



NORTH CAROLINA BOARD OF FUNERAL SERVICE

Stephen E. Davis
Executive Director

Don D. Brown
President

July 1, 2021

To: The Jt. Leg. Administrative Procedure Oversight Committee (Virginia.Barlow@ncleg.gov)
The Jt. Leg. Commission on Governmental Operations (govops@ncleg.net)
The Office of State Budget and Management (Charles.perusse@osbm.nc.gov)

From: The North Carolina Board of Funeral Service

Re: Final Report Required by SL 2020-097, Section 3.20(c)

Dear Sir or Madam:

Thank you for the opportunity to submit this interim report on efforts taken by the North Carolina Board of Funeral Service (the "Board") to exercise regulatory flexibility, due to the impacts of COVID-19, while continuing to safeguard the public health, safety, welfare, and economic well-being of citizens and businesses in North Carolina.

On April 14, 2020, the North Carolina Board of Funeral Service (the "Board") promulgated emergency rule 21 NCAC 34A .0128 in response to the COVID-19 pandemic, which allows the Board to waive rules that are not statutorily required upon consideration of the following factors: (1) degree of disruption to the Board; (2) cost to the Board; (3) degree of benefit to the public; (4) whether the requesting party had control over the circumstances that required the requested waiver; (5) notice to and opposition by the public; (6) need for the waiver; and (7) previous requests for waivers submitted from the requesting party.

On May 4, 2020, Session Law 2020-3, entitled "An Act to Provide Aid to North Carolinians in Response to the Coronavirus Disease 2019 (COVID-19) Crisis," was enacted, allowing the Board to delay or modify educational requirements implemented by the Board pursuant to its statutes when it determines that, due to the impacts of the coronavirus, that such delays or modifications are in the public interest.

Under current Board rules, licensees who are required to take continuing education ("CE") to renew their licenses are only allowed to take up to two (2) hours of on-line CE per year. On June 10, 2020, upon due consideration of Session Law 2020-3 and the factors required pursuant to 21 N.C. Admin. Code 34A .0128, the Board waived the requirements set forth in 21 NCAC 34B .0408(a)(2); 21 NCAC 34B .0413(a); and 21 NCAC 34B .0414(a) and (b), so that all CE courses required for 2021 licensure renewal may be taken by electronic means remotely.

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This waiver does not waive any terms and conditions of CE requirements that are imposed on licensees through disciplinary proceedings.

Additionally, on June 10, 2020, upon due consideration of Session Law 2020-3, the Board voted to grant licensees an extension of time for the payment of civil penalties assessed pursuant to a Consent Order or Final Agency Decision, provided that said licensees make a written request for such an extension of time on or before the date that the civil penalties are due.

The Board also has considered, on a case-by-case basis, requests from regulated individuals and businesses for regulatory flexibility, pursuant to 21 NCAC 34A .0128, as a result of COVID-19 impacts.

In reaching these decisions, the Board considered that the practice of funeral service was deemed an essential service pursuant to Executive Order 121. The Board has not experienced any discernable reduction in applications or renewals as a result of COVID-19.

If you have any questions or desire any additional information, you are welcome to contact me directly.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen E. Davis", with a stylized flourish at the end.

Stephen E. Davis
Executive Director