well, when you finish.

11 CHAIRMAN COOPER: You do have a copy don't you?

12 MR. SAXON: No. Of this? Yes.

13 CHAIRMAN COOPER: Well their's Georgia and North Carolina

14 law in there where it addresses where it mentions

15 specifically that --

16 MR. SAXON: Oh, you've got it, too? Okay. Good.

17 CHAIRMAN COOPER: -- so I mean, that might help with the

18 wording.

19 MR. SAXON: Okay.

20 CHAIRMAN COOPER: Have we addressed everything with this

21 cremation situation?

22 MS. HOLLEMAN: Well, you didn't answer "should a

23 crematory operator be a licensed funeral director."

24 CHAIRMAN COOPER: Yes, we did.

25 MR. TEMPLES: Yes, we did.

1 CHAIRMAN COOPER: Required --

2 MS. HOLLEMAN: Oh, I heard the manager. Sorry. So it's
3 all operators have to --

4 MR. SAXON: Managed by a license --

5 MR. CRAWFORD: She's right.

6 MR. SAXON: She's right. Managed by a license --

7 MR. TEMPLES: Managed by a director, but not operator.

8 MR. SAXON: But it doesn't have to be a licensed funeral
9 -- well --

10 MS. HOLLEMAN: But the reason I was asking, because it's
11 on your agenda.

12 MR. TEMPLES: Shelly and I are going to be on the same
13 page on this one.

14 MR. SAXON: Well, now, tell me what y'all were
15 thinking.

16 CHAIRMAN COOPER: All right. If you're going to require
17 that the manager be a licensed funeral director,
18 then it would only stand to reason that when they're
19 responsible for this establishment and everything
20 that goes on there, that they would have to be a
21 licensed operator also.

22 MR. EVANS: Yes.

23 CHAIRMAN COOPER: Because if --

24 MR. SAXON: Do we want to go that far?

25 CHAIRMAN COOPER: You do. Because --

1 MR. SAXON: That's what I'm asking.

2 CHAIRMAN COOPER: -- because if I was the funeral
3 director and you were the crematory operator and I
4 knew nothing about the operation of the retort and
5 you did something wrong --

6 MR. SAXON: You wouldn't necessarily know it.

7 CHAIRMAN COOPER: -- it's my license in jeopardy.

8 MR. SAXON: Right. Okay. So you want more than just
9 "managed by a licensed funeral director."

10 MR. TEMPLES: Operator must be a licensed funeral
11 director because --

12 CHAIRMAN COOPER: The crematory must be managed by a
13 licensed funeral director who is also a certified
14 crematory operator.

15 MR. SAXON: A licensed crematory operator?

16 CHAIRMAN COOPER: Huh?

17 MR. TEMPLES: That may not fly, but we --

18 MR. SAXON: Well, it may not. It may not. We don't know
19 that anything we do will fly.

20 MR. TEMPLES: Right.

21 MR. SAXON: I mean, to be honest with you.

22 CHAIRMAN COOPER: Well, I mean --

23 MR. BAKER: -- well we need to try our wings.

24 CHAIRMAN COOPER: -- would you want to be a -- would you
25 want to be a manager of a crematory --

1 MR. CRAWFORD: No.

2 CHAIRMAN COOPER: -- and not be a certified operator and
3 be liable for all those individuals working
4 underneath you?

5 MR. SAXON: So is the wording "certified," rather than
6 "licensed" crematory operator? Or is it --

7 CHAIRMAN COOPER: It's certified; isn't it?

8 MR. EVANS: Well, each person that we put in a
9 crematory, don't you have to have -- you go through
10 a training --

11 MR. TEMPLES: You go through a training.

12 CHAIRMAN COOPER: Yeah. To become a certified operator.

13 MR. EVANS: What's the board's trying to say, my
14 understanding is, is that every one of those people
15 -- right now, it can be anybody within your funeral
16 home --

17 MR. CRAWFORD: That's right.

18 MR. EVANS: -- can be a certified operator. What I
19 understand you're saying is you want everybody
20 that's going to take that certified training course
21 to be licensed funeral directors.

22 CHAIRMAN COOPER: No.

23 MR. TEMPLES: Well, Tommy and I say "yeah."

24 MR. EVANS: That's what I'm hearing.

25 MR. CRAWFORD: Uh-huh.

1 MR. SAXON: What I've heard so far is it must be managed
2 by a licensed funeral director who is also a
3 licensed crematory operator.

4 CHAIRMAN COOPER: That's the page I'm on, because I don't
5 think the other is going to go through. And, I
6 mean, I think we need to do it one step at a time,
7 because I also believe that any licensed funeral
8 director that's a manager, that is also required to
9 be a certified operator is not going to put their
10 license on the line for a certified operator. I
11 mean, these people that are operating this crematory
12 are not dealing with the public.

13 MR. EVANS: I agree with Shelly.

14 MR. TEMPLES: I agree with Shelly on that as well. But
15 let me ask you this question, Shelly, and the board
16 itself: You have the manager of the crematory.
17 When the crematory is in operation, is it going to
18 be required for that manager to at least be present
19 there on the premises while the crematory is in
20 operation?

21 CHAIRMAN COOPER: No.

22 MR. EVANS: No.

23 CHAIRMAN COOPER: No. A certified operator must be
24 there --

25 MR. TEMPLES: Right.

1 CHAIRMAN COOPER: -- operating the retort.

2 MR. SAXON: And that's already in there, right?

3 CHAIRMAN COOPER: And the manager --

4 MR. SAXON: I think I'd leave that alone.

5 CHAIRMAN COOPER: -- the licensed manager must meet the
6 minimum requirements of how many hours a week
7 they're supposed to be there.

8 MR. TEMPLES: At least 40.

9 CHAIRMAN COOPER: Right.

10 MR. TEMPLES: Or 35, excuse me.

11 CHAIRMAN COOPER: Right. Right. Thirty-five. But no,
12 the manager shouldn't have to be on the premises. I
13 mean, that would be like my funeral home can't be
14 open if I'm out on a service, you know.

15 MR. TEMPLES: That's good for me.

16 MR. SAXON: All right. So let's leave it that way.

17 MR. TEMPLES: Okay.

18 MR. SAXON: Amy, does that help you?

19 MS. HOLLEMAN: Yes. It was just on the agenda. So I
20 wanted to make sure we didn't move past it without
21 addressing it. So the manager has to be a licensed
22 funeral director and a certified crematory --

23 MR. SAXON: Well, it has to be --

24 CHAIRMAN COOPER: Right.

25 MR. SAXON: The crematory has to be managed by a licensed

1 funeral director who is also a licensed --

2 CHAIRMAN COOPER: A certified --

3 MR. SAXON: Certified --

4 CHAIRMAN COOPER: -- crematory operator.

5 MR. SAXON: -- crematory operator.

6 MS. HOLLEMAN: But anybody -- whether or not they have a
7 funeral director and/or embalmer's license, as long
8 as they're certified to do so, may operate the
9 crematory.

10 CHAIRMAN COOPER: Correct.

11 MR. SAXON: And you write that down. And when we're
12 drafting, we'll make sure we got it right.

13 MS. HOLLEMAN: I got it. I didn't want us to skip
14 anything on the agenda that's -- because I figure if
15 it's on here, it's on here for a reason.

16 CHAIRMAN COOPER: Well, and this Item No. B is one of the
17 critical points of why we're here.

18 MS. HOLLEMAN: Right.

19 CHAIRMAN COOPER: So I want to be sure that we cover it
20 extensively.

21 MR. TEMPLES: Right.

22 CHAIRMAN COOPER: Why you shaking that paper at me? What
23 is that?

24 (Off-the-record discussion.)

25 CHAIRMAN COOPER: Oh, yes. We did want to address the

1 cremation authorization. Now, I've seen many
2 different ones. I used the one that is in the State
3 of South Carolina's --

4 MR. BAKER: Off the website.

5 MR. EVANS: Yeah.

6 CHAIRMAN COOPER: Right. And do we have a consensus that
7 -- you know, I think that -- I think all the funeral
8 homes should use that --

9 MR. TEMPLES: Exact same form.

10 CHAIRMAN COOPER: -- should that use that same
11 authorization for cremation. If it's there and if
12 it's written by the state, I mean, you just print
13 it, put your own information on there and you know
14 that you're covered. You know that you're meeting
15 the requirements of the law, and we all have the
16 same form. Because otherwise, if you are operating
17 a crematory and everybody has their own form, well,
18 you know ultimately, the liability comes back to the
19 crematory.

20 MR. SAXON: And where is that form maintained?

21 CHAIRMAN COOPER: It's on LLR's website.

22 MR. SAXON: Okay.

23 MS. HOLLEMAN: Where did that come from originally? That
24 came from the National Funeral Director's
25 Association?

1 MR. TEMPLES: That is correct. Shelly and I both
2 discovered so many funeral homes and different
3 crematories, they have so many different forms --

4 MR. SAXON: Where did it come from?

5 CHAIRMAN COOPER: NFDA.

6 MR. TEMPLES: Is that they're creating their own law, and
7 this would be a uniform state form.

8 MR. CRAWFORD: That would be good.

9 MR. TEMPLES: And everybody use -- and then every --

10 MR. SAXON: I mean, where would this go?

11 MS. HOLLEMAN: Where would it go in our statutes?

12 MR. SAXON: Yes. Yes.

13 MS. HOLLEMAN: That's a good question, because I haven't
14 looked yet. I would think that this is -- the
15 cremation authorization actually is in -- I
16 apologize; give me just a second.

17 CHAIRMAN COOPER: I use it.

18 MR. TEMPLES: I use it too. And this would be much
19 simpler because every coroner in the state would see
20 this same form.

21 MS. HOLLEMAN: Well, Jamie, that under --

22 MR. TEMPLES: It would not say "Well, this funeral home
23 has this form, or this form" --

24 MS. HOLLEMAN: -- that's under Article 8, 57-14-1.

25 MR. EVANS: What page is that?

1 MR. SAXON: Say again.

2 MS. HOLLEMAN: Forty-five. It's Article 8. It's 57-14-
3 1, A is "the crematory shall maintain a log that
4 shows clearly and then" --

5 MR. SAXON: And that's the regs.

6 MS. HOLLEMAN: Right.

7 MR. SAXON: Okay. How about in the statute?

8 MS. HOLLEMAN: Well, that's a good -- I don't know if it
9 is in the statute.

10 MR. SAXON: Then we're going to probably need to put it
11 in there.

12 MS. HOLLEMAN: Who said it's not?

13 MR. EVANS: Yeah.

14 MS. HOLLEMAN: I'm pretty sure it's not because I don't
15 think the --

16 MR. SAXON: All right. Then we'll --

17 MS. HOLLEMAN: I could be incorrect, but I'm 99.9 percent
18 sure it is not in the statute.

19 MR. SAXON: Then we need to put it in there.

20 MR. EVANS: What about section -- Page 77?

21 MR. SAXON: Give me the statute --

22 MR. EVANS: Statute 32-8-315.

23 MS. HOLLEMAN: Those aren't ours.

24 MR. EVANS: Those are not, okay.

25 MS. HOLLEMAN: Those are, I believe, DHEC's; is that

1 correct?

2 CHAIRMAN COOPER: This is FTC; isn't it?

3 MR. EVANS: I'm sorry.

4 MR. SAXON: Yeah. Look under 40 dash something.

5 MS. HOLLEMAN: Right. 32-8, I believe is DHEC.

6 MS. COOPER: 40-19.

7 MR. SAXON: 40-19 is y'all's statutes.

8 CHAIRMAN COOPER: Yes. And it's also -- the state also

9 has a pre-need and a at-need authorization for

10 cremation.

11 MR. EVANS: Right. I like the pre-need is good.

12 MR. TEMPLES: Pre-need is --

13 CHAIRMAN COOPER: I use both. The only problem I find

14 with that, and there's no way for us to correct that

15 is -- I mean, we're each on our own -- is John Smith

16 comes in and makes the pre-arrangements and dies ten

17 years later, does John Smith now have a pacemaker,

18 you know. So, I mean, that's just something we have

19 to be mindful of because there's no way of

20 predicting the future. But, you know, those forms

21 are both there, and certainly protect the funeral

22 home.

23 MR. SAXON: Well, we might have to come up with a place

24 to put it later.

25 MS. HOLLEMAN: Could you not put it in with D -- excuse

1 me, with 265-D, where you could possibly say --

2 MR. SAXON: Yes.

3 MS. HOLLEMAN: -- "maintains all required records." And
4 then when you go to 57-14 in the record, you could
5 specify the form. Would that work? I don't know.
6 I'm asking.

7 MR. SAXON: Well, we can specify the form in 265-D and in
8 the regs.

9 MS. HOLLEMAN: And you may want to say: -- I don't know
10 -- the form was, you know, provided by the board.
11 Because, obviously --

12 MR. SAXON: Provided by the board through the South
13 Carolina Department --

14 MS. HOLLEMAN: Labor Licensing -- or South Carolina Board
15 of Funeral Services. I guess "provided by the
16 board"; that would be --

17 MR. SAXON: Yeah.

18 CHAIRMAN COOPER: That's a good question.

19 MR. SAXON: And available at the South Carolina
20 Department of Labor, Licensing and Regulations.
21 What do you think about that, Amy?

22 MS. HOLLEMAN: I think that sounds better, just in case.
23 Because, you know, the form's always so --

24 MR. SAXON: Right.

25 MR. TEMPLES: Madam Chairman.

1 CHAIRMAN COOPER: Sir.

2 MR. TEMPLES: So you were asked the question about the
3 identification. That is a issue. And the reason
4 why we're here today is because cremation is on the
5 move. And in our past statutes and regulations,
6 there is nothing requiring a family or a funeral
7 home, requiring identification of the decedent --

8 MR. BAKER: Prior to cremation.

9 MR. TEMPLES: -- prior to cremation.

10 CHAIRMAN COOPER: Okay. Are y'all talking about having
11 the next of kin do the positive I.D.? Or is the --

12 MR. EVANS: We can do them by --

13 CHAIRMAN COOPER: -- or is it the toe tag from the
14 hospital --

15 MR. TEMPLES: No.

16 CHAIRMAN COOPER: -- acceptable?

17 MR. TEMPLES: I think there should be a photo I.D. or a
18 next of kin or a representative of the family.

19 MR. CRAWFORD: They are signing off on this that this is
20 the person here.

21 MR. TEMPLES: But some --

22 CHAIRMAN COOPER: No, they're not.

23 MR. TEMPLES: -- the Coroner today, does not require --

24 MR. CRAWFORD: No.

25 MR. TEMPLES: -- identification. So they don't even

1 check that paperwork for --

2 MR. CRAWFORD: Wait a minute. I don't know. Because
3 like I say, I had to hold one for a month trying to
4 identify him through the Coroner's office.

5 MR. TEMPLES: We send that --

6 CHAIRMAN COOPER: Yeah. But you go down to the hospital
7 and you pick somebody up -- I've had this happen.
8 You get back and I get a telephone call, "We gave
9 you the wrong body." That's right.

10 MR. CRAWFORD: Oh, no --

11 CHAIRMAN COOPER: That's right.

12 MR. SAXON: We've had a hearing --

13 CHAIRMAN COOPER: And we've had it where --

14 MR. SAXON: -- to that affect.

15 CHAIRMAN COOPER: -- the wrong body got cremated.

16 MR. CRAWFORD: Oh, boy.

17 MR. SAXON: We've had a hearing to that affect.

18 CHAIRMAN COOPER: I mean, I've not had that happen to me
19 personally, but it --

20 MR. CRAWFORD: I seen that happened.

21 CHAIRMAN COOPER: Right.

22 MR. BAKER: I've picked up a body at Richland and I've
23 opened the body bag and I know beyond a shadow of a
24 doubt that that's Mr. Smith in that body bag because
25 I've known him all my life, but his toe tag has a

1 different name on it.

2 MR. EVANS: I just picked up one recently from a hospital
3 and I will with hold the name that when I got back
4 to the funeral home, and it was the wrong body. And
5 the hospital didn't call.

6 MR. TEMPLES: And the whole purpose of this is to protect
7 the consumer.

8 MR. CRAWFORD: Yeah.

9 MR. TEMPLES: And that's our whole purpose here.

10 CHAIRMAN COOPER: And to protect the establishment.

11 MR. TEMPLES: And we protect the consumer. If we just
12 protect --

13 CHAIRMAN COOPER: We protected ourselves.

14 MR. BAKER: I think you would be safe to say that
15 positive identification needs to be made with a
16 current photograph or next of kin.

17 MR. SAXON: Where are you in the statute?

18 MR. TEMPLES: There's nowhere.

19 MR. SAXON: There's nowhere.

20 CHAIRMAN COOPER: There's nothing in the statutes. What
21 we need to add is that positive identification of
22 the deceased will be required prior to cremation,
23 either by means of a current photograph, the next of
24 kin or representative thereof.

25 MR. TEMPLES: Right. Thank you. Representative.

1 MR. BAKER: Representative, authorized by the next of
2 kin.

3 CHAIRMAN COOPER: Yeah. Or representative, authorized by
4 the next of kin.

5 MR. SAXON: By means of a photograph.

6 CHAIRMAN COOPER: A current photograph.

7 MR. SAXON: Current photograph.

8 CHAIRMAN COOPER: Current photograph.

9 MR. CRAWFORD: Now, that's another problem.

10 (Talking over one another.)

11 CHAIRMAN COOPER: And if they don't have one then the
12 next of kins going to come --

13 MR. SAXON: We'll have an "or" in here." Current
14 photograph --

15 CHAIRMAN COOPER: We're giving them three options.

16 MR. SAXON: -- or --

17 CHAIRMAN COOPER: Current photograph, positive I.D. by
18 the next of kin or positive I.D. of a representative
19 of the next of kin.

20 MR. TEMPLES: And Ms. Crawford's, current photograph may
21 be 30 years.

22 MR. CRAWFORD: That's what I'm saying .

23 MR. EVANS: Well, I mean --

24 MR. BAKER: Or you could say "Current driver's license
25 or --

1 CHAIRMAN COOPER: Well, they can be --

2 MR. BAKER: -- identification.

3 CHAIRMAN COOPER: They can be ten years old.

4 MR. CRAWFORD: That could be a picture I.D..

5 MR. SAXON: What was the last one y'all said? A positive
6 identification --

7 MR. BAKER: Or by a authorized representative.

8 CHAIRMAN COOPER: -- by authorized representative of the
9 next of kin.

10 MR. TEMPLES: Because a authorized representative can be
11 the trustee from the bank.

12 MS. HOLLEMAN: 32-8-320, which isn't ours . But in the
13 old line, the very first, before you even get to
14 "next of kin," is "a person designed as a agent for
15 this purpose, by the decedent. What if there are no
16 living relatives? I get phone calls where there are
17 no living relatives. So this is just a question to
18 know how we would handle this question, perhaps, on
19 our end.

20 But sometimes there's a registered agent.

21 MR. TEMPLES: That is correct.

22 MS. HOLLEMAN: There's someone who can designated given
23 Power of Attorney. But there's no next of kin. So
24 do you want say that?

25 MR. TEMPLES: That's why we put that.

1 MR. SAXON: Or a registered agent.

2 MR. EVANS: Yeah, you have to follow the --

3 MS. HOLLEMAN: Well, it says "by a representative of the
4 next of kin."

5 MR. SAXON: Well, we can add "or" -- we can have four --
6 "or a registered agent." Where were you reading
7 from, Amy?

8 MS. HOLLEMAN: So sorry. It's 32-8-320(a).

9 MR. SAXON: Wait a minute; say that again.

10 MS. HOLLEMAN: 32-8-320. That's DHEC's law, but it's --

11 MR. SAXON: Well, we can add to our own statute. Got it.
12 Amy, you and I can come up with the appropriate
13 place to put this.

14 MR. CRAWFORD: Let me hear that again.

15 MR. SAXON: "Positive identification of the body must be
16 made prior to cremation by means of a current
17 photograph, positive identification by the next of
18 kin, positive identification by an authorized agent
19 of the next of kin, or by a registered agent."

20 MS. HOLLEMAN: Of the deceased.

21 MR. SAXON: "Of the deceased."

22 CHAIRMAN COOPER: Like by a will, appointing personal
23 representative.

24 MR. CRAWFORD: Well, reason why I asked to hear that
25 again, like I was saying, I had a case I had to hold

1 for a month. Victim of a house fire. You couldn't
2 identify him. He was burnt beyond recognition.

3 CHAIRMAN COOPER: That's when you give him back to the
4 coroner.

5 MR. CRAWFORD: The coroner, that's who had him.

6 CHAIRMAN COOPER: Well, then he keep him.

7 MR. CRAWFORD: And then they kept him for 30 days. And
8 then we had --

9 MR. SAXON: And Glen, let me ask you if you're saying
10 this. That we need to make some provision for when
11 there is simply nobody --

12 CHAIRMAN COOPER: I think we're going back to my issue of
13 the unclaimed bodies.

14 MR. SAXON: Right.

15 CHAIRMAN COOPER: That we've pretty much decided in the
16 long run to properly address it. That's going to
17 take --

18 MR. SAXON: Another time.

19 MR. CRAWFORD: Yeah. It was narrowed down to this was
20 the person, but it was not -- he was not positively
21 identified.

22 CHAIRMAN COOPER: See now, our coroner, after 30 days, if
23 they cannot make identification, they can cremate.

24 MR. EVANS: I thought there was a statute in probate
25 where you had to hold them for 45 days.

1 MR. CRAWFORD: I don't know. But we held him for a
2 month.

3 MR. TEMPLES: It's 30.

4 MR. EVANS: Is it 30?

5 MR. TEMPLES: Yes. We do that in Richland County as
6 well.

7 MR. CRAWFORD: And then we cremate. He had plenty of
8 family there.

9 MR. SAXON: Then that would be covered because the county
10 becomes the personal representative.

11 (Talking over one another.)

12 MR. SAXON: Amy, would that work? Add a fifth one? Or
13 when the county becomes the personal -- or beyond
14 the period in which the county becomes the personal
15 representative, the deceased personal
16 representative?

17 MS. HOLLEMAN: I would think so. I'm looking in 17-5-
18 570. This is a little bit different, but release
19 and burial of dead bodies in preservation and
20 disposition of unidentified dead body.

21 CHAIRMAN COOPER: What page you on?

22 MS. HOLLEMAN: 113. Oh, 114, because it's B. "If a body
23 cannot be identified through reasonable efforts, the
24 coroner must forward the body to the Medical
25 University of South Carolina or other suitable

1 facilities for preservation."

2 MR. SAXON: Where are you?

3 MS. HOLLEMAN: It's not in our laws. It's --

4 MR. SAXON: I know it.

5 MS. HOLLEMAN: -- 17-5-570(b).

6 MR. SAXON: B, as in boy?

7 MS. HOLLEMAN: B, as in boy.

8 MR. SAXON: Okay.

9 MS. HOLLEMAN: "If the body remains unidentified for 30
10 days after the coroner forwarded the body to the
11 Medical University of South Carolina or other
12 facility, preserving the body, must immediately
13 notify SLED. If the body has not been identified
14 within 30 days after SLED has entered, the
15 unidentified person's DNA profile into the combined
16 DNA indexing system, pursuant to 23-3-625. The
17 Medical University may retain possession of the body
18 for its use and benefit, or return the body to the
19 coroner of the county where death occurred, where
20 disposition is provided by law." And mean, and then
21 it goes on --

22 MR. SAXON: Well, we could include that as part of this.

23 MS. HOLLEMAN: That's what I was -- I mean, I was just
24 wondering if --

25 MR. SAXON: Is there a consent --

1 MS. HOLLEMAN: (Inaudible.)

2 MR. SAXON: I think we do need to make some provision for
3 when there is just no way to identify the body.

4 MR. CRAWFORD: Yes.

5 MR. SAXON: Since we've got that in another section -- I
6 mean, in another law that's not ours, that doesn't
7 mean we can't use our language in ours.

8 MR. CRAWFORD: Okay.

9 MR. SAXON: Jennifer? Amy? Any problems with that? I
10 think that would cover it.

11 MS. HOLLEMAN: I just happened to notice this the other
12 day and thought I would share --

13 MR. SAXON: Well, I think that would cover the situation
14 where there is no way to identify the body.

15 CHAIRMAN COOPER: 17-5 --

16 MR. SAXON: Dash 570-B. And I will use some of that
17 language, or all of it. And that way, we've got the
18 unidentified bodies covered.

19 MR. CRAWFORD: Y'all got a counter contract?

20 CHAIRMAN COOPER: I think as long as we maintain
21 consistency with like the states around us --

22 MR. SAXON: Yes.

23 CHAIRMAN COOPER: -- and the language --

24 MR. SAXON: And with other --

25 CHAIRMAN COOPER: -- that we have in here.

1 MR. SAXON: -- laws in the state.

2 CHAIRMAN COOPER: So, I mean, there is wording in here,
3 you know, from Georgia and North Carolina and we're
4 all pretty much on the same page.

5 MR. SAXON: This is great.

6 CHAIRMAN COOPER: Yeah. Well, that's what I'm saying.

7 MR. SAXON: Yeah.

8 CHAIRMAN COOPER: I've got language from the other states
9 and we've got --

10 MR. SAXON: Got our own.

11 CHAIRMAN COOPER: -- this other stuff.

12 MR. SAXON: That has a provision for it. But I think
13 it's always nice to have it in our own.

14 CHAIRMAN COOPER: Oh, no, I agree. I agree.

15 MR. SAXON: I think that's a good idea.

16 CHAIRMAN COOPER: One more thing with this crematory
17 deal. Do we need to clarify on our application to
18 the board?

19 MR. EVANS: Yes.

20 CHAIRMAN COOPER: Because --

21 MR. SAXON: Well, that's something that can be done --

22 CHAIRMAN COOPER: What came up before was Item 1,
23 "Indicate one of the following: Change ownership
24 slash new facility; change a facility name;
25 additional facility location; change of facility

1 manager," seemed to conflict with No. 14, which says
2 "Will this facility be a regular funeral home branch
3 or crematory?" I mean, do we not need to be -- I
4 mean, we're going to be specific in our laws. But
5 do we not need to --

6 MR. CRAWFORD: You to move crematory out front, is what
7 you're saying more or less.

8 CHAIRMAN COOPER: I'm thinking it needs to move to Item
9 No. 1.

10 MR. CRAWFORD: Yeah, that's correct. Yeah.

11 MR. SAXON: Well, that's something that would be handled
12 administratively, not through the statutory process.

13 MR. TEMPLES: Yeah. If the law is --

14 MR. SAXON: Wendi, is that correct?

15 MR. SAXON: Amy?

16 (Talking over one another.)

17 MR. SAXON: This would be handled administratively.

18 CHAIRMAN COOPER: Well, I think we could add that anyhow.

19 COURT REPORTER: Y'all can't all talk at the same time.

20 I lost that about two seconds ago.

21 MR. SAXON: All right. I was asking Amy --

22 MS. HOLLEMAN: We can take care of that administratively.

23 I do want to point out that Jeanie pointed out, it
24 can only be one thing a parent or a branch. But if
25 you wanted to under parent, we could possibly maybe

1 clarify maybe a subsection parent crematory or
2 parent. But we could -- you're wanting that as --
3 on the first page. We can take care of that
4 administratively.

5 CHAIRMAN COOPER: Right. How about on Item No. 1, if it
6 had "change of ownership slash new facility"? And
7 if you even had "crematory" in parenthesis or
8 something like that. But something to bring the
9 crematory to Item No. 1.

10 MS. HOLLEMAN: Are you wanting a separate application
11 altogether for a crematory?

12 CHAIRMAN COOPER: No. Not necessarily. But what we're
13 trying to clarify is they're getting licensed as an
14 establishment.

15 MS. HOLLEMAN: Right.

16 CHAIRMAN COOPER: Which we feel is already in our laws,
17 the laws that we are just simply trying to clarify
18 at this point.

19 MS. HOLLEMAN: I got you. We can take care of that, it's
20 not an issue. I don't think it's an issue.

21 MR. SAXON: That's something that y'all can handle just
22 by --

23 MS. HOLLEMAN: We can handle that. I am happy to get
24 that done and send it to -- is Shelly okay with
25 everyone, just to look over it?

1 MR. BAKER: Yes.

2 MR. TEMPLES: Yes.

3 MR. SAXON: But that's not something we have to deal
4 with --

5 CHAIRMAN COOPER: No, but no. But I want to address it
6 while we were all here while I had it on my mind.

7 MR. SAXON: Yeah.

8 CHAIRMAN COOPER: And while I have it on my mind.

9 MR. SAXON: That's fine.

10 MS. HOLLEMAN: WE will get that taken care of for you.

11 CHAIRMAN COOPER: Anybody else with any issues, where the
12 cremation laws are concerned? Or have a problem
13 with anything that we've --

14 MR. TEMPLES: I don't think we need to address too much
15 and bog it down

16 CHAIRMAN COOPER: No, I don't either. But, I mean, if
17 there's any concerns by any board members here with
18 what we have not --

19 MR. SAXON: Or we hadn't heard yet.

20 CHAIRMAN COOPER: -- given Mr. Saxon, that we have not
21 heard from --

22 MR. SAXON: Let me know.

23 CHAIRMAN COOPER: We need to know. Now is the time.

24 MR. SAXON: And if you think of something a little bit
25 later on, just make a motion to come back to this.

1 CHAIRMAN COOPER: Okay. So we've taken care of A, B and
2 C.

3 MS. HOLLEMAN: And D.

4 CHAIRMAN COOPER: The six casket requirement, I thought
5 we had already addressed that.

6 MR. TEMPLES: We addressed that last meeting.

7 CHAIRMAN COOPER: That the six caskets must be on the
8 premises.

9 MR. TEMPLES: That is correct.

10 MR. BAKER: Did not have to be shown, but on premises.

11 CHAIRMAN COOPER: Right. You could show them in corner
12 cuts or whatever, but you had to have six --

13 MR. SAXON: So they don't have to necessarily be
14 available for viewing.

15 MR. TEMPLES: Yes, that is correct.

16 CHAIRMAN COOPER: Yeah, they do have to be available.

17 MR. BAKER: They have to be on the premises.

18 (Talking over one another.)

19 CHAIRMAN COOPER: They have to be available for
20 viewing.

21 MS. HOLLEMAN: But not all six need to be displayed.

22 CHAIRMAN COOPER: That's exactly right. Well then, that
23 takes us back to Page 7, No. 11, Item C, "A room
24 containing a displayed stock of at least six adult
25 caskets and other necessary funeral supplies."

1 MR. SAXON: Amy, what section is that?

2 MS. HOLLEMAN: It is 19-20-11©). 40-19-20-11©).

3 MR. SAXON: Okay. So we're going to need to change that
4 to say that "Six caskets must be on premises and
5 available for viewing."

6 CHAIRMAN COOPER: "Available for display."

7 MR. SAXON: But not necessarily on display. Available
8 for display --

9 CHAIRMAN COOPER: Right.

10 MR. SAXON: Or how about available for viewing, but not
11 necessarily on display? So somebody can go look
12 at --

13 MR. TEMPLES: That's good.

14 CHAIRMAN COOPER: You could say "at least six adult
15 caskets and other necessary -- at least six adult
16 caskets available for display and other necessary
17 funeral supplies."

18 MR. SAXON: Yeah. I'll keep as much of that as I can,
19 just to make sure that they're available for
20 viewing, but they don't necessarily have to be on
21 display.

22 CHAIRMAN COOPER: Yeah. At least six adult caskets
23 available for display.

24 MR. SAXON: Now, do y'all want me to use "display" twice?
25 I was going to use "viewing," "available for

1 viewing," but not necessarily on display, because
2 that's two different things.

3 MR. BAKER: It is.

4 MR. SAXON: Display indicates to me that they're there,
5 like a display case.

6 MR. BAKER: As long as they're on the premises, available
7 for viewing, but not necessarily --

8 MR. SAXON: On display.

9 MR. BAKER: -- on display.

10 MR. SAXON: That's what I've got.

11 CHAIRMAN COOPER: So everybody's comfortable now with the
12 six casket requirement?

13 MR. TEMPLES: Yes.

14 CHAIRMAN COOPER: Okay. Crematory operators and
15 certified training. Mr. Temples.

16 MR. TEMPLES: I think we've discussed about the crematory
17 operators. But then I've got some --

18 CHAIRMAN COOPER: Questions regarding the training; is
19 there not?

20 MR. TEMPLES: Yes. And then you must be -- what is it?
21 -- 50? To be a certified operator, you must conduct
22 50 cremations. And there's going to be some
23 crematories in smaller communities that may not even
24 do 50 cremations a year. I think if you go through
25 the training through the company and what is

1 required by state, that you should be in compliance.

2 MS. HOLLEMAN: Is what they're talking about.

3 CHAIRMAN COOPER: I agree.

4 MR. SAXON: Point 3?

5 MS. HOLLEMAN: Point 3, yes.

6 CHAIRMAN COOPER: What page is that, Amy?

7 MS. HOLLEMAN: Forty-nine.

8 MR. SAXON: Is it in the statutes as well, Amy?

9 MS. HOLLEMAN: The statute, I don't think addresses the
10 number. I apologize. Let me look real quick, but I
11 don't think it does.

12 MR. SAXON: Then we probably want to worry about the
13 statute right now.

14 MS. HOLLEMAN: I think so. I mean, I don't know. It's
15 based on 57-14-3, which is not ours, right? That's
16 DHEC's. I think that's DHEC's. So then the
17 question is, what would go in our statute and where
18 would it go? I don't know.

19 MR. SAXON: Where do we have -- Amy, where is training
20 for a funeral home director?

21 CHAIRMAN COOPER: That would be licensed apprenticeship.

22 MR. SAXON: The apprenticeship. We could add it after
23 that. Or do y'all want to open it up for such? You
24 know, section 230 is "qualifications for license as
25 embalmer or funeral director, examinations," blah,

1 blah, blah.

2 MS. HOLLEMAN: And then 240 is the apprenticeship
3 requirements.

4 MR. SAXON: Right.

5 MS. HOLLEMAN: 245 is the --

6 MR. SAXON: But is there an apprenticeship for being
7 a --

8 MR. TEMPLES: No, sir.

9 CHAIRMAN COOPER: No.

10 MR. SAXON: Okay. Then why don't we include it -- Amy,
11 what do you think -- in 230?

12 MS. HOLLEMAN: That's a board question.

13 MR. SAXON: What do y'all think about that?

14 CHAIRMAN COOPER: Qualifications --

15 MR. SAXON: If y'all want to add --

16 CHAIRMAN COOPER: -- for our license as embalmer, funeral
17 director or crematory operator.

18 MS. HOLLEMAN: But we're not licensing the crematory,
19 correct?

20 MR. TEMPLES: No, we are not.

21 CHAIRMAN COOPER: No. We're just saying -- that's right.

22 MS. HOLLEMAN: Because those are all licensing --

23 MR. SAXON: That's all licensure things; that's right.

24 Well, we could do a new 240 and just re-change -- I
25 mean, 235 and do a change of numbering. Can we do

1 that?

2 MS. COOPER: Yeah, you could like change it to 237 or
3 something.

4 MR. SAXON: Okay.

5 CHAIRMAN COOPER: Well, can it not go along with where
6 we're addressing a permit for a crematory?

7 MR. BAKER: 57 dash --

8 MR. SAXON: You're looking at the regs, and I'm looking
9 at the statutes because that's what we're trying to
10 get changed. And so if it's -- it may not be
11 something you want in the statutes. But the
12 statutes are going to control, so you probably want
13 it in there. And so what Jennifer has suggested may
14 be a good idea. After Section 40-19-235, we might
15 just want to add a new section, or after 240 -- I
16 mean, 230.

17 MS. HOLLEMAN: In 265(d)7 they've got that provides
18 evidence of employment of a factory-trained
19 operator.

20 MR. EVANS: Jamie.

21 MR. SAXON: Yes.

22 MR. EVANS: Mr. Saxon, earlier the --

23 MR. SAXON: You can call me Jamie.

24 MR. EVANS: Jamie. Under the Section 40-19-230, you got
25 A, B through F. Why couldn't we add a G?

1 MR. SAXON: Well, that's what we were talking about
2 originally.

3 MR. EVANS: But you can't do that?

4 MR. SAXON: But at the top it says "qualifications for
5 license."

6 CHAIRMAN COOPER: And we're not granting the license.

7 MR. SAXON: And we're not talking about licensing
8 crematory operators.

9 CHAIRMAN COOPER: So we have to put it somewhere else.

10 MR. SAXON: What about 265, Amy, D?

11 MS. HOLLEMAN: D-7. I mean, and all it says is "provides
12 evidence of employment of a factory-trained
13 operator."

14 MR. SAXON: Well, we could add to that.

15 CHAIRMAN COOPER: Well, that's what I was asking
16 y'all --

17 MR. SAXON: We could add to that.

18 CHAIRMAN COOPER: -- if we couldn't -- if we couldn't
19 deal with it in D, where we address a permit for a
20 crematory.

21 MR. TEMPLES: Let's don't want that right here.

22 MR. SAXON: You don't want it there?

23 MR. TEMPLES: I do not want B. I want that completely
24 out where it says "training which includes
25 completion of a minimum of 50 cremation cases under

1 supervision of a certified trainer or instructor."

2 MR. SAXON: Could we do "provides evidence of employment
3 of a factory-trained operator, as well as" -- an now
4 tell me what you were saying, Jeff.

5 CHAIRMAN COOPER: He wants this out.

6 MR. BAKER: That's in the regs.

7 MR. SAXON: That's in the regs, so what do you want it to
8 say, so that we can work on that for the statutes?

9 CHAIRMAN COOPER: Completion of the training --

10 MR. SAXON: As well as completion --

11 MR. EVANS: Factory -- factory representative.

12 MR. SAXON: I'm confused.

13 CHAIRMAN COOPER: What we're saying is like if you're
14 going to go into the cremation business and you
15 purchase a retort --

16 MR. SAXON: Right.

17 CHAIRMAN COOPER: -- generally, the people who come and
18 install that retort and all provide training for the
19 employees of your establishment.

20 MR. SAXON: But you want more than that.

21 CHAIRMAN COOPER: No.

22 MR. SAXON: No.

23 CHAIRMAN COOPER: We're wanting to get rid of that
24 minimum of 50 cremation cases.

25 MR. SAXON: Okay. So --

1 CHAIRMAN COOPER: We're saying that once --

2 MR. SAXON: So leave No. 7 alone. If I can draw your
3 attention to 40-19-265, D as in dog, 7. You want to
4 leave that alone.

5 MR. EVANS: Yes.

6 MR. TEMPLES: That is correct.

7 MR. SAXON: No where in there it says anything about 50.

8 MR. SAXON: Okay. So what you want is not in addition to
9 the statutes, but an elimination from the
10 regulations.

11 MR. TEMPLES: That is correct.

12 MR. SAXON: Well, the statute controls anyway. So if
13 it's not in the statute, that regulation doesn't --
14 right, Jennifer?

15 MS. COOPER: Yeah. But we can do a repeal of the
16 regulation.

17 MR. SAXON: We can work on repealing that.

18 MR. TEMPLES: I'm good with that.

19 MR. SAXON: All right. Which? A repeal?

20 CHAIRMAN COOPER: We're good, as long as --

21 MR. SAXON: Give me that section, Shelly.

22 MR. BAKER: Take out the 50.

23 CHAIRMAN COOPER: 57 --

24 MR. SAXON: 57-14.3 --

25 CHAIRMAN COOPER: B.

1 MR. SAXON: -- B. So we want to work on the repeal of
2 that. Just gone; is that right?

3 CHAIRMAN COOPER: Right.

4 MR. TEMPLES: That's correct.

5 MR. SAXON: We've got consensus on that? Okay. All
6 right.

7 MS. ELROD: May I ask a question? Is part of the 100 for
8 the supervisor for that? Or we wanting to do
9 anything with that? Or the --

10 CHAIRMAN COOPER: Guess.

11 MS. ELROD: -- crematory --

12 CHAIRMAN COOPER: Where is that at?

13 MS. ELROD: Should be right there, I was looking for it
14 -- it should be right there along the 50.

15 CHAIRMAN COOPER: I don't see that.

16 MS. HOLLEMAN: It just says "50 cases under the
17 supervision of a certified trainer or preceptor."
18 So --

19 MS. ELROD: I think it's part of the trainer itself --
20 it says 100.

21 MR. EVANS: That's under apprenticeship.

22 CHAIRMAN COOPER: Well, that would fall under the person
23 who --

24 MS. HOLLEMAN: You're right.

25 (Talking over one another.)

1 CHAIRMAN COOPER: -- you're actually buying the retort
2 from, I mean --

3 MS. HOLLEMAN: 13-4©) is what Wendy's talking about -- I
4 had forgotten about that -- that shows experience
5 will be documented by a log showing records of at
6 least 100 cremations performed according to law.

7 MR. SAXON: So you want that repealed as well?

8 MS. HOLLEMAN: I'm asking.

9 MR. TEMPLES: Yes.

10 MR. SAXON: So, Jennifer, we can work on the repeal of
11 57-14-4©).

12 MS. HOLLEMAN: Is there anything that needs to be in the
13 place there for obligations to be a trainer?

14 MR. TEMPLES: It still goes to the factory
15 representative.

16 MR. SAXON: Which is in the statute.

17 MS. HOLLEMAN: Right.

18 MR. SAXON: So we're covered.

19 MR. TEMPLES: Covered, right.

20 MR. SAXON: And if we want to include just mirroring the
21 language from the statute in the regulation, we
22 could do that; couldn't we, Jennifer?

23 MS. COOPER: Uh-huh.

24 MR. SAXON: I don't think that's necessary right now, but
25 that can be done.

1 MS. COOPER: So repeal 57-14 --

2 MR. SAXON: Dash 3(b) and point 3(b), as in boy, and
3 point 4©), as in cat.

4 CHAIRMAN COOPER: These people that install these are
5 generally --

6 MR. CRAWFORD: They do the training.

7 CHAIRMAN COOPER: Yes. And the fellow that owns B&L --
8 isn't it B&L?

9 MR. EVANS: Yeah.

10 CHAIRMAN COOPER: -- he actually wrote DHEC's law.

11 MR. TEMPLES: That's correct.

12 MR. EVANS: Steve Licker.

13 CHAIRMAN COOPER: Yeah. He actually wrote DHEC's laws,
14 so we're not dealing with people who don't know what
15 they're doing.

16 MR. SAXON: So where are we now?

17 MR. BAKER: Minimum requirements to be a manager, F.

18 MR. SAXON: F. 6(f). And y'all want it to say "Manager
19 must be licensed in South Carolina for five years
20 before he or she can be a manger"?

21 CHAIRMAN COOPER: Yes.

22 MR. CRAWFORD: As a funeral director.

23 CHAIRMAN COOPER: Well, that's given. I mean, that's
24 already in our laws. I mean, you can't be a manager
25 if you're not a licensed funeral --

1 MR. CRAWFORD: I just wanted to make sure.

2 MS. HOLLEMAN: In this state, right?

3 MR. BAKER: I have a question.

4 MR. TEMPLES: I think your intentions are well.

5 MR. BAKER: The intentions are well. But I think if I
6 was going to go out and open my own funeral home,
7 then I couldn't be the manager because I hadn't had
8 a license for five years. Say I had had a license
9 for three years and decided to branch out on my own.
10 I had worked for someone else and wanted to open my
11 own place, I could not be the manager of it.

12 CHAIRMAN COOPER: I understand what you're saying. And,
13 I mean, maybe we need to change the years. But do
14 you recall the young lady that came before us that
15 wanted to offer her services for free, and as soon
16 as she got licensed, she was going to open her up a
17 funeral home and be the manager and all this? And
18 what training does she have?

19 MR. SAXON: What do you think --

20 CHAIRMAN COOPER: I mean --

21 MR. SAXON: -- would be a more reasonable --

22 CHAIRMAN COOPER: -- you don't --

23 MR. SAXON: -- number of years?

24 CHAIRMAN COOPER: -- think that --

25 MR. CRAWFORD: Five years is good with me.

1 CHAIRMAN COOPER: I mean, it used to be five. And, I
2 mean, I understand where you're coming from, Tommy,
3 but, I mean, did you not have five years --

4 MR. BAKER: I did.

5 CHAIRMAN COOPER: Well, I mean, generally, you're going
6 to have that experience, I would think.

7 MR. TEMPLES: Someone 21 years of age --

8 MR. SAXON: Amy, where --

9 CHAIRMAN COOPER: Opening a funeral home and becoming a
10 manager is --

11 MS. HOLLEMAN: It's --

12 CHAIRMAN COOPER: -- opening a door for destruction.

13 MS. HOLLEMAN: -- 40-19-20 16.

14 MS. ELROD: I'm okay.

15 MR. SAXON: 16?

16 CHAIRMAN COOPER: I understand where you're coming from,
17 but, I mean, I think that -- I think that the person
18 needs to have experience before they become a
19 manager.

20 MR. SAXON: So we want to -- we want No. 16 changed from
21 at least one year to five years.

22 MR. BAKER: Five.

23 MS. TEMPLES: Madam Chairman.

24 MR. BAKER: I say five.

25 CHAIRMAN COOPER: Sir?

1 MR. TEMPLES: You know, they're going to be a resident of
2 the state because they're -- or not?

3 MR. EVANS: It says "licensed in South Carolina."

4 MR. TEMPLES: Yeah. But it says you can be licensed and
5 be living in Georgia.

6 MR. CRAWFORD: But I think it's already in there --

7 CHAIRMAN COOPER: I thought that was --

8 (Talking over one another.)

9 MR. TEMPLES: We're changing the number from one to
10 five.

11 MR. CRAWFORD: Yeah.

12 (Talking over one another.)

13 MS. HOLLEMAN: No, it's --

14 MR. TEMPLES: Make sure that "resident" is in that.

15 CHAIRMAN COOPER: We're not changing that, though.

16 MS. HOLLEMAN: The one year residence is only in the
17 regs; that's 57-10-C.

18 MR. BAKER: That needs to be in the statute, the
19 residence --

20 MS. HOLLEMAN: Right.

21 CHAIRMAN COOPER: "Our manager must be licensed and a
22 resident of the state of South Carolina for five
23 years before they can be a manager."

24 MR. BAKER: Is that in the regs? That's in the regs.

25 CHAIRMAN COOPER: No, I'm reading --

1 MS. HOLLEMAN: The reg says one year.

2 MR. SAXON: Amy, I got -- we're talking --

3 MS. HOLLEMAN: It's 57-10©) is where they're discussing
4 the --

5 MR. SAXON: Right.

6 MS. HOLLEMAN: -- residency issue.

7 MR. SAXON: And then 16, under definitions.

8 MS. HOLLEMAN: 16, under definitions. On 265, it's
9 simply a reverse back to 40-19-2016.

10 CHAIRMAN COOPER: Okay. So like, we would want it to say
11 "A manager must be a licensed resident of the state
12 of South Carolina for five years before they can
13 become a manager"

14 MR. TEMPLES: Yes, ma'am.

15 MR. SAXON: Well, I think I would -- if I may, "A
16 licensed funeral director who's been licensed in
17 this state for at least -- and a resident."

18 CHAIRMAN COOPER: That's what we're saying. "A manager
19 must be a licensed resident of the state of South
20 Carolina --

21 MR. SAXON: We don't want to say "licensed resident."
22 You just want to say "has been licensed in the state
23 and a resident for five years." I think I would
24 recommend that.

25 MR. SAXON: Whichever way you want to word it.

1 MR. BAKER: So you've got to meet both of those
2 qualifications.

3 CHAIRMAN COOPER: That's correct.

4 MR. BAKER: To be the manager.

5 MR. CRAWFORD: Yeah.

6 MR. SAXON: Five years of licensing and five years of
7 residency.

8 CHAIRMAN COOPER: That's correct.

9 MS. HOLLEMAN: So that would need to be changed both
10 places.

11 MR. SAXON: Yes. Well, yes. Well, the statute is what
12 we're worrying about now. This can always be
13 changed in the omnibus bill that makes the regs
14 match the statutes. Okay?

15 CHAIRMAN COOPER: We all good with this?

16 MR. EVANS: Yes. Sounds great.

17 CHAIRMAN COOPER: Okay. G, increase mileage requirement
18 for the manager.

19 MR. BAKER: What did you want --

20 (Talking over one another.)

21 MR. BEASLEY: I brought that up because in my area, the
22 Greenville, the housing market is moving --

23 MR. BAKER: Out.

24 MR. BEASLEY: -- out.

25 MR. BEASLEY: And I've noticed the last couple cases

1 where we revoked some managers license, people were
2 asking that whoever is in that particular area. We
3 have 80 year olds who have been there forever and a
4 day. I mean, it's just hard for people -- I just
5 think it would kind of help us keep the riffraff
6 out, so to speak, as far as being managers. I
7 mean --

8 CHAIRMAN COOPER: Well, really --

9 MR. BEASLEY: And I'm not saying to open it to a massive
10 amount. I'm just saying --

11 CHAIRMAN COOPER: No.

12 MR. BEASLEY: -- 35 to 40 miles, rather than 25.

13 CHAIRMAN COOPER: This is actually a gray area. I mean,
14 what we're trying to accomplish, I think, is the
15 ability of the manager to get to the funeral home
16 within a reasonable amount of time. But according
17 to whether you live in Columbia or if you live in
18 Moncks Corner, I can certainly get some place a lot
19 quicker than y'all can with traffic. So, I mean,
20 it's really a gray area. I mean, we're trying to
21 accomplish something here to where individuals can
22 get on site within a reasonable amount of time. But
23 I don't think mileage really addresses it.

24 MR. BAKER: I think 35 is reasonable.

25 MR. CRAWFORD: What did you say, Ken.

1 MR. BEASLEY: Yeah, I think 30, 35. I mean, it doesn't
2 have to be nothing --

3 MR. EVANS: But if you drive a mile a minute, that's 35
4 minutes. You can be there --

5 MR. TEMPLES: and I think if we go to 30 or 35, we're
6 going to eliminate a lot of troubles --

7 CHAIRMAN COOPER: Yes.

8 MR. TEMPLES: -- here. I've been on the board for over
9 three years now and that's been our biggest issue,
10 is the 25 mile. And it's not worth our time and
11 trouble. We're bickering over how the crow flies.

12 CHAIRMAN COOPER: Right. And Google Earth and --

13 MR. EVANS: So 30, 35 miles?

14 MR. BAKER: Thirty-five.

15 MR. EVANS: I think, 35 miles.

16 MR. CRAWFORD: Radius. A 35 mile radius.

17 MR. BAKER: You need to define that.

18 MS. HOLLEMAN: Which I still don't have Google Earth.

19 MR. TEMPLES: No. We need to do a radius. And we need
20 to take out "how the crow flies."

21 MR. EVANS: Yeah. Point A to point B.

22 CHAIRMAN COOPER: So a 35 mile radius, shown by direct
23 route?

24 MR. TEMPLES: By road. Not by air.

25 MS. HOLLEMAN: The radius doesn't mean the road. It's a

1 circle.

2 CHAIRMAN COOPER: Thirty-five mile --

3 MR. SAXON: I think radius is sufficient. Do you
4 disagree?

5 MS. HOLLEMAN: Right. My opinion doesn't matter. What
6 Jeff was saying was "as the road goes." But when
7 you're looking at radius, it's not showing the way
8 the road goes because a radius is a mathematical
9 term.

10 (Talking over one another.)

11 MR. CRAWFORD: See, that's what it was, what we was
12 having a lot of problem with. It was there to begin
13 with, it was a radius.

14 MS. HOLLEMAN: It still is.

15 MR. CRAWFORD: But then some people came in and say --
16 they took it on their own to do road miles. And
17 that's not what it was saying.

18 MR. TEMPLES: So it is --

19 MR. CRAWFORD: It's radius.

20 MR. TEMPLES: It's always been radius.

21 MR. CRAWFORD: Yeah.

22 MS. HOLLEMAN: Right.

23 MR. SAXON: I don't know that I'd change it then, because
24 I frankly don't think it would be changed.

25 MR. CRAWFORD: Like I say, some would come in with road

1 miles, and they didn't meet the limits.

2 MS. HOLLEMAN: Right. Because road miles are always
3 going to be more than radius.

4 MR. CRAWFORD: Yeah.

5 MR. SAXON: All right. So we're just changing from 25 to
6 35.

7 MR. EVANS: Yes.

8 MR. SAXON: That's all.

9 MR. EVANS: So we'll give them ten more miles.

10 CHAIRMAN COOPER: We're not going to mess with Google
11 Earth and --

12 MR. SAXON: Amy, this is A-4, B-4 and D-4.

13 MS. HOLLEMAN: Right. Because there's not one under C
14 for a retail sales outlet and there's not one --

15 MR. SAXON: Got it.

16 MS. HOLLEMAN: Yeah.

17 MR. SAXON: All right.

18 MR. TEMPLES: Ms. Cooper, can we make a motion to excuse
19 our self for five minutes?

20 (Off the record.)

21 CHAIRMAN COOPER: Number 7, the retail sales outlet,
22 require FBI check for a manager. I think Doris had
23 mentioned that in general. So does that not kind
24 of --

25 MS. HOLLEMAN: We just have to do it for each section of

1 the statute that we need it done.

2 MR. SAXON: No, I mean, she's got something I don't have
3 on it.

4 CHAIRMAN COOPER: What I'm saying, though, is --

5 MS. HOLLEMAN: You don't have it on the --

6 MR. EVANS: No. 7.

7 CHAIRMAN COOPER: -- should it be that any person seeking
8 licensure by the board, anything subject to an FBI
9 check?

10 MR. SAXON: Here it is.

11 MR. EVANS: Shouldn't we require that? Are you saying
12 subject to?

13 CHAIRMAN COOPER: Well, no, require. I mean, Doris was
14 talking about requiring an FBI check because the
15 SLED report -- doesn't really cover anything but
16 this state. But what I'm saying is under No. 7,
17 we're talking about a retail sales outlet and
18 requiring it. And then on 10-B, we're talking about
19 it again. Should it not be that any individual
20 seeking licensure by this board be subject to FBI?

21 MR. BAKER: Yes.

22 MR. CRAWFORD: Yes.

23 CHAIRMAN COOPER: I mean, this doesn't need to
24 necessarily fall just under the retail sales outlet
25 or an apprentice.

1 MS. HOLLEMAN: Jamie, do they not have to do it piece by
2 piece for each license?

3 MR. SAXON: We could do it like the nursing board
4 does.

5 MS. HOLLEMAN: Right. And that's exactly what they're
6 doing. Right. Yes.

7 MR. SAXON: They've got a whole section, just under
8 "criminal record checks, dishonored check is
9 evidence --" which we don't care about. But it says
10 "in addition to other requirements established by
11 law and for the purpose of determining an
12 applicant's eligibility for licensure to practice
13 nursing. But "the department may require a state
14 criminal records check, supported by fingerprints,
15 by the South Carolina Law Enforcement Division and a
16 national criminal records check, supported by
17 fingerprints, by the Federal Bureau of
18 Investigation." And that is -- and then we could --
19 I mean, we could mimic their language, frankly.

20 CHAIRMAN COOPER: Well, that's what we want for all
21 licensees.

22 MR. CRAWFORD: Yes.

23 CHAIRMAN COOPER: Not just --

24 MR. BAKER: It also refers on the agenda to 12, No.
25 12.

1 CHAIRMAN COOPER: That's what I was saying, 12-A also
2 says that. And that doesn't need to be separate.
3 It needs to be uniform for anybody applying for any
4 type of license before the Board of Funeral Service.

5 MR. SAXON: Amy, look in yours and see where a logical
6 place. And then call it to my attention, so that I
7 can look under the section, if you will.

8 MS. HOLLEMAN: So that the issue is or the reason --

9 CHAIRMAN COOPER: I would say that we don't have any
10 choice.

11 MS. HOLLEMAN: -- individual license.

12 COURT REPORTER: I did not hear that.

13 MR. TEMPLES: I was asking, are we going to grandfather
14 the old licensees in, as far as the FBI check.

15 COURT REPORTER: And what was your response?

16 CHAIRMAN COOPER: I said that I feel like we almost have
17 to.

18 MR. SAXON: Well, you know, it says "it may require," and
19 so that gives you some wiggle room.

20 MS. HOLLEMAN: I think the big issue probably is new
21 licensees, right?

22 MR. CRAWFORD: Right.

23 MR. SAXON: I think may --

24 CHAIRMAN COOPER: Starting from this point forward --

25 MS. HOLLEMAN: So --

1 MR. SAXON: And by the use of the word "may," you could
2 also -- it gives you room, I think, in the future,
3 if you want to include it on renewals after a
4 certain period of time.

5 CHAIRMAN COOPER: If there's somebody that we are suspect
6 of --

7 MR. TEMPLES: Or moral turpitude, as well.

8 MR. SAXON: That's right.

9 MR. TEMPLES: That gives you some leeway.

10 MR. SAXON: That's right. And I think that's not a bad
11 idea. Yes, Amy.

12 MS. HOLLEMAN: Jamie, 40-19-230-A, 2(b)2, that's where --
13 those are, I think, the only two places we have
14 "that you have not been convicted of a felony,"
15 etc., violent crime or found guilty of a felony or
16 crime or moral turpitude. So the reason --

17 MR. SAXON: So we could include it in both those
18 sections.

19 MS. HOLLEMAN: Right. But it needs to be in more than
20 just those two areas, or at least that's --

21 MR. SAXON: That's my thinking.

22 MS. HOLLEMAN: -- with all licenses. So I would think
23 you would either have to alter those individual
24 sections to just take that part out, or leave it in.
25 And then add another -- the big thing is, we don't

1 have anything for somebody who's running a retail
2 sales outlet. We don't have anything in our statute
3 that allows us to do a criminal background check at
4 all on them.

5 MR. SAXON: Why don't we do a G? Do you think there
6 would be a problem with that, after F? Just do a G,
7 where we just talk about the criminal records
8 checks.

9 MR. TEMPLES: I think that's great.

10 MR. SAXON: Amy, do you think that will work, under 230-
11 F? After F, do a G?

12 MS. HOLLEMAN: I would think that would probably -- but
13 does that cover -- that doesn't cover everyone,
14 though; does it?

15 MR. SAXON: "Licensed as an embalmer or funeral
16 director."

17 CHAIRMAN COOPER: No. But we're wanting to cover retail
18 sales outlet. We want to cover --

19 MS. HOLLEMAN: I guess if you did it there, and then you
20 also did it under the permit requirements for a
21 funeral home.

22 MR. SAXON: And where are you finding that?

23 MS. HOLLEMAN: 265.

24 MR. SAXON: All right. Let's see.

25 MS. HOLLEMAN: But then you also need to do it --

1 MR. EVANS: We could do it under each license.

2 MS. HOLLEMAN: That's what I was asking, if it could be
3 one place to be --

4 MR. SAXON: See, I'd rather it be one place. I'd rather
5 it be one place. That is so much simpler than doing
6 it in a bunch of different places.

7 CHAIRMAN COOPER: Well, I don't think you can add it to
8 anything we have we have it all separated. So we're
9 going to have to --

10 MR. SAXON: Right. I think we're going to need a new
11 section.

12 CHAIRMAN COOPER: We're going to need a new section.

13 MR. SAXON: And I think --

14 MR. BAKER: Can you just make it anyone applying for a
15 new license?

16 CHAIRMAN COOPER: That's what we're saying, we're going
17 to have to make a new section because we've got
18 everything divided out here for crematory, funeral
19 director, embalmer, retail sales outlet. So that's
20 what we're saying, to add a new section --

21 MS. HOLLEMAN: Or in-between 30 and --

22 CHAIRMAN COOPER: -- that will cover --

23 MR. SAXON: How about 236??

24 MS. HOLLEMAN: Okay.

25 CHAIRMAN COOPER: -- everything, as far as --

1 MR. SAXON: Look at what's between 235 and 240 and see.

2 What do you think about that?

3 MS. HOLLEMAN: Because I have a funeral home and I'm

4 changing my manager.

5 MR. SAXON: What do you think about that?

6 MS. HOLLEMAN: Technically, I guess allowed them to be --

7 MS. COOPER: I don't see why not.

8 MS. HOLLEMAN: -- manager -- new licensee. Well we

9 weren't really changing.

10 CHAIRMAN COOPER: Well, when they come before us for a

11 change of manager --

12 MS. HOLLEMAN: They don't come before you for a change of

13 manager unless it's some issue. Otherwise, that's

14 something that the board administrator has authority

15 to --

16 CHAIRMAN COOPER: Well, then, you could probably add to

17 it, that anybody appearing for the board --

18 appearing before the board -- you don't take away

19 Doris leeway there.

20 MS. HOLLEMAN: Right. But we would need the same

21 criminal background check, whether a person was

22 coming before you or not.

23 CHAIRMAN COOPER: Well, that's what I'm asking. Do y'all

24 require a SLED catch if they're doing a change of

25 manager?

1 MS. HOLLEMAN: Yeah. Right.

2 CHAIRMAN COOPER: Well, then, they would have to do the
3 FBI. I mean --

4 MR. SAXON: All I'm talking about is adding a section
5 similar to what the nursing board has about
6 requiring the SLED and FBI checks in its own
7 section, so it covers everybody.

8 CHAIRMAN COOPER: But she's also saying we need to go a
9 step further because what we're really talking about
10 in general here is new licensees. And what she's
11 addressing is change of managers, where Doris is --

12 MR. SAXON: This would be covered because of that word
13 "may." So you can really require it of anybody,
14 like new applicants, current licensees, somebody you
15 got a question about.

16 MR. TEMPLES: Jamie's correct.

17 MR. SAXON: That word "may," that little bitty word, it's
18 like what is the meaning -- it depends on meaning if
19 is, is. I think that would cover us. I'll make
20 sure about that. What do y'all think -- here's a
21 suggestion for where to put it. If y'all will look
22 in your yellow books between -- I'm looking at
23 Section 40-19-235 and 49-19-240. How about have a
24 section between those two, maybe a 236. I don't
25 have -- I don't have y'all's pages.

1 CHAIRMAN COOPER: 17 and 18 and 19.

2 MR. SAXON: Amy, you think that would be a good place?

3 It's right after license requirements.

4 MS. HOLLEMAN: And right before apprentices.

5 MR. SAXON: And right before apprentices. Or would you
6 rather it be before 235?

7 MS. HOLLEMAN: I would think it would need to be before
8 230.

9 MR. SAXON: Before 230.

10 MS. HOLLEMAN: Did you not say --

11 MR. SAXON: Yes, you're right. All right.

12 MS. HOLLEMAN: And there's nothing between 210 and 230.

13 MR. SAXON: Then why don't we do a 220?

14 CHAIRMAN COOPER: Right.

15 MR. TEMPLES: Right.

16 MR. SAXON: We'll do a 220. And I am basically going to
17 mimic the language from the nursing board, rather
18 than recreate the wheel. It works. Would y'all
19 like me to read that to you?

20 CHAIRMAN COOPER: You already read it once.

21 MR. BAKER: You already read it.

22 MR. SAXON: Well, there's more than I read, if you want
23 me to read that whole section. Do you want to hear
24 it? Okay. Got it. I'll cover you. Shelly's going
25 to have to read it when I write it anyway.

1 MR. EVANS: That's what we pay good money for.

2 MR. SAXON: Well, Jennifer and Amy and I will come up
3 with something in nice, highfalutin legal language.

4 CHAIRMAN COOPER: Okay. So we dealt with everything with
5 retail sales outlets?

6 MR. CRAWFORD: All that was required.

7 CHAIRMAN COOPER: Okay. All right. No. 8, a fee and
8 fine structure and limits. We're talking about
9 increasing the fines up to \$10,000. I think this
10 has been kind of based on what the Board of
11 Accountancy does.

12 MR. EVANS: Think that's a great idea.

13 CHAIRMAN COOPER: And I think we should say not less than
14 \$500 and not to exceed \$10,000. I think we need to
15 put a floor and a ceiling on it.

16 MR. CRAWFORD: Fine. Per violation.

17 MR. TEMPLES: Per violation.

18 CHAIRMAN COOPER: Yeah, per violation, per count. Like
19 if somebody comes in here and they've written eight
20 pre-need contracts illegally, they can get charged
21 for all eight.

22 MR. SAXON: May I insert a word of caution.

23 MR. CRAWFORD: Yes.

24 MR. SAXON: I think you have a better chance of passage
25 if you don't go up quite as far as \$10,000.

1 MR. BAKER: Are you thinking \$5,000?

2 MR. SAXON: I'm thinking five.

3 MS. HOLLEMAN: Twenty-five hundred is what it is right
4 now.

5 CHAIRMAN COOPER: Georgia does \$5,000.

6 MR. SAXON: Twenty-five hundred is what it is now?

7 MS. HOLLEMAN: Right. 40-19-200 gives you not less than
8 \$500 or more than \$2,500.

9 MR. SAXON: I think that I'm --

10 CHAIRMAN COOPER: How come we've never been able to
11 impose anything more than \$500?

12 MR. SAXON: I thought --

13 CHAIRMAN COOPER: That's what we've been told.

14 MR. SAXON: -- it was \$500.

15 CHAIRMAN COOPER: We've always been told --

16 MS. HOLLEMAN: That's what the words on the paper say.

17 CHAIRMAN COOPER: What page are you on?

18 MS. HOLLEMAN: I'm on Page 14. And it's 40 --

19 MR. SAXON: And it's 40-19-200.

20 MS. HOLLEMAN: Dash 200.

21 MR. SAXON: Okay.

22 MS. HOLLEMAN: Violations of this chapter.

23 MR. BAKER: Jamie, what is the Nursing Board? What are
24 their findings?

25 MR. CRAWFORD: Twenty-five hundred, yeah.

1 MR. SAXON: I am not sure. That's not one of my boards,
2 so I'm not really sure. The only one that I know
3 that goes up to \$10,000 is the medical board.

4 MS. HOLLEMAN: Accountancy --

5 MR. SAXON: -- and accountancy.

6 MS. HOLLEMAN: -- I believe is --

7 MR. SAXON: And cemetery. I don't know how the cemetery
8 one got through there. The two wealthiest boards
9 contractors and residential builders, contractors
10 does \$5,000, residential builders does \$2,500.

11 MS. HOLLEMAN: Does the engine, though, not say any thing
12 about it?

13 MR. SAXON: Five hundred.

14 MS. HOLLEMAN: Oh, that says 500.

15 MR. SAXON: The engine says 500.

16 MR. CRAWFORD: Do you think our chances of getting an
17 increase would be --

18 MR. SAXON: What do you think --

19 MR. CRAWFORD: -- 5,000, instead of ten?

20 MR. SAXON: -- Jennifer?

21 MS. COOPER: Sounds good to me.

22 CHAIRMAN COOPER: I want to know where this \$2,500 has
23 been all this time. I mean, the board had the
24 Cave's here before them and they got \$500 --

25 MR. SAXON: Period. That was all we could do.

1 CHAIRMAN COOPER: Well, why couldn't --

2 MR. SAXON: But it's here.

3 CHAIRMAN COOPER: -- we do the \$2,500?

4 MR. SAXON: I think we could; I think we could.

5 MS. HOLLEMAN: You had consent agreements all the time
6 where people --

7 MR. SAXON: Well, but that's different. You can consent
8 to any amount.

9 CHAIRMAN COOPER: Yeah. You can consent to any amount,
10 but where's this \$2,500 been the whole time?

11 MR. SAXON: It looks like it's -- all right, bear with
12 me. Bear with me one second.

13 MR. TEMPLES: It's what we were told.

14 MR. SAXON: It's what you were told. And I probably told
15 you that.

16 MR. TEMPLES: No.

17 CHAIRMAN COOPER: No.

18 MR. SAXON: No? Okay.

19 CHAIRMAN COOPER: That will certainly change some
20 things --

21 MR. SAXON: And that's since 1998.

22 CHAIRMAN COOPER: -- for future board meetings.

23 MR. SAXON: I still think I would go with the not less
24 than \$5,000 or more than -- I mean, not less than
25 \$500, no more than \$5,000.

1 MR. CRAWFORD: So everyone agree on?

2 MR. BAKER: Yes.

3 MR. TEMPLES: Yes.

4 MR. CRAWFORD: Okay.

5 CHAIRMAN COOPER: Per count.

6 MR. SAXON: Per violation, right. And what that means is

7 -- I'll give an example from another board. You

8 might have -- say you've built a house and you have

9 violated -- this really happened -- there are 96

10 violations of the building codes and standards.

11 That doesn't mean you get to charge per 96. It

12 means, in the formal complaint, if they've got

13 you've violated five parts of the statute, then it

14 would be times five, if you wanted to do that.

15 Now some are redundant. So it doesn't mean you

16 would -- because one of them will say "for violation

17 of any part of this practice act." You know, we

18 wouldn't go that far to stack on another \$5,000 or

19 whatever. But per violation is the generally

20 accepted language.

21 CHAIRMAN COOPER: Okay. In regards to this also, do we

22 want to separate anything out? I mean, the one

23 thing I see that seems to be a big problem is all

24 these consent agreements that have to be signed by

25 these funeral directors who did not renew their

1 license on time. Do we want to -- do we want to put
2 something set in there for habitual offenders?

3 MR. SAXON: Uh-uh.

4 COURT REPORTER: Is that a no, sir?

5 MR. SAXON: That's a no. And that's really something for
6 another --

7 CHAIRMAN COOPER: Okay.

8 MR. SAXON: If you want to go into an executive session,
9 we could do that, so it's not recorded.

10 CHAIRMAN COOPER: I think that's fine, for another
11 time.

12 MR. SAXON: Okay.

13 CHAIRMAN COOPER: So finish with eight. I think we need
14 to back back up to this cremation deal. When we
15 were talking about the crematories, it's come to my
16 attention that no where in our statutes do we have
17 anything requiring a crematory to have
18 refrigeration.

19 MR. TEMPLES: That is correct.

20 CHAIRMAN COOPER: It says "holding area," but holding
21 area does not necessarily require refrigeration --

22 MR. SAXON: Would you want to add the word "refrigerated
23 holding area"?

24 CHAIRMAN COOPER: We need to do something because if --

25 MR. SAXON: Amy, where --

1 CHAIRMAN COOPER: -- people are holding -- if a crematory
2 is holding these bodies and do not have proper
3 refrigeration, that's --

4 MS. HOLLEMAN: In --

5 CHAIRMAN COOPER: -- that presents health risks.

6 MS. HOLLEMAN: -- 57-14.2(d) says "If the crematory
7 provides a refrigeration unit for the holding
8 bodies in its custody for 24 or more hours, it must
9 meet the following standards." But I don't think it
10 says you have to.

11 MR. SAXON: Okay. Does the statute address it?

12 MR. TEMPLES: No, ma'am. No, sir.

13 MR. SAXON: Okay. And y'all want it to?

14 CHAIRMAN COOPER: Yes, we do.

15 MR. TEMPLES: Yes, sir.

16 MR. SAXON: All right.

17 MS. HOLLEMAN: Does that need to be in the funeral
18 establishment definition? Or does the regular
19 funeral home not have refrigeration?

20 CHAIRMAN COOPER: No. That needs to apply to a
21 crematory.

22 MR. BEASLEY: Well, is there a time frame as to how long
23 a funeral home can hold a body before they're
24 cremated, after authorization has been signed?

25 MR. CRAWFORD: Until you can't stand it.

1 MR. TEMPLES: And Kenneth, a crematory must have some
2 type of refrigeration and you're under a contract.
3 You're subbing with a crematory gives you the
4 opportunity to say "may I bring this decedent to
5 you, until we get the correct paperwork."

6 CHAIRMAN COOPER: That's what I'd do. Also, Amy, in 40-
7 19-265 on Page 22, under D, a permit for a crematory
8 may be issued if" -- do we not need to change the
9 radius there on No. 4 from 25 to 35 --

10 MR. SAXON: Yes.

11 CHAIRMAN COOPER: -- there also?

12 MR. SAXON: Already did.

13 CHAIRMAN COOPER: You did it on D?

14 MR. SAXON: Already did. Uh-huh.

15 MS. HOLLEMAN: So under "permit for crematory," under D
16 there, you want to add in a No. 8 for something of
17 the like that says "must have refrigeration"?

18 CHAIRMAN COOPER: Yeah. It's required to have the
19 adequate refrigeration.

20 MR. SAXON: For the retention of a body.

21 MR. TEMPLES: That is correct. And I know that sounds
22 strange, but if you can spend \$90,000 on a hearse
23 you can spend \$4,000 on refrigeration. Five, excuse
24 me.

25 MR. SAXON: So this is 265 --

1 MS. HOLLEMAN: If you don't want to add it to other
2 funeral establishments.

3 MR. TEMPLES: No.

4 MR. SAXON: So this is just going to be a new one, D-8.

5 CHAIRMAN COOPER: D-8.

6 MR. TEMPLES: But we would not get that passed.

7 MR. BAKER: No.

8 MS. HOLLEMAN: See, like, you couldn't just put dry ice
9 under the trunk of a person --

10 MR. TEMPLES: But dry ice is going to dissipate.

11 MS. HOLLEMAN: True.

12 MR. SAXON: All right. That will be under a new 265-
13 D(8). D as in dog.

14 MR. TEMPLES: And we're all in agreement with that?

15 MR. SAXON: That okay, Jennifer?

16 MS. COOPER: Uh-huh.

17 MR. CRAWFORD: Yes.

18 CHAIRMAN COOPER: Sorry. I didn't mean to take y'all
19 backwards, but --

20 MR. TEMPLES: No. Thank you.

21 CHAIRMAN COOPER: Okay. No. 9, preceptor training.
22 Statute, define "preceptor." Do you have a
23 definition of it?

24 MS. HOLLEMAN: In our --

25 MR. TEMPLES: It is vague.

1 MS. HOLLEMAN: 701(a), we define supervisor. But I don't
2 think it's in the statute

3 MR. SAXON: We could put it -- it is defined in the
4 regulation?

5 MS. HOLLEMAN: Uh-huh.

6 MR. SAXON: We could put -- if y'all are comfortable with
7 that definition --

8 CHAIRMAN COOPER: What page is that on now?

9 MS. HOLLEMAN: That's on 30. It's 57-31(a). And then I
10 don't think it's in -- I don't believe it's in the
11 statute.

12 MR. SAXON: Well, that could be under definitions in 20;
13 couldn't it?

14 MS. HOLLEMAN: Right. Yeah, I would probably guess so.
15 Because, I mean, there's apprentice that tells you
16 that you're under the supervision of --

17 CHAIRMAN COOPER: And then it says under statute,
18 "preceptor must be licensed a minimum of five years
19 before they can train an apprentice." So does that
20 not need to just go back --

21 MS. HOLLEMAN: The apprentice, by the way, Jamie, is 40-
22 19-240.

23 MR. EVANS: Is this the minimum of this preceptor --
24 Madam Chairman, is this not all referring to -- by
25 having a preceptor -- is that --

1 MR. SAXON: Do preceptors only apply to apprentices?
2 MS. HOLLEMAN: Yes.
3 MR. TEMPLES: That is correct.
4 CHAIRMAN COOPER: I'm not clear on that, really, Brad.
5 MR. EVANS: Okay. Just wanted to know. I knew that came
6 up.
7 MR. SAXON: Well, then it might --
8 CHAIRMAN COOPER: Right. I mean --
9 MR. EVANS: Their terminology of a preceptor.
10 CHAIRMAN COOPER: Yeah, because I think this is actually
11 brought up to specifically deal with Piedmont Tech
12 and --
13 MR. CRAWFORD: Right.
14 CHAIRMAN COOPER: -- not our regulations.
15 MR. TEMPLES: That's correct.
16 MR. EVANS: Because I think they are seeking our
17 definition.
18 MR. SAXON: I had brought a definition somewhere. Well,
19 Amy, then, should we do an F under 240, if it only
20 applies to apprentices?
21 CHAIRMAN COOPER: No, no. We're talking about applying
22 to the school also.
23 MR. SAXON: Okay. Okay.
24 MS. HOLLEMAN: Schools? You're talking about for a
25 student?

1 CHAIRMAN COOPER: Well, no. This came up with Piedmont
2 Tech.

3 MS. ELROD: -- doing a training course for a preceptor.

4 MS. HOLLEMAN: Right. Right. And that is a -- correct
5 me if I'm wrong. I believe that's because the board
6 has mentioned several times in the past, though I
7 have not heard recently, that some sort of preceptor
8 training -- or even if it is "continuing education,"
9 that the board I believe came up with, they thought
10 would be necessary. I think then Piedmont Tech
11 offered to create such a program, which you guys, if
12 I'm correct, did not --

13 MR. CRAWFORD: You're right.

14 MS. HOLLEMAN: -- care to engage in.

15 MR. CRAWFORD: You're right.

16 MS. HOLLEMAN: And then that's where this comes from.

17 And then, of course, the five years, you guys have
18 mentioned multiple times that you wanted, you know,
19 to be licensed for a certain period of time.

20 Because I can get a license and then train somebody
21 right away --

22 MR. SAXON: Exactly.

23 MS. HOLLEMAN: -- currently. Even though I wouldn't know
24 much of anything really.

25 MR. EVANS: We'll give you credit.

1 MR. SAXON: So you want five years of licensed practice
2 before being a preceptor?

3 MS. HOLLEMAN: I believe that --

4 MR. TEMPLES: That is correct, Jamie.

5 MR. TEMPLES: Yep.

6 MS. HOLLEMAN: And I would think that 240 would be okay.

7 But do you need to add it to the definitions --

8 (Talking over one another.)

9 MR. SAXON: Yeah.

10 MR. BAKER: I think the five year license needs to be a
11 South Carolina license.

12 CHAIRMAN COOPER: And could we not add it to 24(e)?

13 "Only two apprentices at a time are permitted to
14 register under any one person licensed as a funeral
15 director/embalmer, each sponsor for a registered
16 apprentice. You must be actively connected with a
17 funeral establishment."

18 MS. HOLLEMAN: I would say that would be -- because
19 that's the only place the statute --

20 CHAIRMAN COOPER: And be licensed --

21 MS. HOLLEMAN: -- says anything about it.

22 CHAIRMAN COOPER: And be licensed for five years.

23 MR. BAKER: South Carolina licensed.

24 CHAIRMAN COOPER: And have a -- yeah, each --

25 MR. SAXON: Licensed to practice in South Carolina.

1 CHAIRMAN COOPER: Yeah. Each sponsor for a registered
2 apprentice must be actively connected with a funeral
3 establishment and be licensed in the State of South
4 Carolina for a minimum of five years.

5 MR. SAXON: Well, that's different than what we had said
6 before. We had said "licensed to practice." So you
7 can be licensed without actually practicing. I
8 think if you want somebody --

9 CHAIRMAN COOPER: This says "actively connected with a
10 funeral establishment."

11 MS. HOLLEMAN: Right. Right.

12 MR. SAXON: Okay.

13 CHAIRMAN COOPER: See, it already says this: "Each
14 sponsor for a registered apprentice must be actively
15 connected with a funeral establishment." And then
16 we add to it, "And have a valid South Carolina
17 license, for a minimum of five years," or something.

18 MR. SAXON: Or just put a comma instead of a period after
19 establishment and say "and be licensed in South
20 Carolina at least five years."

21 CHAIRMAN COOPER: Right.

22 MS. HOLLEMAN: And then I don't know if this is something
23 that would happen just when -- it's clear in the
24 regs, but you may also want to add that 57-01(a).

25 I have a question, just because -- I hope you

1 guys will correct me if I'm incorrect here. But I
2 know I personally receive a great many phone calls
3 from people who are confused about when they have to
4 be present with their apprentice. Do you want that
5 in the statute as well? They're looking for it in
6 the statute. When I point it out to them in the
7 regulation, and it's like "Oh." Does that need to
8 be in the statute, as well as regulation?

9 MR. SAXON: Simply because statute controls.

10 MS. HOLLEMAN: Right. And so that's what's in 57-
11 01(a).

12 MR. SAXON: Well, we could add it to this (e). Would
13 that make -- read what you're talking about, Amy.

14 MS. HOLLEMAN: It's when the apprentice is assisting a
15 funeral, directing activities or involved in
16 activities, a supervisor must be present.

17 MR. SAXON: Why can't we just add that sentence to No. E
18 here?

19 MR. TEMPLES: That would be great.

20 MR. SAXON: Does that suit y'all? I see nodding of
21 heads.

22 MR. EVANS: Yes.

23 MR. TEMPLES: Yes.

24 CHAIRMAN COOPER: Yes.

25 MR. SAXON: All right. Help me remember to add that. Is

1 that the last sentence under --

2 MS. HOLLEMAN: That's the last sentence to 57-01(a).

3 Also, is there a need to clear up "must be present"?

4 Because a lot of people think "must be present"

5 means I have to be in the building, but not in the

6 room.

7 MR. SAXON: Now in other boards, it generally means you

8 have to be present on the premises.

9 MR. EVANS: Yes.

10 MR. TEMPLES: Correct.

11 CHAIRMAN COOPER: And that's what my understanding always

12 was. But --

13 MS. HOLLEMAN: So we end up with apprentices in embalming

14 rooms alone because the preceptor is on the

15 premises. Is that okay?

16 BOARD MEMBERS: Yes.

17 MR. SAXON: I think that's okay.

18 CHAIRMAN COOPER: It's okay. I mean, it's okay with me

19 because I would expect the person to stop if they

20 had a problem, and I'm readily available --

21 MR. CRAWFORD: That's right.

22 MR. EVANS: I totally agree.

23 MS. ROSE: And in the regs; it has direct and that's what

24 y'all wanted it to say, before because you wanted it

25 that room with them.

1 CHAIRMAN COOPER: I didn't.

2 MR. SAXON: But that was in the regs, Jeanie, but not in
3 the statute, as far as I can tell. All right.
4 What's the consensus of the board?

5 MR. EVANS: On the premises.

6 MR. SAXON: Just on the premises. Not necessarily in the
7 room.

8 MR. EVANS: Right.

9 MR. SAXON: All right. Then we can add that last
10 sentence from 57-01.a to 40-19-240(e), if that suits
11 y'all.

12 MR. TEMPLES: I will agree.

13 MR. SAXON: Is there anybody who disagrees that you want
14 them in the room? Or do you want direct supervision
15 or some other definition of that? Or is "on
16 premises" sufficient?

17 BOARD MEMBERS: On premises.

18 MR. SAXON: On premises is sufficient, okay. I think
19 we've got a --

20 MS. HOLLEMAN: Do you want to write that in the law? Or
21 just the --

22 MR. SAXON: I think we're going to add it to the statute,
23 "present on the premises." We'll add that somehow
24 to No. E, subsection E.

25 MR. TEMPLES: I would not want to have an apprentice turn

1 me in for that statute and Shelly giving me a \$5,000
2 fine for not being in the room.

3 MR. SAXON: Amy, I'll get with -- you and I can get
4 together and we'll figure it out -- sentence of 57-
5 01(a).

6 (Talking over each other.)

7 CHAIRMAN COOPER: Well, sometimes they need to be alone.

8 MS. HOLLEMAN: Yes, I'm sorry.

9 MS. ELROD: Jamie, may I has a question?

10 MR. SAXON: Yes.

11 MS. ELROD: As far as the statute, we're going to make
12 those changes as far as the regulation. Should we
13 take "direct supervision" out? Or just leave it
14 alone? Just asking.

15 MR. SAXON: I'm not sure that they're contradictory.
16 Because your supervisor is there. You're under the
17 direct supervision of Jeff Temples. He's on
18 premises. So I think that's -- I don't think
19 they're contradictory. So I think we're okay there.

20 CHAIRMAN COOPER: I think so as well. Okay. Are we
21 ready to move on to apprentices?

22 MR. SAXON: Are we on No. 10 now?

23 CHAIRMAN COOPER: Yes. Regulations state ten days to
24 file quarterly reports; we allow 30. I'm good with
25 the 30 because we allow a 30-day grace period with

1 licensure and everything else.

2 MR. SAXON: Amy, what section are we on?

3 MS. HOLLEMAN: 57-0 --

4 MR. SAXON: No, no. Is this in the statute?

5 MS. HOLLEMAN: It's in the regs. The statute does not
6 say how long we have to have it in. The statute
7 just says, I think --

8 MR. SAXON: Tell me what section that is and we'll add
9 it.

10 MS. HOLLEMAN: Okay. It's in the statute 40-19-240©).

11 It's "apprentice shall quarterly report back to the
12 board on forms provided by the board, indicating the
13 work which has been completed during the preceding
14 three months." But it does not --

15 CHAIRMAN COOPER: "The report must be certified by the
16 licensee under whom the apprentices served, and must
17 be submitted to the board within 30 days of the
18 completion of the quarter."

19 MS. HOLLEMAN: Right. And then the regulations --

20 MR. SAXON: Bear with me one second.

21 MS. HOLLEMAN: Sorry.

22 MR. SAXON: All right. So let me make sure we've got a
23 consensus here. We add a comma and we remove the
24 period after "served." Put a comma and put "and
25 must be submitted to the board within 30 days of the

1 report's completion." Okay.

2 CHAIRMAN COOPER: It must be what now?

3 MR. SAXON: "Must be submitted to the board within 30
4 days of the report's completion."

5 CHAIRMAN COOPER: No. Must be submitted to the board
6 within 30 days of the completion of the quarter.

7 MR. SAXON: Of the quarter's completion.

8 CHAIRMAN COOPER: Yeah.

9 MR. SAXON: But don't they have to do a quarterly report?

10 MR. CRAWFORD: Yes.

11 MR. EVANS: Yes.

12 MR. SAXON: Okay. Of the quarterly report's completion.
13 Or the end of the quarter.

14 MS. HOLLEMAN: I would say end --

15 CHAIRMAN COOPER: Of the quarter.

16 MR. SAXON: -- of the quarter's end.

17 CHAIRMAN COOPER: Because when you say --

18 MR. SAXON: That sounds better than completion. That
19 sounds like you're drafting something. So "of the
20 quarter's end." The end of the quarter.

21 CHAIRMAN COOPER: Must be submitted --

22 MR. SAXON: Within 30 days of the end of the quarter.

23 CHAIRMAN COOPER: -- within 30 days of the quarter's end,
24 yeah.

25 MR. SAXON: Yeah.

1 CHAIRMAN COOPER: That's fine.

2 MR. SAXON: Got it.

3 MS. HOLLEMAN: Do we need to worry about the
4 regulation --

5 MR. SAXON: Yes. What is that section?

6 MS. HOLLEMAN: 57-06.1(3) where it says "no less than ten
7 days after the deadline.

8 MR. SAXON: Aside from the grammar that should say "no
9 fewer," it says ten days?

10 MS. HOLLEMAN: No. It says "no later than ten days." I
11 apologize; I can't read.

12 MR. SAXON: We should work for that repeal, or change to
13 30 days. Jennifer, what do you think? Just have it
14 added -- just have it changed from ten days to 30
15 days?

16 MS. COOPER: Sure. That's fine.

17 MR. SAXON: Okay. All right. That takes care of
18 10(a).

19 CHAIRMAN COOPER: I think B has also been taken care of.

20 MR. SAXON: Okay.

21 MS. HOLLEMAN: So, Jamie, currently, C, 1 and 2 is a
22 policy. And we've been told that --

23 MR. SAXON: We can't do policies.

24 MS. HOLLEMAN: Yeah. In order for us to require it, it
25 cannot remain policy.

1 MR. SAXON: That's correct.

2 MS. HOLLEMAN: So that's the policy we need to add it to.

3 I don't know how you want to do that. I'm guessing
4 you don't want to just say -- I can get you what the
5 actual --

6 MR. SAXON: Yes. Let's first decide where we want to put
7 it. And I would --

8 CHAIRMAN COOPER: You just add it under the 40-19-240,
9 because this is all dealing with the requirements of
10 apprentices. And it can be added to Item C, I
11 think, "An apprentice quarterly shall report to the
12 board on forms provided by the board, indicating the
13 work which has been completed during a preceded
14 three months. The report must be certified by the
15 licensee under whom the apprentice has served." And
16 then we got that, "and submitted," dah, dah, dah,
17 dah. And then you can put the requirements --

18 MS. HOLLEMAN: But would that not be better suited under
19 D where it says that you have to have assisted in at
20 least 50 funerals, of which 25 cases must consist of
21 blah, blah, blah, blah, blah? I mean, I don't know
22 which would be --

23 MR. SAXON: Yes.

24 MS. HOLLEMAN: -- better.

25 MR. SAXON: I think that would be better.

1 CHAIRMAN COOPER: Okay.

2 MR. SAXON: Since we're talking about requirements for it
3 anyway. And, Amy, you and I --

4 CHAIRMAN COOPER: Wait a minute. Now, D says "funerals,"
5 but does it mention embalming?

6 MR. SAXON: Yes. "Embalming of at least 50 bodies."

7 MS. HOLLEMAN: It's to -- first it says embalming, the
8 second one is 50 funerals. So by embalming --

9 CHAIRMAN COOPER: Oh, okay, I'm sorry.

10 MS. HOLLEMAN: -- 25 must consist of whatever in ORSR.

11 CHAIRMAN COOPER: Okay. I got you.

12 MR. SAXON: And, Amy, you'll work with me and Jennifer in
13 drafting that?

14 MS. HOLLEMAN: Right. And I'll get you what those tasks
15 are.

16 CHAIRMAN COOPER: Okay. No. 11, we've also covered that.
17 It's the new --

18 MR. TEMPLES: Madam Chairman, can we go back to C just
19 very quickly?

20 CHAIRMAN COOPER: Yes, sir.

21 MR. TEMPLES: Are we saying that an apprentice -- what's
22 going to be the required hours that an apprentice
23 must work per week?

24 CHAIRMAN COOPER: Well, it says they must be a full-time
25 employee of a funeral home. So that that would be

1 the 35.

2 MR. TEMPLES: Okay.

3 MS. HOLLEMAN: Does that need to be defined in statute,
4 Jamie -- it's in the reg -- what full time? It's
5 defined in the regs.

6 MR. SAXON: I would.

7 MS. HOLLEMAN: Okay. Because that is -- full time
8 employee is 57-01(d).

9 MR. SAXON: 57-01 --

10 MS. HOLLEMAN: D. "Full time employee means a person
11 who's work schedule requires that a minimum of 35
12 hours per week for the entire normal year of
13 operating."

14 MR. SAXON: Well, do you want to add "full time
15 employment" under definitions?

16 MR. TEMPLES: Yes.

17 MR. SAXON: And it's 57-01(d), as in dog?

18 MS. HOLLEMAN: Correct.

19 MR. SAXON: Why don't we add that after No. 2,
20 "Apprentice," do No. 3 -- a new No. 3, and then
21 start a renumbering. Y'all okay with that?

22 MR. TEMPLES: I'm okay with that. And that protects the
23 apprentice as well. And then the full-time
24 employee.

25 MR. CRAWFORD: Yep.

1 CHAIRMAN COOPER: But does that not need to be addressed
2 also in 49-19-240 where it's talking about
3 eligibility and stuff like that? Shouldn't it be in
4 Item No. A? Or Item A?

5 MR. TEMPLES: What page is that?

6 CHAIRMAN COOPER: Page 18. Shouldn't it say "A person
7 desiring to become an apprenticed funeral director
8 and embalmer shall apply to the board on forms
9 provided by the board." I mean, somewhere in there,
10 shouldn't it say --

11 MR. SAXON: The applicants be at least 18 years of
12 age.

13 CHAIRMAN COOPER: -- shall take the oath contained on the
14 application form and should submit a fee established
15 by the board and regulation and must be a full-time
16 employee of the funeral home, of the funeral
17 establishment."

18 MR. TEMPLES: I agree.

19 CHAIRMAN COOPER: Okay. Got that under A?

20 MR. SAXON: Uh-huh.

21 MS. HOLLEMAN: Oh, yeah, because that is in the reg that
22 not be --

23 CHAIRMAN COOPER: We through with the apprentices and
24 students and all now? Okay. So we're --

25 MR. CRAWFORD: 12(b).

1 CHAIRMAN COOPER: Oh, yeah, we're on 12(b) "Continuing
2 education requirements and the audit. The very item
3 that got me in hot water.

4 MR. TEMPLES: What is the current regulation as far as
5 statute or policy say, as we speak, concerning audit
6 of continuing education?

7 MR. SAXON: Amy, you'll have to tell me that.

8 MR. EVANS: Is it a statute?

9 MS. HOLLEMAN: It's 40-19-250.

10 MR. TEMPLES: What page?

11 MS. HOLLEMAN: Twenty.

12 CHAIRMAN COOPER: Twenty.

13 MS. HOLLEMAN: See here. And then -- so that's where it
14 tells you that you have to have it.

15 MR. EVANS: Doesn't say you have to be audited.

16 MR. SAXON: No.

17 MR. TEMPLES: No.

18 CHAIRMAN COOPER: And also, we made it policy and we need
19 to address this here that you don't necessarily have
20 to have the three hours per year. You have to have
21 six hours upon renewal.

22 MR. TEMPLES: Yes. That is correct.

23 MS. HOLLEMAN: Is that going by -- for this board?

24 MS. ELROD: Huh?

25 MS. HOLLEMAN: Is renewal going by --

1 MR. SAXON: Still by any of it, yes.

2 MS. HOLLEMAN: And I apologize. I can't read it because
3 my book is not printed well. But on Pages 40 and
4 41, which is Article 4 of 57-11, there is -- that's
5 the continuing education regulation. But I don't --

6 MR. EVANS: There again, there's nothing in there that
7 says "audit."

8 MS. HOLLEMAN: Okay. Good. Thank you. I couldn't read
9 it.

10 MR. SAXON: What do y'all want it to say about
11 auditing?

12 CHAIRMAN COOPER: Well, let's go back to the -- we need
13 to get these three hours per year out of here
14 because when we went to renewing license every two
15 years rather than every year --

16 MR. SAXON: So you want six hours biannually?

17 MS. ELROD: But if I'm not mistaken, I believe the
18 policy, it was six hours biannually in the two year
19 licensing period.

20 MR. SAXON: It's all the -- really, I would just change
21 "three" to "six" and "annually" to "biannually."

22 MR. EVANS: So the audit is not a reg or a stat; it was a
23 policy.

24 CHAIRMAN COOPER: That was a policy.

25 MS. HOLLEMAN: I will tell you, if it is of any

1 consequence or matters to anyone, on cemetery and
2 accountancy, it will say like -- it says that we can
3 call for reports or -- I don't know if you want this
4 added to the audit.

5 CHAIRMAN COOPER: Well, we used to have to prove our
6 continuing education upon renewal. So we either
7 need to --

8 MR. SAXON: We could add the --

9 CHAIRMAN COOPER: -- put that back in place or a lot of
10 things have to be changed because the papers that we
11 get from the continuing educations says that we only
12 have to retain them for one year.

13 MS. HOLLEMAN: Okay.

14 CHAIRMAN COOPER: And if you got your six hours in the
15 first year, you're no longer required to retain
16 that. And you renew the second year, and you call
17 for proof --

18 MR. SAXON: Well, how about adding, "the board may audit
19 a licensees continuing education credits at
20 renewal"? And just say "may." Doesn't mean you
21 have to, but it means you have the option. Is that
22 what y'all are looking for? I'm may be --

23 MR. EVANS: I think there was some concern -- my
24 understanding is that when an audit letter went out
25 a few weeks ago to a select group -- not a select

1 group, but a random group --

2 MS. HOLLEMAN: It was a random --

3 MR. EVANS: -- random. And then it kind of caught a lot
4 of folks off guard.

5 CHAIRMAN COOPER: Yeah. Because, I mean, the board
6 didn't even know about it.

7 MR. EVANS: So I think that's the concern.

8 MR. SAXON: Or we could put "the board may randomly audit
9 ones CE credits at any time."

10 MR. TEMPLES: At their discretion.

11 MR. SAXON: At its discretion. At the board's
12 discretion.

13 CHAIRMAN COOPER: For a licensing period. For that
14 specific licensing period.

15 MR. SAXON: I don't know that I'd even be that specific.

16 CHAIRMAN COOPER: Well, you have to be because then we
17 have to pile up all these records for --

18 MR. SAXON: Okay.

19 CHAIRMAN COOPER: -- years.

20 MR. CRAWFORD: What I'm going to say, Ernest couldn't
21 check that?

22 MS. ELROD: Uh-uh.

23 MR. CRAWFORD: He couldn't?

24 MR. ELROD: Uh-uh.

25 MR. EVANS: Well, specifically speaking -- and Tommy,

1 correct me on this, or Shelly, or Jeff -- I mean, I
2 know like when we attend the South Carolina Funeral
3 Director's Conference in the winter, we hand our
4 copy of it to our association board person. But
5 they sign it and they keep a copy of it. We keep
6 one copy. Down at the bottom it says "Retain this
7 for one year, well." And if you say "may," you
8 know, we're assuming the association is going to
9 retain those copies.

10 MS. HOLLEMAN: Should there be a retention period
11 specified in the statute or regulations Accountancy
12 Board, for instance, even though we never audit past
13 three years, they're required to maintain copies of
14 their certificates for a period of five -- five by
15 the way, just using that as an example.

16 MR. EVANS: And we don't need to depend on like the
17 association to keep those copies.

18 MR. EVANS: No. That would be up to the licensee.

19 MR. EVANS: That would be up to the licensee.

20 CHAIRMAN COOPER: Well, Mike Squires is going to have a
21 problem keeping these records.

22 MR. EVANS: I know that. But I'm simply -- if you put
23 all the funeral directors in South Carolina in a
24 basket, does the Mortician's Association keep a copy
25 of everything?

1 MR. CRAWFORD: Yeah.

2 MS. HOLLEMAN: But then you're required to be a member of
3 the association.

4 CHAIRMAN COOPER: That's exactly right. And so we --
5 yeah, Brad's right. We have to do it the other way.

6 MR. EVANS: You got to put it back on the licensee.

7 MR. SAXON: We can still do this under 250 and just say
8 "a licensee must retain his or her CE credit records
9 of his or her CE credits, for a minimum of three
10 years.

11 CHAIRMAN COOPER: Two years, the licensee period --

12 MR. EVANS: You have a lot of funeral directors that
13 don't go to these conventions or meetings and they
14 take an online course or through the mail course.
15 We can't regulate those things. They need to keep
16 copies of that.

17 CHAIRMAN COOPER: That's exactly right.

18 MR. EVANS: They are responsible.

19 MR. BEASLEY: Well, I don't know how it is South
20 Carolina. SCMA, we feel like that that's part of
21 the problem for some of these renegade funeral
22 homes. They need to be a part of one.

23 MR. EVANS: Right.

24 MR. BEASLEY: If we can drive towards that particular
25 goal, I think that it would be --

1 MR. CRAWFORD: Be better on everybody.

2 MR. BEASLEY: -- better on everybody.

3 MR. SAXON: All right. A licensee must retain records of
4 his or her continuing education credits for a
5 minimum of two years. And these may be randomly
6 audited by the board, period.

7 MR. EVANS: Does that help, anyone?

8 MS. HOLLEMAN: Yeah, it helped. Whatever you guys --

9 MR. SAXON: I think that's simple. Are you -- is there a
10 pause? Jeanie, you wanted to say something earlier.

11 MS. ROSE: I was just going to say that those forms that
12 the different associations have -- I hate to say
13 this, but it goes back to the '90s when I started
14 working here. They've come before the board, to get
15 approved, and they would get the forms approved.
16 And then the agency was letting us, you know, keep
17 the stuff in the computer. Every year, we put down
18 what they had. And then the agency's the one that
19 got us -- audit, so that we didn't have to keep up
20 with that. It was up to the applicant. So that's
21 what happened. So we haven't approved it since the
22 '90s.

23 MR. EVANS: So I think we also need to approve some forms
24 associated --

25 MR. SAXON: Well, that would be done --

1 MR. EVANS: That's policy.

2 MR. SAXON: Yeah. That's not really something we'd deal
3 with statutorily.

4 MS. HOLLEMAN: In regards to 57-11©), I think probably
5 needs to be repealed. It says "A continuing
6 education program shall be offered by the board at a
7 minimum of four times a year at locations easily
8 accessible to participants and shall be available
9 through a self-study video program. The board will
10 periodically -- the list of approved classes." Is
11 there a board class offered?

12 MR. SAXON: Do y'all do that?

13 CHAIRMAN COOPER: No. I think C needs to be removed.

14 MS. HOLLEMAN: Okay.

15 MS. ROSE: That's another thing they have -- four times a
16 year in different areas. And the agency actually
17 stopped this. So what they did is they said it had
18 to be made available. And through all these courses
19 they talk about now, like -- CME, that is something
20 out there that they sent to funeral homes or you
21 could go on the computer and do them. So there is
22 something out there --

23 MR. SAXON: Right. But this says the board has to do it.

24 So I think that --

25 MS. HOLLEMAN: This says that the board offers it. And

1 the last sentence is, "The board will periodically
2 just make, you know, a list approved classes." The
3 board does maintain a list of approved classes --

4 MS. ROSE: On the website.

5 MS. HOLLEMAN: -- on the board's website.

6 MR. EVANS: So you can delete all of that, except for
7 that one sentence.

8 MS. HOLLEMAN: I was going to say, so you may want to
9 change -- do you want me to change the last sentence
10 to "The board shall maintain a list of approved CE
11 classes -- continuing education classes and" --

12 MR. SAXON: Well, we can seek that as a change in the
13 regs.

14 MS. HOLLEMAN: If we need to. I was just pointing out
15 that that's --

16 MR. SAXON: All right now, tell me again what you were
17 envisioning. "The board shall" --

18 MS. HOLLEMAN: Oh, just shall maintain a list of approved
19 CE continuing education courses.

20 MR. SAXON: Okay.

21 MS. HOLLEMAN: Because we do maintain a list of the
22 approved courses. It's on our website.

23 MR. SAXON: Right.

24 CHAIRMAN COOPER: I have not seen the list of approved
25 courses, but I had talked to Mike Squires about

1 this. I send Robin every year to the Academy of
2 Graduate Embalmers of Georgia, where she attends
3 these classes, and she has proof of this. Is that
4 something that is listed on our website? Is that
5 something that would be board-approved?

6 MS. HOLLEMAN: I don't --

7 CHAIRMAN COOPER: The Academy of Graduate Embalmers of
8 Georgia.

9 MS. HOLLEMAN: -- is it in Georgia. If they have
10 submitted a request that we approve it --

11 MS. ELROD: On our website, on the wall, this is
12 basically the requirements for submitting in
13 approval.

14 CHAIRMAN COOPER: I can't read that.

15 MS. ELROD: Why not? Basically, it just gives approval
16 for a continuing education class.

17 CHAIRMAN COOPER: What I'm asking is if Robin submitted
18 that, which is in-depth training really --

19 MR. SAXON: Well, how about this.

20 CHAIRMAN COOPER: -- is it going to be acceptable?

21 MR. SAXON: How about if we do this: "The board shall
22 maintain a list of approved continuing education
23 courses. Other continuing education courses may be
24 approved at the board's discretion, at the
25 licensee's request.

1 MS. ELROD: Is it a -- from what she took in Georgia, is
2 it something that's approved as far as continuing
3 education in Georgia?

4 CHAIRMAN COOPER: Yes.

5 MS. ELROD: Normally, Jamie, what we have done -- of
6 course, which is the policy, if it is something that
7 is approved as far as continuing education in
8 another state, if they can obtain a letter, stating
9 it is approved in that other state, we usually do
10 honor it.

11 MR. SAXON: Right. But that's just a policy and
12 practice. And I think it might be safer if we add
13 this to -- if we try to get this in the reg. Repeal
14 the part of 57-11©) that we talked about, but add
15 "The board shall," just that one sentence. And that
16 way, the licensee can always request something. It
17 may be something perfectly acceptable. And that
18 way, it protects the board, protects that licensee
19 and everything's honkey dorey.

20 MS. HOLLEMAN: Actually, I just realized that 40-19-250
21 also says there's a class four times a year.

22 MR. SAXON: 40-19-250?

23 MS. HOLLEMAN: Right. And -- regulation, a continuing
24 education program. And each licensee must attend a
25 minimum of three hours annually. I don't know if

1 that's written, actually, or if that's applicable
2 necessarily now.

3 MR. SAXON: I think I would just take out the phrase "up
4 until each," and do "each licensee must attend a
5 minimum of six credit hours annually -- of
6 continuing education hours biannually." "These CE
7 programs must be offered at a minimum," take that
8 out.

9 MS. HOLLEMAN: Yeah, because they aren't offering them
10 anymore.

11 CHAIRMAN COOPER: Board's not doing that.

12 MS. HOLLEMAN: And then, of course, you want to leave, I
13 believe, the exemption for persons who are --

14 CHAIRMAN COOPER: Sixty or --

15 MS. HOLLEMAN: -- over 60.

16 CHAIRMAN COOPER: As long as they're not the manager.

17 MS. HOLLEMAN: As long as they're not -- yes.

18 MR. CRAWFORD: How old 65; isn't it? Sixty?

19 MS. ELROD: Sixty or thirty years of service.

20 MR. CRAWFORD: Golly.

21 MS. ELROD: Don't you?

22 (Off-the-record discussion.)

23 CHAIRMAN COOPER: That's what I say, I mean, is Robin's
24 attending The Academy of Graduate Embalmers going to
25 be accepted? Or does she have to go to a Wilbert

1 Vault seminar and eat dinner and watch them jump on
2 top of a stainless steel vault?

3 MR. CRAWFORD: Yes.

4 MS. HOLLEMAN: I want to do that.

5 (Off-the-record discussion.)

6 MR. SAXON: All right. So we're done with 12-B?

7 MS. ELROD: May we ask a question as far as -- since
8 we're talking about the 60 years of age or 30 years
9 of service? As far as the 30 years of service,
10 right now it doesn't state specifically for South
11 Carolina. We don't want it to be just South
12 Carolina, correct?

13 MR. SAXON: No.

14 MS. ELROD: Just want to make sure.

15 MR. SAXON: I don't think so. That's a long time --

16 CHAIRMAN COOPER: Lets see the 30 years because --

17 MS. HOLLEMAN: It's the last --

18 MR. SAXON: Under 250.

19 MS. HOLLEMAN: -- on 40-19-250. It's the last line,
20 actually. "Been licensed for 30 or more years,
21 before 60 years old or older."

22 CHAIRMAN COOPER: Well, I'm getting there close.

23 MR. CRAWFORD: I'm past.

24 CHAIRMAN COOPER: I've got to get somebody --

25 MR. SAXON: I don't think that needs to be --

1 CHAIRMAN COOPER: -- schooled.

2 MR. SAXON: -- defined as South Carolina, 30 years in
3 South Carolina. I'd leave it alone.

4 MS. ELROD: Well, see, that's what I was thinking.

5 MR. SAXON: Yeah. I'd say, no, it does not have to be
6 just in South Carolina.

7 MS. ELROD: Right now, that's what we've told them.

8 MR. SAXON: So what you're telling them is okay.

9 MS. ELROD: Yes.

10 MR. SAXON: yes.

11 MS. ELROD: We're telling them that's fine. It is not
12 specified in South Carolina.

13 MR. SAXON: That's right.

14 MR. CRAWFORD: And I see what you're saying.

15 CHAIRMAN COOPER: Okay. C.

16 MS. HOLLEMAN: That's 40-19-235. The question there is
17 for a person who's holding a license in a
18 substantially similar state. The examination of
19 what we have is a -- let's see here -- and in which
20 the person holds a license and has successfully
21 taken and passed that state law exam. We don't
22 mention a funeral director just that they passed
23 that state law exam.

24 MR. SAXON: Well, I think we talked about earlier putting
25 a national exam, approved by the board.

1 MS. HOLLEMAN: Do you want to do that? Or a passing
2 score on an examination, approved by the board, as
3 is?

4 CHAIRMAN COOPER: I think what we did in the previous
5 cases was if they -- if they had taken and
6 successfully passed the national exam, then they
7 were qualified to just take our state laws.

8 MS. HOLLEMAN: Correct. But that's not what you're
9 statute says. The statute says that they have taken
10 and successfully -- or excuse me, successfully taken
11 and passed --

12 MR. SAXON: That state law exam.

13 MS. HOLLEMAN: -- that state law exam. The state where
14 they're coming from.

15 CHAIRMAN COOPER: That state law. But what about --

16 MR. SAXON: See, that's what she's saying; it's not in
17 there.

18 MS. HOLLEMAN: It doesn't say that. It does for someone
19 who's been licensed for a period longer than five
20 years. But say I'm a funeral director coming from
21 North Carolina, which you guys consider
22 substantially similar. I've been licensed for one
23 year. I passed North Carolina's law exam. I
24 haven't passed the national exam at all. So the way
25 the statute's written, that doesn't say I have to go

1 back and take the national funeral director's exam
2 or the South Carolina funeral director's exam. It
3 just says I passed their state law exam.

4 MR. SAXON: So is the question whether we want to add
5 "Passed an examination approved by" -- "a national
6 examination approved by the board"? Or just "an
7 examination approved by the board"?

8 MR. CRAWFORD: You have to take the state law exam --

9 CHAIRMAN COOPER: National examination approved by the
10 board, plus the South Carolina state law exam.

11 MR. TEMPLES: You have to pass both --

12 MR. EVANS: Pass both.

13 MR. CRAWFORD: Yep, you've got to take both.

14 CHAIRMAN COOPER: If you've already passed the national,
15 then you can take our state law exam.

16 MS. HOLLEMAN: And do we need to add "state law" to both,
17 Jamie? Because it doesn't say that you have to have
18 state law. But, of course, everyone has to have --

19 MR. SAXON: Where are you?

20 MS. HOLLEMAN: 40-19-235.

21 MR. SAXON: Yeah, we would say --

22 MS. HOLLEMAN: Under the very last sentence, just for
23 people who are licensed for more than five years.
24 It doesn't say "state law." It just says "an
25 examination approved by the board."

1 MR. SAXON: And the South Carolina state law examination,
2 right.

3 MS. HOLLEMAN: That's what I'm asking. Should that --

4 BOARD MEMBERS: Yes.

5 MR. SAXON: There may be a little bit of redundancy
6 there, but I think that's all right.

7 MS. HOLLEMAN: So change both of those to read: "A
8 national examination approved by the board and the
9 South Carolina state law exam."

10 MR. SAXON: Now, what three? I see two. What's the
11 third one?

12 MS. HOLLEMAN: I thought I said --

13 MR. SAXON: Okay. Cool.

14 MS. HOLLEMAN: On two something.

15 MR. SAXON: And take out "that state law exam," and do
16 this: "National examination approved by the board,
17 as well as the South Carolina state law
18 examination." Or "and." That's better, "and."

19 CHAIRMAN COOPER: Yeah, "and."

20 MR. SAXON: Always better, fewer words. Okay.

21 CHAIRMAN COOPER: Are we good with that?

22 BOARD MEMBERS: Yes.

23 CHAIRMAN COOPER: I talked to Doris and we're going to
24 skip 13 because it's going to be too involved at
25 this point. We have to have find somebody who will

1 accept these bodies. You know, we've got to --
2 we've got to do a lot of -- we've got to do a lot of
3 work, prior to even thinking about introducing that.

4 Okay. No. 14, acceptance of certificate
5 program for funeral directors from Piedmont Tech.

6 I'm not sure I understand what that's asking.

7 MR. SAXON: That doesn't appear to be a statutory thing;
8 is it?

9 MS. HOLLEMAN: I'm going to have to defer to Jeanie on
10 this one. I think it's because it doesn't meet the
11 hours requirement for funeral director, right?

12 MS. ROSE: Right.

13 MS. HOLLEMAN: So our law says that a funeral director
14 has to have -- hold on a second -- has to have a
15 minimum of two years successful attendance at an
16 accredited academic college or successful completion
17 of a regular course of not less than one year, 12
18 scholastic months, in an accredited Mortuary
19 College.

20 CHAIRMAN COOPER: And what does --

21 MS. HOLLEMAN: So was that less than one year? I'll have
22 to defer there.

23 MS. ROSE: Well, 49-19-230, that's on Page 15. When we
24 only had the funeral director embalming course, it
25 said that it had to be -- it's an accredited

1 college, but it also said that course had to be
2 approved by the American Board of Funeral Service
3 Education. So the dual class is that the funeral
4 director and the one that they're trying to get,
5 they want to come up with a certificate for
6 embalming. Those are not approved by the American
7 Board of Funeral Service. But y'all have made it
8 like a policy that you thought --

9 MR. SAXON: We can't enforce a policy.

10 MS. ROSE: Okay.

11 CHAIRMAN COOPER: So how many hours is that program?

12 MS. ROSE: I think they're around 32, and you have to
13 have 60 semester hours in a regular accredited
14 college, if you want to be just a funeral director.

15 MR. SAXON: So let me just note for the record, we are
16 leaving the statutory discussion right now and
17 talking about something non-statutory.

18 MS. HOLLEMAN: I think the question was: Does it need to
19 be added to the statute.

20 MR. SAXON: Do we need to add that?

21 MS. HOLLEMAN: Because we cannot -- if I'm correct, we
22 should not accept something just because it's the
23 way we do it.

24 MR. SAXON: We can't.

25 MS. ROSE: Correct.

1 MR. SAXON: We can't.

2 MS. HOLLEMAN: Right. So if I'm correct -- and you guys
3 please tell me if I'm wrong, because I'm completely
4 ignorant here -- the Mortuary College is accredited
5 separately than Piedmont Technical College, which is
6 accredited through the Southern Association of
7 Colleges and Schools, right? The Mortuary College
8 is its own accreditation. So the dual program, the
9 two-year program, has been accredited by the
10 American --

11 MS. ELROD: American Board of Funeral Service.

12 MS. HOLLEMAN: -- Board of Funeral Service. But the one-
13 year program has not yet -- at this time at least --
14 been accredited through the American Board of
15 Funeral Service. So can we accept that, since it's
16 not the accredited program through the Mortuary
17 College?

18 MR. SAXON: Where do you find in the statute what is or
19 is not accepted?

20 MS. HOLLEMAN: Sorry. On 40-2 -- excuse me, 40-19-
21 230(b)(3). And that's where it says "or successful
22 completion of a regular course of not less than one
23 year, 12 scholastic months, in an accredited
24 Mortuary College." So Piedmont Technical College,
25 of course, is accredited through the Southern

1 Association of Colleges and Schools. Their dual
2 program is accredited by the National Funeral --

3 MR. SAXON: So are y'all asking whether we need to
4 specify what we mean by an accredited --

5 MS. HOLLEMAN: Well, the board has, by policy, accepted
6 that one-year program. But we either need to
7 clarify the statute or add that to the statute.

8 MR. SAXON: Yeah.

9 MR. EVANS: So we do accept that certificate?

10 MS. HOLLEMAN: We have.

11 MS. ROSE: Piedmont Tech came to us and they explained
12 that the people that are doing funeral director in
13 the accredited college, they attended 60 semester
14 hours. They're taking other things, like maybe a
15 business course or something. But then they have to
16 come back and have the 24 semester hours in the and
17 we have broken that down in the law book that
18 pertain to actual funeral directing, you know, the
19 embalming and the funeral directing.

20 So Piedmont Tech basically told us that they
21 sit in that same class and take -- I mean, they're
22 taking the same hours in that dual class, is what
23 they tried to tell us.

24 MR. SAXON: Then they ought to be accredited.

25 MS. HOLLEMAN: They're not -- it's a two-year program for

1 the dual class, so they can't be taking all the
2 same --

3 MS. ROSE: But what they're saying is the courses that
4 they took with -- they're taking like funeral
5 director over here and embalming over here and --

6 MS. HOLLEMAN: They're taking all the same funeral
7 director --

8 MS. ROSE: Right.

9 MS. HOLLEMAN: -- but they're not taking --

10 MS. ROSE: Right.

11 MS. HOLLEMAN: So they're getting half of the program.

12 MS. ROSE: They're getting half the program anyway.

13 MS. HOLLEMAN: So the question is: Can we accept that?

14 Or do we require them to do an additional -- if it's
15 32, 28 hours --

16 MR. SAXON: Well, right now we --

17 MS. HOLLEMAN: -- on top of that?

18 MR. SAXON: -- we can only do what B-3 says.

19 MS. HOLLEMAN: Correct. So we either need to change the
20 statute or we need to -- I think, but accepting, is
21 that right?

22 MR. SAXON: Yes. You're either going to quit accepting
23 what Piedmont is asking you to accept or alter
24 Subsection 3. And at the moment, it's mute because
25 you can't accept it until there's a change in this.

1 CHAIRMAN COOPER: So they're not accredited?

2 MS. HOLLEMAN: The two-year program is. The one-year
3 program is not.

4 MR. EVANS: I don't think we should accept it.

5 MR. SAXON: I don't think -- I don't know that I'd change
6 it.

7 (Talking over each other.)

8 MR. SAXON: I think I'd leave this just like it is.

9 CHAIRMAN COOPER: Did y'all not say that somebody had
10 accredited it?

11 MS. ELROD: No. The policy.

12 MS. HOLLEMAN: No, the school -- Piedmont Technical
13 College, in general, is accredited.

14 CHAIRMAN COOPER: I understand. But didn't y'all say
15 something about national --

16 MS. HOLLEMAN: The two-year program is the one-year is
17 not.

18 MS. ROSE: Correct.

19 MS. HOLLEMAN: And the two-year program is not in
20 question. It's the one-year program. So if we
21 don't want to change statute, then it's a mute
22 point; we can't accept it, and we can move on. But
23 that's the reason that was on the agenda.

24 MR. SAXON: That would be my advice.

25 MR. EVANS: And have we done this in the past?

1 MS. HOLLEMAN: We have, as a matter of policy, but we
2 can't go by the policy now.

3 MS. ELROD: Since we're under new administration, we have
4 to go with what --

5 MR. SAXON: And that is, frankly, much safer for y'all
6 and the public.

7 MS. HOLLEMAN: That's the safe way to go.

8 MR. SAXON: I believe I would not mess with it, and just
9 not accept it until it meets the qualifications of
10 that section. But I want -- that's just my opinion.
11 It's not my board, so I want y'all to --

12 MR. TEMPLES: I agree. But do we need to make Piedmont
13 Tech aware of --

14 CHAIRMAN COOPER: Yes.

15 MR. TEMPLES: -- of the policy.

16 MR. SAXON: I think that can be done administratively.

17 MR. TEMPLES: As soon as possible.

18 CHAIRMAN COOPER: Yes.

19 MS. HOLLEMAN: We can get in touch with them right away.
20 That's not going to be an issue. I think they have
21 to know we're probably making an exception there; I
22 don't know. But we'll get in touch with them right
23 away.

24 MR. SAXON: They ought to be held to the same standards
25 as everybody else.

1 MR. EVANS: Absolutely.

2 MR. TEMPLES: Absolutely.

3 MR. EVANS: Even more.

4 MR. SAXON: That protects their students and it protects
5 the public, in my legal opinion.

6 MR. TEMPLES: Correct.

7 CHAIRMAN COOPER: Yeah.

8 MS. HOLLEMAN: That's all we needed to know there.

9 CHAIRMAN COOPER: So we just need to start enforcing it.

10 (Off-the-record discussion.)

11 CHAIRMAN COOPER: I think the latter one is fine because

12 I thought we had already addressed this, does a
13 licensed person have to be at a wake, funeral,
14 memorial service, grave site, direct burial. I
15 mean --

16 MS. ELROD: There was discussion, but it was never
17 really --

18 MR. TEMPLES: There was a discussion, but it wasn't a
19 policy or any regulations made.

20 MS. HOLLEMAN: Like right now, you're only required if
21 they go through the funeral home. Is that asking if
22 I bury my own -- I'm asking you guys because I don't
23 know -- if I bury my own relatives, can I do it all
24 by myself?

25 CHAIRMAN COOPER: You're not licensed to start with, so

1 it doesn't apply to you.

2 MR. EVANS: Exactly.

3 MS. HOLLEMAN: Right. So is that what it's asking?

4 MR. TEMPLES: It's vague.

5 CHAIRMAN COOPER: Do we have somewhere in here that
6 addresses this?

7 MS. HOLLEMAN: 4-19-260.

8 MR. EVANS: What page?

9 MS. HOLLEMAN: Twenty.

10 MR. TEMPLES If you read this, does a licensed person
11 have to be at a wake, funeral, memorial service,
12 grave side.

13 MS. HOLLEMAN: And it says --

14 MR. SAXON: It says at the funeral and committal
15 services. Isn't the committal burial?

16 MR. EVANS: That's the burial.

17 MR. CRAWFORD: Yeah.

18 MR. TEMPLES: Let me stop you.

19 MR. SAXON: No, I'm asking you.

20 MR. TEMPLES: Now, let me stop you. If the body has
21 already been cremated, final disposition on a death
22 certificate is the crematory. A funeral director
23 does not have to be present --

24 MR. EVANS: At the burial.

25 MR. TEMPLES: -- or a burial --

1 MR. BAKER: Even if they've gone through the funeral
2 home.

3 MR. TEMPLES: Even if they've gone through the funeral
4 home.

5 CHAIRMAN COOPER: They don't have to be present at the
6 burial?

7 MR. TEMPLES: No, sir. No, ma'am. No, ma'am. Because
8 the final disposition --

9 MR. BAKER: Was at the crematory.

10 MR. TEMPLES: -- was at the crematory.

11 CHAIRMAN COOPER: No. I'm talking about on a regular
12 funeral.

13 MR. TEMPLES: On a regular funeral --

14 MR. CRAWFORD: The cemetery.

15 MR. TEMPLES: Okay. That's why I said this is vague.

16 CHAIRMAN COOPER: What number are y'all looking at?

17 MR. CRAWFORD: Fifteen.

18 MS. HOLLEMAN: Yeah, the first 15.

19 CHAIRMAN COOPER: I'm in the book. I'm in the book.

20 MR. SAXON: 260. 40-29-260.

21 MS. HOLLEMAN: Page 20, 260.

22 MR. EVANS: We're looking at 40-19-260. So what are we
23 trying to say? We want to change the license
24 funeral director shall make the funeral and --

25 MR. TEMPLES: See we have a problem with cremation and

1 funeral service, is the problem.

2 CHAIRMAN COOPER: In place of the funeral -- oh, okay.

3 MS. HOLLEMAN: Should it say "be present at final
4 disposition," instead of committal"?

5 MR. EVANS: No.

6 CHAIRMAN COOPER: No. Because we're not going to be
7 sitting there at the crematory waiting on the --

8 MR. CRAWFORD: No.

9 MR. SAXON: Do y'all want to change -- do y'all want to
10 change this? And if so, why and to what?

11 MR. TEMPLES: So what are we gonna -- I know, we're
12 opening up a can of worms.

13 MR. CRAWFORD: Now, you've got some people who want to
14 have a direct cremation. Take the remains, next
15 month, have a memorial service at home.

16 MR. TEMPLES: Right.

17 MR. EVANS: Right.

18 MR. CRAWFORD: We don't have to be there.

19 MR. TEMPLES: That is correct.

20 MR. SAXON: I think I'd leave it alone then.

21 MR. EVANS: I think I --

22 CHAIRMAN COOPER: It says "funeral services," and a
23 funeral is when the body is present, and a memorial
24 is when the body is not present.

25 MR. TEMPLES: Okay. Then we're good then.

1 MR. SAXON: I think you're okay.

2 MR. TEMPLES: I don't know who placed this here, and
3 that's why I said --

4 CHAIRMAN COOPER: I don't know.

5 MR. TEMPLES: I want someone to clarify that for me.

6 MR. SAXON: If y'all are happy with the way 260 reads
7 now, I'd leave it alone.

8 MR. TEMPLES: Thank you.

9 MR. SAXON: If y'all want to change it, I can change it.

10 CHAIRMAN COOPER: Think it's pretty much given that we as
11 funeral directors know that are to be present at a
12 funeral and at a burial --

13 MR. TEMPLES: A burial.

14 CHAIRMAN COOPER: -- of the human remains. And
15 therefore, otherwise, it is a -- it's a memorial
16 service if the body is not present, so --

17 MR. EVANS: Madam Chairman, I make a motion we adjourn.

18 CHAIRMAN COOPER: Mr. Beasley has a question.

19 MR. BEASLEY: What about the wake?

20 MR. CRAWFORD: Yeah.

21 CHAIRMAN COOPER: A licensed person does not have to be
22 there.

23 MR. TEMPLES: If you have a wake and a body is dead,
24 that's what I'm asking you, should a funeral
25 director be in the presence?

1 MR. BAKER: No, because a lot of people choose to have a
2 wake at home and take the body home.

3 MR. TEMPLES: Okay.

4 MR. EVANS: You're asking another whole can of worms.

5 CHAIRMAN COOPER: I mean, that's like, if you got a body
6 in the funeral home, do you got to stay there and
7 spend the night with it because you got one there.

8 MR. EVANS: Do you stay there all night? That's what
9 they use to.

10 Madam Chair getting back to my motion to adjourn.

11 MS. HOLLEMAN: Wait, wait. Before you do that -- I'm
12 sorry -- do they have to make a motion to accept all
13 the changes that they've made today?

14 MR. SAXON: Yeah.

15 MS. HOLLEMAN: Yes, they do. So can we get one of those?

16 MR. EVANS: Madam Chairman, I make a motion that we
17 accept all the changes that we made today to the
18 statutes and regulations.

19 MR. CRAWFORD: Second.

20 MR. SAXON: That we're going to attempt to get passed.

21 MR. EVANS: That we're going to attempt to get passed.

22 CHAIRMAN COOPER: All in favor?

23 BOARD MEMBERS: Aye.

24 CHAIRMAN COOPER: Opposed?

25 (NO RESPONSE.)

1 CHAIRMAN COOPER: Brad, you got to go back to your
2 adjournment now.

3 MR. EVANS: I make a motion that we adjourn.

4 MR. CRAWFORD: I second.

5 MR. TEMPLES: Second.

6 CHAIRMAN COOPER: All those in favor.

7 BOARD MEMBERS: Aye.

8 MR. SAXON: And we'll do this as quickly as we can, as
9 best we can.

10 *****

11 (Whereupon, the hearings were concluded at
12 1:26 p.m.)

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1 CERTIFICATE OF REPORTER

2 I, CECELIA P. ENGLERT, COURT REPORTER AND NOTARY
3 PUBLIC IN AND FOR THE STATE OF SOUTH CAROLINA AT LARGE,
4 HEREBY CERTIFY THAT I RECORDED AND TRANSCRIBED THE SOUTH
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6 BOARD OF FUNERAL SERVICE BOARD MEETING ON THE 31ST DAY OF
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