

Report Summarizing the Licensing Activities of the North Carolina Board of Funeral Service

Section 93B-2 of the General Statutes requires an annual financial report and a report of licensing activities be filed with the Secretary of State, the Attorney General and the Joint Legislative Administrative Procedure Oversight Committee. This report covers the Board's calendar/ fiscal period of January 1, 2021 to December 31, 2021.

1. **The address of the Board, and the names of its members and officers:** The North Carolina Board of Funeral Service is located at 1033 Wade Avenue, Suite 108, Raleigh, NC 27605. The members and officers in 2021 were as follows:

NAME	ADDRESS
Don Brown President December 31, 2022 Gov - FDMANC	Don Brown Funeral Home 497 2 nd Street Ayden, NC 28513
Chris Watson Vice President Secretary December 31, 2023 Gov - NCFDA	Parrish Funeral Home 1351 South Pollock Street Selma, NC 27576
Dr. Steven L. Lyons Secretary December 31, 2022 Gov - NCFDA	Steven L. Lyons Funeral Home 1515 New Bern Avenue Raleigh, NC 27610
J. Stephen Herndon December 31, 2023 Gov - NCFDA	Padgett and King Mortuary 227 E. Main Street Forest City, NC 28043
Thomas T. Hilderbrand December 31, 2023 Gov - FDMANC	James F. Johnson & Sons, Inc. 206 Fourth Street High Point, NC 27260
Robert Jansen (Public Member) December 31, 2023 General Assembly - S	4341 Old Forge Drive Gastonia, NC 28056
Darrell McCormick (Public Member) December 31, 2023 General Assembly - H	D. McCormick Commercial Properties 1325 Ivy Avenue, Suite 101 Winston-Salem, NC 27105
Hubert Saunders December 31, 2022 Gov - Unaffiliated	342 Creedmoor Road Jacksonville, NC 28546
Mark Blake December 31, 2022 Gov - NCFDA	Brown-Wynne Funeral Home 300 St. Mary's Street Raleigh, NC 27605

- 1a. **The total number of licensees supervised by the Board:** As of December 31, 2021, there were 2,497 individuals with active or inactive licenses issued by the Board, including 1,621 funeral service licensees, 847 funeral director licensees, seventeen (17) embalmer licensees, and twelve (12) provisional funeral director licensees. There were eighty (80) transporter permit holders. There were twenty-five (25) crematory manager permit holders. There were 745 at-need funeral establishment permits. There were thirty-two (32) chapel permits. There were 150 crematory permits. There were thirteen (13) unaffiliated licensees. There were two (2) alkaline hydrolysis establishment.
2. **The number of persons who applied to the Board for examination:** Pursuant to N.C. Gen. Stat. § 90-210.25(a)(1), a person seeking licensure as a funeral director in North Carolina must pass the following examination within the last three years: (i) an entry-level examination in funeral directing; (ii) an examination on the laws of North Carolina and rules of the Board and other agencies dealing with the care, transportation and disposition of dead human bodies; and (iii) an examination of pathology.

Pursuant to N.C. Gen. Stat. § 90-210.25(a)(2), a person seeking licensure as an embalmer in North Carolina must pass the following examinations on the following subjects within the last three years: (i) an examination on embalming, restorative arts, chemistry, pathology, microbiology, and anatomy; and (ii) an examination on the laws of North Carolina and rules of the Board and other agencies dealing with the care, transportation and disposition of dead human bodies.

Pursuant to N.C. Gen. Stat. § 90-210.25(a)(3), a person seeking licensure as a funeral service in North Carolina must pass the following examinations within the last three years: (i) an entry-level examination on funeral directing; (ii) an examination on embalming, restorative arts, chemistry, pathology, microbiology, and anatomy; and (iii) an examination on the laws of North Carolina and rules of the Board and other agencies dealing with the care, transportation and disposition of dead human bodies.

Pursuant to N.C. Gen. Stat. § 90-210.25(b)(1), a person who holds a valid license as a funeral director, embalmer or funeral service licensee issued by another jurisdiction that has equal or greater education, training, and examination requirements must take an examination to demonstrate knowledge of the laws and rules governing the profession in North Carolina.

In 2021, 86 individuals applied to take the North Carolina Laws and Rules Examination. 65 individuals applied to take the North Carolina Pathology Exam. 13 individuals applied to take the North Carolina State Board Examination for Science. 111 individuals applied to take the North Carolina State Board Examination for Arts. Individuals who choose to take the National Board Examinations for Arts and/or Science instead of the North Carolina State Board Examinations for Arts and/or Science do not apply to the Board to take said examinations.

3. **The number who were refused examination:** There were zero (0) candidates who applied to the Board to take examinations who were not permitted to do so.
4. **The number who took the examination:** Eighty-six (86) individuals took the North Carolina Laws and Rules Examination in 2021. Sixty-five (65) individuals took the North Carolina Pathology Exam in 2021. Thirteen (13) individuals took the North Carolina State Board Examination for Science in 2021. 111 individuals took the North Carolina State Board Examination for Arts in 2021.
5. **The number to whom initial licenses were issued:** In 2021, 104 initial licenses were issued to candidates for licensure as a funeral director, provisional funeral director, funeral service licensee, or an embalmer. Twenty-nine (29) initial transportation and removal permits were issued, four (4) initial unaffiliated licenses were issued, and seven (7) initial crematory manager permits were issued. Thirty-six (36) initial establishment permits were issued and twenty-seven (27) initial preneed establishment permits were issued. Six (6) initial crematory permits were issued. One (1) initial alkaline hydrolysis establishment permit was issued.
- 5a. **The number who failed the examination:** 15 candidates who sat for the North Carolina Laws and Rules Examination in 2021 were unsuccessful in passing it in 2021. Twenty-five (25) candidates who sat for the North Carolina Pathology Exam in 2021 were unsuccessful in passing it in 2021. Eight (8) candidates who sat for the North Carolina State Board Exam for Science in 2021 was unsuccessful in passing it in 2021. Seventy-five (75) candidates who sat for the North Carolina State Board Exam for Arts in 2021 were unsuccessful in passing it in 2021.
6. **The number who applied for license by reciprocity or comity:** Twenty-three (23) candidates applied for licensure by reciprocity or comity in 2021.
7. **The number who were granted licenses by reciprocity or comity:** Of the candidates who applied for licensure by reciprocity or comity in 2021, fifteen (15) candidates were granted licenses by reciprocity or comity in 2021.
- 7a. **The number of official complaints received involving licensed and unlicensed activities:** During Fiscal Year ending December 31, 2021, the Board received 245 complaints, 135 of which were consumer complaints and 110 of which were staff-generated.
- 7b. **The number of disciplinary actions taken against licensees, or other actions taken against non-licensees, including injunctive relief:** During Fiscal Year ending December 31, 2021, thirty-four (34) disciplinary case proceedings were adjudicated by the Board, through which disciplinary actions were taken. These actions involved multiple types of licenses and permits (individual, preneed establishment, at-need establishment, transport, etc.). The Board entered into an additional 80 consent orders to resolve disciplinary matters in which licensees failed to timely renew active licensure and engaged in practice following expiration of active licensure.

Additionally, the Board issued 71 non-disciplinary letters of caution to various licensees, of which 39 were conditioned upon the licensees taking a Board-sponsored continuing education case in lieu of further disciplinary proceedings. The Board sought injunctive relief and/or contempt for unlicensed practice in four (4) separate lawsuits before the general courts.

8. **The number of licenses suspended or revoked:** As allowed under the provisions of N.C. General Statutes §§ 90-210.25(e), 90-210.69(c), and 90-210.134, the Board may impose a variety of sanctions when it finds violations of Articles 13A, 13D, and/or 13F of the North Carolina General Statutes. In addition to license revocation or suspension, other allowable disciplinary actions include probation, civil penalties, or a combination of these. Generally, cases in which the Board imposes terms of probation can include stayed license revocations or suspensions.

During Fiscal Year ending December 31, 2021, nine (9) licenses or permits were revoked or voluntarily surrendered in lieu of disciplinary action; (2) permits or licenses were actively suspended; twenty (20) licenses or permits were suspended or revoked, but said suspensions or revocations were stayed pursuant to certain terms; fifteen (15) permits or licenses were placed on a probationary period; 106 civil penalties in amounts ranging from \$250.00 to \$5,000.00 were imposed; and four (4) licensees or permit holders were ordered to reimburse consumers for costs paid. Nine (9) permit or licenses were ordered to take remedial Board-sponsored continuing education courses.

9. **The number of licenses terminated for any reason other than failure to pay the required renewal fee:** Other than those licenses terminated through revocation or voluntary surrender in lieu of disciplinary action, as described in Paragraph No. 8, 11 individual licenses were terminated in 2021 due to the death of the licensee.

- 9a. **The number of applicants for a license and, of that number, the number granted a license.**

During Fiscal Year ending December 31, 2021, sixty-five (65) individuals applied for a funeral director license; of these applications, the Board granted nineteen (19) funeral director licenses. Forty-seven (47) individuals applied for a funeral service license; of these applications, the Board granted thirty-three (33) funeral service licenses. Eighteen (18) individuals applied for a provisional funeral director license; of these applications, the Board granted fourteen (14) provisional funeral director licenses. Thirty-four (34) businesses applied for an at-need establishment permit; of these applications, the Board granted thirty-four (34) at-need establishment permits. Thirty-one (31) businesses applied for a preneed establishment permit; of these applications, the Board granted twenty-seven (27) preneed establishment permits. Eight (8) businesses applied for a crematory permit; of these applications, the Board granted six (6) crematory permits. Four (4) individuals applied for an unaffiliated practice permit; of these applications, the Board granted four (4) unaffiliated practice permits. Six (6) businesses applied for a chapel permit; of these applications, the Board granted six (6) chapel permits. One (1) business applied for an alkaline hydrolysis permit; of these applications, the Board granted one (1) alkaline hydrolysis permit.

9b. The number of applicants with a conviction record and, of that number, the number granted a license, denied a license for any reason, and denied a license because of a conviction.

During the Fiscal Year ending December 31, 2021, 41 applicants with a conviction record applied for a license or permit from the Board. Of that number, the Board denied 14 applications for various reasons. Of these denials, 9 were preliminary denied because of the applicant's conviction record. Of these 9 denials, six (6) requested a hearing before the Board to appeal the preliminary denial. Of these six (6) appeals, zero (0) were denied a license because of a conviction.

9c. The number of applicants who are active-duty military or military veterans, the number granted a license, the number denied a license for any reason, and a summary of the reasons for denial.

During the Fiscal Year ending December 31, 2021, five (5) applicants with military training applied for a license or permit from the Board. Of that number, the Board granted two (2) applications and denied zero (0) applications for various reasons. Of these denials, the reasons for the denial were as follows: n/a.

9d. The number of applicants who are military spouses, the number granted a license, the number denied a license for any reason, and a summary of the reasons for denial.

During the Fiscal Year ending December 31, 2021, one (1) applicant who is military spouse applied for a license or permit from the Board. Of that number, the Board granted one (1) applications and denied zero (0) applications for various reasons. Of these denials, the reasons for the denial were as follows: n/a.

10. The substance of any anticipated request by the occupational licensing board to the General Assembly to amend statutes related to the Board: The Board will consider a request to the General Assembly for amending NCGS 90-210.25(b) *Persons Licensed Under the Laws of other Jurisdictions*.

11. The substance of any anticipated change in rules adopted by the Board or the substance of any anticipated adoption of new rules by the Board: On February 8, 2017, the Board submitted its initial G.S. 150B-21.3A Report for a periodic review of its rules, located in Chapter 34 of the North Carolina Administrative Code. The Board voted to make a final determination of its rules following the conclusion of the public comment period, and the Rules Review Commission reviewed and approved the Board's final rule designations at the RRC's June 2017 Commission meeting. The Board's completed its re-adoption of rules, pursuant to N.C. Gen. Stat. § 150B-21.3A(d)(2), in 2019.

In 2022, the Board intends to adopt rules to amend certain procedures related to continuing education, resident traineeships, and preneed services.

The Board also anticipates that it will engage in rule-making in 2022 to repeal any rules deemed unnecessary; to amend any rules deemed outdated or unclear; and to add rules to help clarify the Board's Practice Act. However, the substance of those changes is not yet known.

Part B: Receipts and Disbursements

The Board operates on a calendar fiscal year. On April 21, 2022, Bernard Robinson & Company, LLP sent copies, via electronic correspondence of the Board's audited financial report that provides the information on receipts and disbursements as required by NCGS § 93B-2(b) to the following persons:

Pam Wade - N.C. Office of the State Auditor
Denise Jones - State Publications Clearinghouse Liaison
Donald Crooke, NC Office of State Budget & Management
Harrison Moore, NC State Legislature
Ellen Rockefeller – NC Office of State Controller
Melissa Lovell - NC Department of Justice
Publications - NC Secretary of State

Bound copies of the Board's audited 2020 financial report also were sent to:

Katie Gleason
N.C. Office of the State Auditor
20601 Mail Service Center
Raleigh, NC 27699-0600

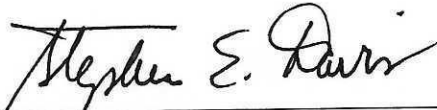
Respectfully submitted:



Christian E. Watson
Board President

April 29, 2022

Date



Stephen E. Davis
Executive Director

April 29, 2022

Date