

Burgos, Alexander N

Subject: FW: [External] RE: Bd of Funeral Service RFC - 21 NCAC 34B .0619
Attachments: 21 NCAC 34B .0619 (Permanent) - Revised.docx

From: Peaslee, William W <bill.peaslee@oah.nc.gov>
Sent: Monday, March 24, 2025 10:48 AM
To: Rules, Oah <oah.rules@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Amy D. Acord <aacord@ncbfs.org>
Subject: FW: [External] RE: Bd of Funeral Service RFC - 21 NCAC 34B .0619

Good morning,

It is my intention to recommend approval of the attached rule as revised at the April RRC meeting.

As always if you have any questions please feel free to contact me.

William W. Peaslee
Rules Review Commission Counsel / Legislative Liaison
Office of Administrative Hearings
1711 New Hope Church Road
Raleigh NC, 27609
(984) 236-1939
Bill.Peaslee@oah.nc.gov

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

Burgos, Alexander N

Subject: FW: [External] RE: Bd of Funeral Service RFC - 21 NCAC 34B .0619
Attachments: 03.2025 Funeral RFC.docx; 21 NCAC 34B .0619 (Permanent) - Revised.docx

From: Catherine Lee <CLee@ncbfs.org>
Sent: Monday, March 24, 2025 10:42 AM
To: Peaslee, William W <bill.peaslee@oah.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Cc: Amy D. Acord <AAcord@ncbfs.org>
Subject: [External] RE: Bd of Funeral Service RFC - 21 NCAC 34B .0619

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Mr. Peaslee –

Good morning and thank you for the opportunity to provide the attached technical changes to the 21 NCAC 34B .0619, proposed for adoption by the NC Board of Funeral Service.

If you have any questions, please don't hesitate to contact me directly.

Catherine E. Lee
General Counsel
North Carolina Board of Funeral Service
1033 Wade Ave, Ste 108
Raleigh, NC 27605
Telephone: (919) 341-2639

Burgos, Alexander N

From: Peaslee, William W
Sent: Saturday, March 15, 2025 12:11 PM
To: Amy D. Acord
Cc: Burgos, Alexander N
Subject: Bd of Funeral Service RFC
Attachments: 03.2025 Funeral RFC.docx

Good afternoon,

Attached please find the request for changes to the rules submitted for RRC consideration at the April 2025 meeting.

As always if you have any questions or concerns please feel free to contact me.

William W. Peaslee
Rules Review Commission Counsel / Legislative Liaison
Office of Administrative Hearings
1711 New Hope Church Road
Raleigh NC, 27609
(984) 236-1939
Bill.Peaslee@oah.nc.gov

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Board of Funeral Service

RULE CITATION: 21 NCAC 34B .0619

DEADLINE FOR RECEIPT: MARCH 31, 2025

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Generally, to the Rule: Paragraph (c) sets forth the procedure for naming the “replacement manger.” What is the procedure for naming the initial manager? Consider striking “replacement.”

Thank you for the question. The initial manager is identified to the Board through Rule 21 NCAC 34B .0608, which sets forth the information that must be supplied to the Board when establishments apply for an initial funeral establishment permit. Rule 21 NCAC 34B .0619 is intended only to address the procedure by which a change in manager is communicated to the Board.

Lines 8 and 12: Change “must” to “shall.”

Done.

Lines 21 and 23: Consider whether “in accordance with” is superior to “satisfying.”

Done.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee
Commission Counsel
Date submitted to agency: March 17, 2025

1 21 NCAC 34B .0619 is adopted with changes as published in 39:12 NCR 770-771 as follows:

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

21 NCAC 34B .0619 CHANGE OF FUNERAL ESTABLISHMENT MANAGER

(a) Funeral establishments as defined by G.S. 90-210.20(h) and individuals or entities to whom the Board has issued a permit to engage in the practice of funeral service pursuant to G.S. 90-210.25(a2)(2) (“Unaffiliated Practices”) shall have in charge a manager licensed by the Board for the practice of funeral directing or funeral service, in accordance with G.S. 90-210.25(d)(2).

(b) Funeral establishments and Unaffiliated Practices ~~must~~ shall notify the Board by email to permitapplications@ncbfs.org within five (5) days of its licensed manager ceasing his or her service as licensed manager.

(c) To register the name of a replacement manager with the Board, funeral establishments and Unaffiliated Practices ~~must~~ shall submit by email to permitapplications@ncbfs.org a form containing the following information:

- (1) The name of the funeral establishment or Unaffiliated Practice;
- (2) The permit number of the funeral establishment or Unaffiliated Practice;
- (3) The name and license number of the funeral director or funeral service licensee being named as manager of the funeral establishment or Unaffiliated Practice;
- (4) The effective date of replacement manager’s appointment as manager;
- (5) Whether the outgoing manager still is employed by the funeral establishment or Unaffiliated Practice;
- (6) The name and license number of the sole proprietor, partner, LLC member, or corporate officer satisfying in accordance with the requirements of G.S. 90-210.27A(e);
- (7) The dated signature of the replacement manager; and
- (8) The dated signature of the sole proprietor, partner, LLC member, or corporate officer satisfying in accordance with the requirements of G.S. 90-210.27A(e).

History Note: Authority G.S. 90-210.23(a); 90-210.25(d)(2)
Eff. _____