

**MINUTES**  
**South Carolina Board of Funeral Service**  
**Committee Meeting**

3:30 p.m., March 5, 2015  
Synergy Business Park  
110 Centerview Drive, Kingstree Building Room 202-03  
Columbia, South Carolina

**Thursday, March 5, 2015**

**1. Meeting Called to Order**

Charlie Bradford Evans, Vice President, of Abbeville, called the committee meeting of the SC Board of Funeral Service to order at 3:30 p.m. Other Committee members present for the meeting included: Michelle Cooper, of Monks Corner; William B. Horton, Jr., of Kingstree; and, Eddie Nelson, of Blythewood.

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

a. Public Notice

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

**2. Introduction of Board Members and Persons Attending the Meeting**

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

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

Ms. Holleman reminded the committee members that at the February 3, 2015 meeting the Board asked that the committee further discuss the requirement that a funeral home manager "has been licensed in this State for at least one year," and bring their recommendations back to the Board at their March 19-20, 2015 meeting. She also asked the committee discuss and decide whether or not the Board Administrator could approve the reinstatement of a funeral director and/or embalmer's license if lapsed less than five years, and she asked for the committee to recommend the Board set a policy that all apprentices must submit their work schedule along with their applications and quarterly reports.

**Apprentice Schedule Submission**

Ms. Holleman told the committee members that it was her understanding that she should require all apprentices submit their weekly work schedules, signed by the apprentice, the apprentice's supervisor, and the funeral home's manager, if different from the apprentice's supervisor, along with their applications and the submission of quarterly reports in order to show that they are scheduled to work at least 35 hours a week. After speaking with one apprentice's supervisor who was upset over the request, Ms. Holleman says she realized that there was not a formal motion in the minutes requiring she get apprentice's schedules.

Mr. Evans told the committee that he thinks the apprentices should submit schedules, and he also thinks that the applications need to be revised to include that as part of the application. He suggested that the committee members review all current Board applications and note their suggested changes, additions,

and subtractions to the applications. Mr. Imgrund told Mr. Evans that he did not see an issue with members reviewing the applications on their own, but any discussion must be held in a committee or Board meeting.

**MOTION**

Mr. Horton made a motion that the committee recommend to the Board that they require that all apprentices must submit a work schedule, complete with the apprentice's signature, the supervisor's/preceptor's signature, and the funeral home manager's signature. Ms. Cooper seconded the motion, which carried unanimously.

Mr. Horton asked for the floor. He told the committee that he has spent some time researching the statute and regulations in order to help him determine the one year of licensure in order to be a funeral home manager. He asked the committee to turn to Regulation 57-03(B)

(B) All applications for renewal shall be filed with the Board prior to June thirtieth (30th) each even year. Renewal applications must be accompanied by the renewal fee prescribed by the Board and, if applicable, the required number of continuing education credits. Licensees who have not properly renewed their licenses for failure to complete the required continuing education credits and/or failure to submit the appropriate renewal fee must apply for late renewal during a six (6) month penalty period following the expiration date. Late renewal applications must be accompanied by documentation, if applicable, indicating completion of the required continuing education credits as specified in Reg. 57-11 and a fee equal to the annual renewal fee plus a penalty as described in Reg. 57-12.

Mr. Horton then noted that regulation 57-03(C) says that "an embalmer or funeral director whose license has been expired for less than five (5) years may reactivate," and that 57-03(E) says, "applicants for reactivation must submit a notarized affidavit certifying that he or she has not been engaged in the practice of embalming or funeral directing in this State during the period the license was not in a current status," so he believes that, because reactivation does not come into play until a licensee's license is lapsed for more than six months, that first six months is just a period of late renewal. He reads the regulations to say that a license is still active during that six months of late renewal, and Mr. Imgrund agreed.

Mr. Imgrund told the committee that he does not see a reason an application where everything is in order and usual, the Administrator could not approve an application at the staff level, but the Administrator would need to bring anything unusual before the Board.

Ms. Cooper asked why lapsed funeral directors and/or embalmers outside of that initial six months late renewal frame have to come before the Board for reinstatement.

Mr. Nelson said that he thought it was important to bring people before the Board to let them know they are under scrutiny and that the Board takes their application and license seriously. It is good to bring people before the Board in these cases.

Mr. Evans agreed with Mr. Nelson that the Board needs to hold people accountable.

Ms. Holleman asked the committee to clarify if they were discussing the manager or reinstatements. They clarified that they were discussing the manager.

Ms. Cooper said that she trusted Ms. Holleman to not approve anyone that she felt uncomfortable with, and Mr. Nelson agreed that he trusted Ms. Holleman and her staff to bring anything with red flags or issues before the Board.

Mr. Imgrund noted that Ms. Holleman and her staff would bring someone whose application for reactivation was suspect before the Board, and the Board would have the authority to do or not do whatever the Board saw fit.

Ms. Holleman told the committee that she would always bring a license that had been suspended before the Board for reactivation. She would also not approve the reactivation of a revoked license in the event a revoked licensee asked for his or her license to be reactivated.

Because the discussions seemed to be related, Ms. Cooper suggested they make a motion on reactivation since the discussion moved more towards reinstatement than the manager. Mr. Evans agreed.

Mr. Horton asked when staff sends cease and desist orders to licensees after the expiration of their license.

Ms. Holleman informed the committee that they waited at least 30 days after the expiration date of the license because Section 40-19-230(E) says, "a person holding a license under this chapter may have the license renewed for a two-year period by applying within thirty days preceding or following the expiration of his license." She reminded the committee that a license expired on June 30, so anyone practicing after June 30, who did not renew is technically practicing on an expired license, but (E) gives them that thirty day grace period.

Mr. Evans asked Ms. Holleman for her opinion on the manager. Ms. Holleman told the committee that she does not have an opinion, but she notices in their discussion of the manager they speak more in absolute terms, either the license was actively licensed the entire time or not, and that absolute seems to be problematic to the committee and Board. She believes the Board can set the parameters to say something like, "if the license was lapsed during the late renewal period, they would qualify for manager," if they saw fit. Mr. Imgrund agreed.

Ms. Cooper noted that if a license fell outside of that six months lapsed, then it is no longer a late renewal, so the license would not qualify for licensed a year. Mr. Evans agreed.

Mr. Horton and Ms. Cooper both agreed that as long as a person's license was only lapsed during the six month late renewal period, then they are considered as licensed for one year for the purpose of being named funeral home manager.

Mr. Imgrund noted that after the thirty days past the license expiration date, a person cannot practice.

Ms. Cooper and Mr. Nelson agree that the year count must start all over again when a licensee has to reactivate the license, which would be any time after that six month late renewal period.

Mr. Evans asked that Mr. Imgrund read the definition of "manager" in statute.

Section 40-19-20(16) "Manager" means a licensed funeral director who has been licensed in this State for at least one year, who is a fulltime regular employee, and who is responsible for and has the binding authority from the owner for day-to-day management of funeral establishments or crematories including compliance with all applicable laws governed by this chapter and Chapters 7 and 8 of Title 32."

Ms. Cooper reiterated that she believes the year must start all over if a person lets their license lapse for more than six months and has to reactivate. Mr. Evans agreed. As long as they are in the six month late renewal period, they are considered licensed for the one year.

## **Reinstatement of Funeral Director and/or Embalmer Licenses Up to Five Years**

### **MOTION**

Mr. Horton moved that the committee recommend to the Board that for any person who does not renew their license within the six month late renewal period and has to apply for reinstatement, the reinstatement can be approved at the staff level, unless staff sees cause for the individual to appear before the Board, up to the five years. Ms. Cooper seconded the motion, which carried unanimously

## **Funeral Home Manager**

### **MOTION**

Ms. Cooper made a motion that the committee recommends the Board determine "one year" for the purpose of managing a funeral home means that as long as a license was not lapsed for more than the six month late renewal period, then the one year could count. If a license lapses for more than the six month late renewal period, and the licensee has to reactivate the license, then the year starts over again from the date of reactivation. Mr. Nelson seconded the motion, which carried unanimously.

## **4. Public Comments (no votes taken)**

No public comments at this time.

## **5. Adjournment**

### **MOTION**

Mr. Horton made a motion the Board adjourn. Mr. Nelson seconded the motion, which carried unanimously.

The March 5, 2015, committee meeting of the SC Board of Funeral Service adjourned at 4:45 p.m.

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