



BOARD REVIEW

VOLUME 12, No. 1
WINTER 2004

WEST VIRGINIA BOARD OF FUNERAL SERVICE EXAMINERS "WVBFSE"
THE PROFESSIONALS' NEWSLETTER

GOVERNOR WISE MAKES ANOTHER APPOINTMENT TO THE BOARD

Governor Bob Wise made another appointment to the Board of Funeral Service Examiners in early December 2003. The Governor appointed Benjamin F. Williams of Oak Hill to a term ending June 2007. Mr. Williams fills the vacancy left by Joseph F. Ford, III and is currently awaiting confirmation by the West Virginia Legislature.

Filling the Board's seat as one of five funeral directors, Mr. Williams is affiliated with Cardinal Funeral Suppliers, Inc. in Oak Hill, West Virginia. He was originally licensed in 1961. The Board welcomes Mr. Williams.

We also say good bye to Mr. Ford and thank him for 16 years of service. He served as Secretary from 1988 -1996 and then as President from 1997-2003, facilitating positive changes in the operation of the board and in the profession. His presence will be sadly missed.

APPRENTICE SUPERVISION

West Virginia law requires the apprenticeship to "consist of full-time employment under the direct supervision of an embalmer and funeral director." The law goes on to define full-time employment as "a minimum of forty (40) hours per week in a licensed funeral establishment." And, the legal definition of "direct supervision" is the physical presence of the licensed funeral director or embalmer.

What does this mean to you? Basically, an apprentice is never allowed to practice without the preceptor being physically present in the room with the apprentice. Under no circumstance is the apprentice permitted to practice without being directly supervised by the preceptor.

If the apprentice will be working on a different schedule than the assigned preceptor, it is important to have a secondary preceptor. Contact the Board office to obtain the appropriate forms to make this change.

Additionally, some apprentices and preceptors have been late in submitting the required reports. All case reports are due in our office no later than the tenth (10th) of each month. Due dates for evaluations are printed on those forms. All reports can be downloaded at www.wvfuneralboard.com.

LEGAL INTERPRETATIONS

None for this quarter.

DISCIPLINARY ACTIONS

While there are no disciplinary actions to report this quarter, the board is currently preparing for two administrative hearings to consider disciplinary action.

BOARD MEETINGS

March 31, 2004	Charleston
June 16, 2004	Morgantown

LATE CE'S

Failure to attend continuing education programs is punishable, in accordance with West Virginia law. Not only can the Board impose disciplinary action, it can refuse to renew the license. Approximately thirteen (13) licensees are currently in arrears. The board voted on January 14, 2004 to deny renewal to those thirteen individuals if they fail to obtain the required hours by June 2004.

Your status is noted on Page 4, near the address label.



CERTIFIED CE PROVIDERS

Recently, the Board began certifying CE providers. Certified providers must offer quality programs and have already presented 20 hours of approved programming in the past two years. Individual programs may still be approved, also.

Approved providers renew annually. Below is a list of providers and their certification expiration dates.

Practicum Strategies PO Box 5788 Kingsport, TN 37663 1-800-731-4714 info@pshomestudy.com	12/31/04
Thanos Institute PO Box 1928 Buffalo, NY 14231-1928 (716) 636-0383 www.thanosinstitute.com	12/31/04
Int'l Cemetery & Funeral Assoc. 1895 Preston White Dr., Suite 220 Reston, VA 20191 (703) 391-8400 www.icfa.org	12/31/04
Selected Independent Funeral Homes 500 Lake Cook Road, Suite 205 Deerfield, IL 60015 (800) 323-4219 www.selectedfuneralhomes.org	12/31/04
Hospice Foundation of America 2001 S Street, NW, Suite 300 Washington, DC 20009 (202) 638-5419 www.hospicefoundation.org	12/31/04
MKJ Marketing 1501 Belcher Road S., Building B Largo, FL 33771 (888) 655-1566 www.mkjmarketing.com	12/31/04
National Funeral Directors Association 13625 Bishop's Drive Brookfield, WI 53005 (262) 789-1880 www.nfda.org	12/31/04
International Order of the Golden Rule PO Box 28689 St. Louis, MO 63146 (800) 637-8030 www.ogr.org	12/31/04

****Areas with gray background denote OSHA/health related courses. There are several more OSHA/Health related courses listed on our website, www.wvfuneralboard.com.**

On-Going	Federal Trade Commission Regulations: Complying with FTC 1.0 CEU's General Education Location: in your funeral home Sponsor: Regulatory Support Services Registration: phone 1-804-784-7347	On-Going	Complying with the Funeral Rule 10.0 CEU's General Education Location: homestudy Sponsor: Practicum Strategies Registration: 1-800-731-4714 or www.practicumstrategies.com	March 15-19, 2004	The Dodge Seminars 18.0 CEU's General Education, 2.0 CEU's OSHA/Health Education Location: Ft. Lauderdale, FL Sponsor: The Dodge Institute Registration: 1-800-443-6343
On-Going	Certified Preplanning Consultant Program, Correspondence Course 15 CEU's General Education Location: home study Sponsor: Funeral Service Foundation (NFDA) Registration: phone 877-402-5900	On-Going	And We Wonder Why People Question the Need for Funerals: Creating a Proactive Response 1.5 CEU's General Education Location: home study (video) Sponsor: Int'l Order of the Golden Rule Registration: phone 1-800-637-8030	March 17, 2004	A Fresh Look at the Future 8.0 CEU's General Education Location: Charlotte, NC Sponsor: The York Group Registration: phone 504-529-4332 YorkSeminar@competitiveresources.com
On-Going	Annual OSHA Training 3.0 CEU's OSHA/Health Education Location: in your funeral home Sponsor: Regulatory Support Services Registration: phone 1-804-784-7347	On-Going	Helping Children Understand Funerals 1.25 CEU's General Education Location: homestudy (videotape) Sponsor: Int'l Order of the Golden Rule Registration: phone 1-800-637-8030	March 18, 2004	A Fresh Look at the Future 8.0 CEU's General Education Location: Richmond, VA Sponsor: The York Group Registration: phone 504-529-4332 YorkSeminar@competitiveresources.com
On-Going	Aurora Plant Tour 1.0 CEU General Education Location: Aurora, IN Sponsor: Aurora Casket Company Registration: phone 1-800-457-1111	Feb 19, 2004	Belmont County (OH) Funeral Directors Meeting 2.0 CEU's General Location: St. Clairsville, OH Sponsor: Belmont Cty Funeral Dir. Registration: 740-676-1611	March 26-28, 2004	Embalming, Reconstructive Surgery & Cosmetology Techniques 10.0 CEU's General Education Location: Boston, MA Sponsor: NFDA Registration: phone 1-800-228-6332
On-Going	Focus on Your Future 10.0 CEU's General Education Location: varies Sponsor: Yorktowne Caskets, Inc. Registration: Phone, 1-800-343-5121	Feb 19-21, 2004	Celebrants 17 CEU's General Education Location: St. Petersburg, FL Sponsor: In-Sight Books Institute Registration: phone 1-405-810-9501	Apr 6-7, 2004	The Director's Asst. Training 16.0 CEU's General Education Location: Charlotte, NC Sponsor: Continental Computers Corp Registration: 1(870)932-0081 ext. 260
On-Going	The Balanced Funeral Arrangement 12.0 CEU's General Education Location: West Virginia and Indiana Sponsor: Aurora Casket Co., Inc. Registration: Phone 1-800-457-1111	Feb 19-23, 2004	The Dodge Seminars 18.0 CEU's General Ed, 2.0 CEU's OSHA/Health Ed Location: Scottsdale, AZ Sponsor: The Dodge Institute Registration: 1-800-443-6343	Apr 16-18, 2004	Celebrants 17 CEU's General Education Location: Wheeling, IL Sponsor: In-Sight Books Institute Registration: phone 1-405-810-9501
On-Going	Computers A to Z for the Funeral Home 6.0 CEU's General Education Location: homestudy Sponsor: Practicum Strategies Registration: phone 1-800-731-4714	Feb 23-25, 2004	Exceptional Events: A New Frontier for Funeral Service 10.0 CEU's General Education Location: Las Vegas, NV Sponsor: NFDA Registration: phone 1-800-228-6332	Apr 26-28, 2004	Exceptional Events: A New Frontier for Funeral Service 10.0 CEU's General Education Location: St. Petersburg, FL Sponsor: NFDA Registration: phone 1-800-228-6332
On-Going	Understanding & Completing Certificate of Death, 10.0 CEU's General Ed Location: homestudy Sponsor: Practicum Strategies Registration: 1-800-731-4714 or www.practicumstrategies.com	March 3, 2004	A Fresh Look at the Future 8.0 CEU's General Education Location: Ft. Lauderdale, FL Sponsor: The York Group Registration: phone 504-529-4332 YorkSeminar@competitiveresources.com	Apr 27-28, 2004	The Director's Asst. Regional Training 16.0 CEU's General Education Location: Cleveland, OH Sponsor: Continental Computers Corp Registration: 1(870)932-0081 ext. 260
On-Going	Introduction to Accounting for the Funeral Director 6.0 CEU's General Education Location: homestudy Sponsor: Practicum Strategies Registration: phone 1-800-731-4714	March 4, 2004	A Fresh Look at the Future 8.0 CEU's General Education Location: Orlando, FL Sponsor: The York Group Registration: phone 504-529-4332 YorkSeminar@competitiveresources.com	May 4-5, 2004	The Director's Asst. Regional Training 16.0 CEU's General Education Location: Memphis, TN Sponsor: Continental Computers Corp Registration: 1(870)932-0081 ext. 260
On-Going	Sterisafe BBP Training 2 CEU's OSHA Education Location: varies, clients only Sponsor: Stericycle Registration: phone 1-847-607-2179	March 4, 2004	FTC Funeral Rule: 2004 Update 2.0 CEU's General Education Teleconference Sponsor: NFDA Registration: 1-800-228-6332	May 6, 2004	Advanced Cost Savings for Small Businesses, 2.0 CEU's General Ed. Teleconference Sponsor: NFDA Registration: 1-800-228-6332
On-Going	Preneed Funeral Planning 6.0 CEU's General Education Location: homestudy Sponsor: Practicum Strategies Registration: phone 1-800-731-4714	March 10-13, 2004	ICFA 2004 Annual Convention 13 CEU's General Education Location: Nashville, TN Sponsor: ICFA Registration: phone 1-800-645-7700	May 7-9, 2004	Celebrants 17 CEU's General Education Location: Toronto, ON Sponsor: In-Sight Books Institute Registration: phone 1-405-810-9501

**WELCOME
TO THE NEWEST MEMBERS OF THE
FUNERAL INDUSTRY**

FUNERAL SERVICE LICENSEES

Jeremiah J. Bowen
Jeremy Shane Koontz
John Keith Bowling

APPRENTICES

Scott A. Blosser
Ryan A. Summerfield
Michael A. Jacquez

COURTESY CARD HOLDERS

Brian Michael Parker

Congratulations!!!!!!

OFFICE CLOSURES & HOLIDAYS

February 12	Lincoln's Birthday
February 16	President's Day
May 11	Election Day
May 31	Memorial Day
June 21	West Virginia Day

April 22 - April 28
May 27 - June 4
September 13 - September 24

**MULTIPLE DEATH DISASTER
MANAGEMENT SYMPOSIUM**

The 3rd annual symposium is scheduled for April 7-9, 2004 at Tri State Fire Academy in Huntington. This conference is eligible for continuing education credit. Scheduled speakers include:

Dr. James Kaplan, WV Chief Medical Examiner
Cpt. Steven Weissman, Fairfax Fire & Rescue
Katherine Turman, FBI Director of Victims Asst.
Richard Leas, FBI National Disaster Response
Dr. Douglas Owsley, Smithsonian Institute
Ralph Lewis, RI Funeral Directors Assoc.
Joseph Portaro, WV State Police
Cpt. Ron Sperry, Miami Dade Rescue
John McGuire, Reg. Dpty. Comm. D-Mort
Additional presenters from the WV Medical Examiners Office and the Herald Dispatch

Board Staff

Sherri Douglass, Executive Director
James Sands, Investigator
Alvin Arner, III, Inspector
Price Calfee, III, Inspector

AUTHORIZED REPRESENTATIVE

In the last newsletter, we promised to expand on the topic of Authorized Representatives. In this newsletter, we will address family disputes, estranged relationships, what to do when there is no next of kin or authorized representative, and immunity. Crematories and funeral homes follow identical regulations, §6-1-24 and §6-2-23. The legally authorized representative must be determined before considering the following situations.

Family Disputes

Often families argue over who should control funeral arrangements or they disagree with the decedent's wishes. When a dispute exists regarding the right to control disposition, a petition may be filed in a county circuit court, requesting the court make a determination in the matter. The petition may be filed as follows: (a.) in the circuit court in the county of residence of the decedent or (b.) if the decedent resided in another state, in the county where the funeral establishment is located.

Should the right to control disposition devolve to more than one person with the same degree of relationship to the decedent (such as siblings or children) and those persons cannot, by majority vote, make a decision regarding arrangements and final disposition and a circuit court has been petitioned to make a determination, the court shall consider the following factors in making its determination:

- (1.) the reasonableness, practicality, and resources available for payment of the proposed arrangements and final disposition;
- (2.) the degree of the personal relationship between the decedent and each of the persons in the same degree of relationship to the decedent;
- (3.) the expressed wishes and directions of the decedent and the extent to which the decedent has provided resources for the purpose of carrying out the wishes or directions; and
- (4.) the degree to which the arrangements and final disposition will allow for participation by all who wish to pay respect to the decedent.

The circuit court judge makes the final decision regarding who may control funeral arrangements or what those funeral arrangements may be.

Estranged Relationships

Where there is only one person in a degree of relationship to the decedent (such as a spouse or one living parent), the court can be petitioned to intervene. The petition may be filed as follows: (a.) in the circuit court in the county of residence of the decedent or (b.) if the decedent resided in another state, in the county where the funeral establishment is located.

If the court determines that the person and the decedent were estranged at the time of death, the right to control and the duty of disposition will devolve to the authorized representative(s) in the next degree of relationship. This is based on the list of persons outlined in the previous newsletter.

The legal definition of "estranged" means having a relationship characterized by mutual enmity, hostility, or indifference.

No known authorized representative or next of kin

A funeral director or crematory operator shall have complete authority to control the final disposition and recover reasonable charges for the final disposition when both of the following apply:

- (1.) the funeral director or crematory operator has actual knowledge that no authorized representative(s) exists or that the authorized representative(s) can not be found after reasonable inquiry or contacted by reasonable means; and
- (2.) the appropriate public or court authority fails to assume responsibility for disposition of the remains within 36 hours after having been given written notice of the facts. Written notice includes hand delivery, U.S. mail, facsimile transmission, or telegraph.

Immunity

A funeral director, funeral home or crematory is not subject to criminal prosecution or civil liability for carrying out the otherwise lawful instructions of the decedent or the person(s) whom it is reasonably believed to be entitled to control the final disposition as the authorized representative(s).

Questions?...Just Ask Us!

If you need information pertaining to the practice of funeral service, funeral establishments, crematories, etc., write to:

Sherry Douglass
Executive Director
WV Board of Funeral Service Examiners
179 Summers Street, Suite 305
Charleston, WV 25301
boeafd@lycos.com

WANT AN EASY WAY TO ANSWER YOUR QUESTIONS OR GET FORMS?

Go on the internet to www.wvfuneralboard.com. Our new web site can provide you assistance with most of your questions. This is especially helpful during non-business hours. We encourage you to use the web site regularly as a one-stop source for state and federal regulations, as well as general licensing questions.

NEED A COPY OF THE NEW LAW?

To order a copy of the current "West Virginia Funeral Service Examiners Act" and its corresponding rules, please send a self-addressed stamped envelope and *\$6.00 to the address listed above.

*Laws: \$5.00 plus \$1.00 shipping



Let us know how we stack up.
We'd love to hear from you.

STATE OF WEST VIRGINIA
BOARD OF FUNERAL SERVICE EXAMINERS
179 Summers Street, Suite 305
Charleston, WV 25301
(304)558-0302 Voice (304)558-0660 Fax
email: boeafd@lycos.com
web site: www.wvfuneralboard.com

Board Members

Eugene T. Fahey, President

Raymond S. Tomassene, Secretary

John W. Chapman, III

Legislative Committee

LRR Examination Review Committee

R. Brent Parker

Complaint Committee

Legislative Committee

A. Craig Rotruck

Legislative Committee

LRR Examination Review Committee

Stephen T. Varner

Complaint Committee

Continuing Education Committee

Benjamin F. Williams

Continuing Education Committee

LRR Examination Review Committee