

ARIZONA STATE BOARD OF FUNERAL DIRECTORS AND EMBALMERS

Volume 12, Issue 1

March 2007

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Welcome to 2007 and this 12th Edition of the Board Bulletin

This publication offers the Board's 2006 Annual Report and other information specifically designed to increase the level of licensee and public awareness relative to the responsibilities and obligations of both. The Board will make every possible effort to assure current issues that impact licensees and consumers alike are disseminated in an expeditious manner.

As with every New Year the industry and its licensees face new and challenging issues. Last year brought the unanticipated death of my youngest daughter; one of the greatest challenges in my life. As a parent you never anticipate out-living your children. Through these difficult times my family and I cannot thank all the members of this industry, association members, and friends and families enough, for their tremendous display of kindness love and support. I traveled to Michigan to bury my daughter, however my family is truly in Arizona. My sincerest thanks to everyone.

Future years will be primarily focused upon pandemic/terrorist preparation. A recent survey mailed by the State Boards office to determine the level of preparedness was met with approximately 67% participation. It is sad that nearly a third of the industry in Arizona assumed a blasé attitude. Estimates of death rates from a pandemic influenza are catastrophic and we are not just speaking of third world countries. Pandemics are recurring events; the latest which occurred in 1968 caused approximately 34,000 deaths in the United States and about 700,000 deaths worldwide. There is little natural immunity in the case of a pandemic flu and the disease spreads quickly from one person to another.

What about the risks to mortuary workers? Given the estimate of a pandemic flu or terrorist act, everyone will have problems with increased death rates within their community and will most likely have to operate with less than half a normal staff. The other half will probably be sick or dead. Another important factor to keep in mind will be that the disease will have the capability of being transmitted airborne. In other words the disease will also be spread by breathing, coughing and sneezing, including the spitting of blood. In any case you may want to treat remains like that of a tuberculosis case. Funeral Directors and staff face extreme exposure just from the large gatherings that they may attend. Hopefully, mortuary staff will be able to receive vaccinations as will first responders. Depending upon the strain, the amount of time to develop such vaccine could result in extreme delays in the processing of such vaccine.

These pertinent issues are only the beginning stages of planning and all licensees within the industry should be prepared to respond. The question is not, "could an event of this nature such as pandemic flu, act of terrorism or natural disaster occur?" The question is, "when will an event of this magnitude happen?" If this type of disaster never happens then Arizona will be better prepared for large scale incidents involving inordinate amounts of deaths. We must be ready and capable of responding immediately and professionally to deescalate pain and suffering throughout the state. My request to members of the industry is simple: Maintain communications throughout your community, associations and industry in an effort to provide optimum services to those who hold us responsible in handling the remains of their loved ones. We owe it to the residents of Arizona to step up and be ready for all exigent circumstances.

Thank you and have another tremendous year!

BOARD VISION

To create and maintain a balance between fair and equitable business regulation and the protection of the public's health, safety and welfare in the use and purchase of goods and services required for death.

PHILOSOPHY

To maximize public protection through education and minimal regulation.

BOARD MISSION

To maintain and enforce a set of standards that provides protection for the health, safety and welfare of Arizona Citizens by educating the consumer and by actively and impartially regulating those licensed to provide funeral goods and services.

BOARD STRATEGIC PLAN GOALS

1. To ensure that where regulation is required that consumers are only accessing licensed Businesses or Individuals and that licenses are only granted and renewed to competent Individuals with high standards of professional and ethical conduct.
2. To ensure and enforce that information is made available to both the consumer and the Licensee that educates them to the standards of practice, their rights and obligations.
3. To actively and impartially investigate and resolve allegations and complaints, and provide enforcement to protect the public from incompetent services, unprofessional, unethical and illegal conduct.

BOARD DESCRIPTION

The State Board of Funeral Directors and Embalmers examines and licenses individuals who provide funeral goods and services. The Board accepts complaints against licensed individuals, establishments including staff, investigate allegations, and

forwards complaints of criminal/civil matters to appropriate authorities. The Board oversees approximately 1600 licensees practicing in the state, and serves all Arizona citizens who receive funeral goods and services.

BOARD STATUTORY FUNDING FORMULA

ARS 32-1308 requires that all fees and revenues accruing to the Board be paid to the State Treasurer. Ninety percent of the fees are paid to the Board's fund to cover operational fees and one hundred percent of civil penalties are deposited in the State's general fund. For Fiscal Year 2006, ninety percent represents the Board's appropriated budget of \$317,900 however nearly \$403,952 was collected. With ten percent at approximately \$35,000, plus civil penalties estimated at \$2,000, the Board is returning at least \$37,000 to the State's general fund.

BOARD COMPOSITION

The Board is comprised of four qualified and practicing funeral directors and three consumers, one of which must be the owner or manager of a business. Board Members are appointed by the Governor and serve four-year terms with annual elections for President and Secretary.

STAFFING & BUDGET

The Board maintains four full time positions. An Executive Director responsible for overall administration, a Deputy Director responsible for investigations and continuity of operations during the Directors absence, a Compliance Administrator responsible for the evaluations of all licensed establishments and a Licensing Coordinator responsible for licensing and continuing education. The Board was fully staffed during the reporting period.

The Board's appropriation for FY 2006 was \$317,900 and \$333,100 for FY 2007.

ENFORCEMENT INFORMATION

This section has been renamed and the scope of information provided will be centered on current procedural or statutory modifications to keep licensees in compliance. The Arizona Department of Health Services Office of Vital Records has published new Arizona Administrative Code (Rules) for Vital Records for Death effective January 6, 2007. Specifically, **R9-19-301 Human Release Form**

- **R9-19-302. Disposition Transmit Permits**
- **R9-19-303. Medical Certification for a Death Certificate**
- **R9-19-304. Information for a Death Certificate**
- **R9-19-305. Delayed Death Certificate**
- **R9-19-306. Information for a Fetal Death Certificate**
- **R9-19-307. Delayed Fetal Death Certificate**
- **R9-19-308. Certificate of Birth Resulting in Stillbirth**
- **R9-19-309. Validation of Information**
- **R9-19-310. Correcting Info on a Death/Fetal Death Certificate**
- **R9-19-311. Amending Info on a Death/Fetal Death Certificate**
- **R9-19-312. Transporting Human Remains into AZ for Final Disposition**
- **R9-19-313. Disinterment-Reinterment Permit**
- **R9-19-314. Duties of Persons in Charge of Place of Final Disposition**

The volume of late Death Certificates being submitted and number of errors on Death Certificates continues to remain much too high.

- Please obtain proof and documentation from family member when applying for death certificates on their behalf. These should be maintained in your files.
- It is essential that faxed requests for permit numbers be received in ample time prior to a disposition for the Office of Vital Records and Medical Examiners Office.
- Please advise employees to review and double check all death certificates prior to submission. The most common errors are disposition date, social security numbers, wrong permit numbers and obvious spelling errors.
- When leaving phone messages please provide the decedent's name, permit number and detailed request.

The Office of Vital Records and Arizona State Board have joined efforts to provide optimum service to consumers through effective communications and teamwork. In an attempt to prevent possible Board action against those who continually violate rules relative to the processing of death certificates the Maricopa County of the Office of Vital Records has indicated that they have expanded their training and will provide additional training for licensees and staff at their establishment or at their offices to prevent future problems and improve overall efficiency. Training, communications and teamwork become the critical keys in resolving these problems.

The Office of Vital Records has also requested the Board to include the following funeral home training dates for 2007:

- **March 20, 2007 Tuesday • 8 am – 12:30 pm**
- **May 2, 2007 Wednesday • 12:30 pm – 4:30 pm**
- **July 26, 2007 Thursday • 8 am – 12:30 pm**
- **September 5, 2007 Wednesday • 12:30 pm -4:30 pm**
- **November 14, 2007 Wednesday • 8 am – 12:30 pm**

If you have any questions please contact Sharon Melton of the Assistant Death Registry at 602-364-1252.

COMPLIANCE CORNER

Compliance Administrator Alexander Estrada during recent inspections of funeral establishments has observed the following occurring violations:

1. Death Certificates under block number 27a, is provided for the signature of the licensed embalmer. You cannot sign in this block unless you actually performed the embalming.
2. Prep rooms must be functional at all times, if you utilize the facility or not. This includes the proper operation of all required equipment and not to replace other rooms such as a storage bin.
3. The statement of Goods and Services must be signed by a funeral director and his/her license number attached. Many contracts are without proper signatures.
4. Ensure that staff members are not identifying themselves as “funeral directors” unless properly licensed by the Board.

LAWS AND RULES

Senate Bill 1023 relating to burial responsibility is at the time of this writing before the Senate and the forty-eighth Legislature. The largest impact upon the industry in terms of funeral directors is A.R.S. § 32-1365.02. Current Arizona statute places responsibility for burial of a dead person on the surviving spouse of a married person or on the adult children if the deceased has no surviving spouse. Key provisions in Senate bill 1023 would change burial responsibility from the surviving spouse to adult children if the deceased person was legally separated from his or her spouse at the time of death. Another provision included would change burial responsibility from the surviving spouse to surviving adult children if a petition for divorce or legal separation from the spouse was pending at the time of the deceased person’s death. The bill is currently in working stages and has not completed all the necessary steps prior to becoming law. We will keep everyone aware of the status and disposition by late spring.

LICENSING ACTIONS

During the reporting period, in addition to over 1600 renewals, the Board also issued:

- 4 Crematory Licenses**
- 15 Establishment Permits**
- 10 Pre-Need Salespersons Registrations**
- 15 Interns**
- 36 Embalmers**
- 38 Funeral Directors Licenses**
- 19 Establishment Licenses (includes new, location changes, ownership)**
- 30 Cremationist Licenses**

OTHER AGENCY IMPROVEMENTS

The State Board’s Office has redesigned its current web site to reflect that of the State of Arizona. Take a little time to browse this informative site. The address is **www.funeralbd.state.az.us**.

The partnership between the Arizona Department of Health Services Office of Vital Records and Arizona State Board of Funeral Directors has provided a means of recording the actual number of dispositions for the preceding year which determines the renewal fee for establishments. Everyone is aware of the warning for **fraudulently submitting incorrect numbers in the renewal process**. As of the previous year the Office of Vital Records will provide the exact number of dispositions (death certificate filings) to the State Boards office to reconcile the numbers submitted by each establishment within the state. This was a finding as a result of the previous sunset review by auditors. Please ensure that the total number of death certificates filed by your establishment is accurate.

The Board is also currently evaluating the effectiveness of providing laptops to Board members and providing CD’s containing the dockets and all agenda items necessary for Board meeting. This would reduce the amount of paper, postage and storage expenses incurred by the Board as well as personnel hours utilized in preparing for monthly meetings. The initial outlay for the costs of laptops and scanner would be offset within the first year.

The following statistics were gathered in the 2006 time frame.

| | | |
|----------------------|---------------|-------------|
| Conventional Burials | 14,968 | 32% |
| Cremations | 28,357 | 60% |
| Ship Outs | 4,728 | 10% |
| Total | 47,293 | 100% |

CONTINUING EDUCATION MASTER RESOURCE LIST

PROGRAMS BY NATIONAL FUNERAL SERVICE ORGANIZATIONS:

- Academy of Professional Funeral Service Practice
- American Funeral Consultants
- American Board Funeral Service Education
- National Association of Approved Morticians
- National Funeral Dir. & Morticians Association
- International Conference of Funeral Service Exam Boards
- National Funeral Directors Association
- Cremation Association of North America
- FIAT-IFTA International Federation. of Thantologist
- Federated Funeral Directors of America
- Funeral Service Foundation
- Jewish Funeral Directors Association
- Western Cemetery Alliance
- Selected Independent Funeral Homes
- Order of Golden Rule
- Preferred Funeral Directors International
- Casket Manufacturer Association
- International Cemetery and Funeral Association

A. PROGRAMS SPONSORED BY STATE ASSOCIATIONS:

- Arizona Cemetery Association
- Arizona Funeral Directors Association
- Any other State Association where the State requires Continuing Education

B. PROGRAMS SPONSORED BY LOCAL ASSOCIATIONS:

- Grief Outreach
- Grief Network
- New Song Center
- American Academy of Bereavement
- Lions Eye Bank
- Accord Aftercare Services

C. PROGRAMS SPONSORED BY SUPPLIERS:

- Batesville
- Dodge Chemical Company
- Elder Davis
- Forethought
- B & L Cremation Systems Inc.
- Matthews Bronze/Matthews Cremation Division
- Wilbert & Company
- York Products
- Crematory Manufacturing & Service Inc.
- Options
- Aurora Casket Company Options
- Trigard University

D. HOME STUDY COURSES WITH TEST:

- Thanos Institute: 1-800-742-8257
- ARC Mesa Educators: 1-800-597-6372
- NFDA Home Study: 1-800-228-6332
- Funeral Ethics Association: 1-217-525-1520
- Elite: 1-888-857-6920
- Practicum Strategies 1-800- 731-4714 or www.info@pshomestudy.com

E. COLLEGE COURSES

F. HOSPITAL OR LABORATORY BASED INSTRUCTIONAL HOSPICE

G. GOVERNMENT AGENCIES:

- Board of Funeral Directors & Embalmers
- Arizona Department of Health Services
- Social Security Administration
- Veterans Administration
- FEMA (Federal Emergency Management Agency)
- OSHA
- Office of the Medical Examiner (Arizona)
- Public Fiduciary

H. OTHER:

- Center for Loss & Life Transition
- Continental Computers
- Diversified Environment Information Systems
- Epsilon Nu Delta Mortuary Fraternity, Inc
- California Transplant Services Inc.
- In-Sight Institute of In-Sight Books
- Life Appreciation Training
- Foundation National Academy Professional Embalming Skills
- Risk & Insurance Management Society
- Career Track, Inc. (Seminars only) SCI
- Howard Perlman-OSHA, Compliance & Risk Mgt.
- Duane Moore-OSHA Compliance & Risk Mgt.
- MKJ Marketing
- 360 Training

- Heartspace Adventures, Barbara Joy PhD
- Mission for Infant Survival & Stillbirth (M.I.S.S.)
- Ford Schools Insurance and Securities
- Great Western Insurance Company
- Dr. Thomas Taggart, Director, Mortuary Science Program
- Forensic Medical Investigations, Mary H. Dudley, MD
- Practicum Strategies
- AZ Donor Services – South West Division- RTI Donor Services
- Donor Network of Arizona
- Funeral Review.com, LLC
- Alderwoods Group
- Elite
- MKJ Marketing
- www.Mindleaders.com,inc (online)
- SCI
- Stericycle

REQUIRED CONTINUING EDUCATION CATEGORIES AND HOURS:

- Mortuary Science: 3 hours
- Legal Compliance & Ethics: 3 hours
- Professional Development: 6 hours

CONTINUING EDUCATION COMMITTEE MEMBERS

- Nancy Keil-Chair
- Ed O'Sullivan-Committee member
- Julian King-Committee member
- Jesse DeAnda-Committee member
- Patricia Keith-Board Liaison

2006 DISCIPLINARY ACTIONS

2006 DISCIPLINARY ACTION

| Licensee | Violation | Action Taken |
|---|---|--|
| Hampton Funeral Home | Unprofessional Services | Closed – No Funeral law Violations |
| Best Funeral Home | Unprofessional Services | Letter of Concern RFD And Establishment |
| Rude Family Northwest Mortuary | Unprofessional Services | Letter of Concern |
| Family Burial & Cremation Center | Billing Concerns | Letter of Concern |
| Shadow Mountain Mortuary | Pre-Need Billing | Closed – No Funeral Law Violations |
| Adair Douglas Funeral Chapel | Failure to comply with Vital Records Rules | Letter of Censure, Civil Penalty of \$1,000, RFD issued Letter of Concern and 90 days probation |
| Green Acres Mortuaries & Cemeteries | Unprofessional Services | Closed – No Funeral Law Violations |
| J. Warren Funeral Services Cole & Maud the Gardens | Obituary Misprint/Disruption of Services | Closed – No Funeral Law Violations |
| Lowman's Arizona Funeral Home | Unprofessional Services | Closed – No Funeral Law Violations |
| La Paz Funeral Home | Unprofessional Services | RFD #1 – Letter of Reprimand RFD #2 - Letter of Reprimand 6 months probation and not act RFD Establishment \$500 penalty 1 year probation and admin fees |
| Lamont Mortuary | Unprofessional Services | RFD – Letter of Reprimand Establishment – Letter of Reprimand and admin fees |
| South Lawn Mortuary | Unprofessional Services | Closed – No Funeral Law Violations |
| Morris-David's Safford Funeral Home | Unprofessional Services | Consent Order/ surrender of FD License for 5 Years may not act as RFD at any time |
| Advantage Funeral Cremation Services Golden Door Chapel | Unprofessional Services | Closed – No Funeral Law Violations |
| Morris-David's Safford Funeral Home | Misuse of Insurance funds pursuant to Consent Argeement | Consent Order w/6 months suspension and 1 yr probation during this period not act as RFD |
| Morris-David's Safford Funeral Home | Signing of Death Certificates as Embalmer | Board voted to dismiss w/o prejudice based upon signing of Consent order |
| Advantage Arizona Mortuary University | Unprofessional Services | Closed-No Complainant present |
| Harper Funeral Home | Unprofessional Services | Closed-No Complainant present |

A MESSAGE FROM THE BOARD PRESIDENT

The Challenges You Face in an Anna Nicole Smith World

If you are like me, you have heard more about Anna Nicole Smith than you ever wanted to hear for the rest of your life. I was amazed that it took a 5-day trial to decide who had custody of her body. Yet, you were probably not surprised at the intensity and conflict among the “loved ones.” For each of you, I suspect, have dealt with conflict about what to do with a person’s body after death.

While Arizona law may give clearer guidance about who is the next of kin, it may not solve other conflicts and arguments you have to handle. This Board has dealt with complaints from family members who are unhappy with how some part of their loved one’s care was handled. In many of the cases, the unhappy person was not the authorizing agent who made the arrangements and paid for them. As a result, those complaining had no standing before us.

For every case we hear, there must be dozens of conflicts you are able to resolve. I salute your professionalism. Thank you for your sensitivity and tact in the midst of disagreement and conflict.

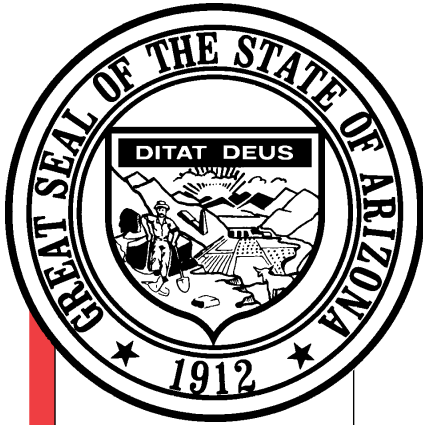
As the family structure changes in Arizona, I suspect you will face more complex challenges sorting out the conflicting desires of children, spouses, former spouses, and lovers who were never married to the deceased. The tensions between the children of a first marriage and the spouse of the second marriage may grow more intense when there is disagreement about the services for and disposition of their loved one. There may also be a relationship outside of marriage of great emotional importance not reflected in our laws.

The recent legislation about cremation gives very clear guidance about who has the authority to make cremation decisions. Legislation now being considered addresses the guidance for final dispositions. I encourage you to make speak from your experience about what guidance will be the most helpful to you.

Behind the show business coverage of the Anna Nichol Smith trial was the pain of the real people who loved her. In the press of your daily business may you never lose sight of the pain of the loved ones who seek out your services. Thank you for keeping that focus.

Sincerely,

Rev. Katherine Shindel
President



ARIZONA STATE BOARD OF
FUNERAL DIRECTORS AND EMBALMERS

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2007 BOARD MEETING SCHEDULE

January 16, 2007

May 15, 2007

September 18, 2007

February 20, 2007

June 19, 2007

October 16, 2007

March 20, 2007

July 17, 2007

November 20, 2007

April 17, 2007

August 21, 2007

December 18, 2007

(Tele-Conf.)