

Georgia State Board of Funeral Service Work Session Minutes

July 7, 2008

The Georgia State Board of Funeral Service held a work session on July 7, 2008, at the office of the Professional Licensing Boards Division, 237 Coliseum Drive, Macon, GA 31217.

Chairman David Roach called the work session to order at 10:20 a.m. with the following Board members present: David Roach, Linda Ware, Thelon Hamby, Nancy Kennedy, and Draper Watson. Steve Lindsey, Executive Director, was also present for the work session.

The purpose of the work session was to identify and discuss issues that the Board feels may need to be addressed in future rule amendments or legislative bills.

The Board discussed the following topics:

Self-Directed Cremation: Current law does not allow persons to authorize their own cremations prior to death. The current law only allows the legally authorized person to authorize cremation of a deceased person. Members discussed how often funeral homes are caught in the middle of family members who are not in agreement with the legally authorized person's direction to cremate the body. The funeral homes/crematories are placed in positions of liability. The Board discussed changing the law to allow self-directed cremations in an effort to reduce liability for the funeral homes/crematories, and to also allow a person to direct final disposition according to the person's wishes. Discussion was given to a standard cremation authorization form to be used in self-directed cremations. An alternative view discussed was using a durable power of attorney for healthcare to authorize cremation.

Unclaimed Cremains: OCGA 31-21-4 provides direction and relief for funeral homes/crematories that have unclaimed cremains. A Superior Court judge can authorize interment of cremains in the city cemetery. Discussion included requesting a representative of the Coroner's Association to meet with the Board to discuss the issue, since the local coroner's office can take possession of the unclaimed cremains for interment in the city cemetery.

Waiting Period for Cremations: The Board discussed establishing a waiting period for cremations. 24 hours was deemed a proper waiting period for proper notification of the next-of-kin.

Artificial implants: The Board discussed how to dispose of artificial implants recovered from cremations. Only pacemakers are removed from inside the body, and the funeral director must note the serial number of the pacemaker on the tag; however, other artificial implants are not removed prior to cremation. These implants either do not have serial numbers, or the numbers are illegible. The Board acknowledged that further investigation is needed to formulate direction for funeral homes/crematories in disposing of artificial implants.

Eye and Tissue Removal: The Board discussed whether eye and tissue removal should occur in the embalming room, or whether all removals should be made at the hospital prior to delivery to the funeral home. The Board discussed possible liability issues when removals are made at the funeral home. The Board also discussed the subject of fees paid to funeral homes for use of the embalming rooms in making removals. The Board agreed that if any fees are paid, the fees should be acknowledged to the families, so all transactions are above-board.

Transporting Bodies Out-of State: The Board discussed the need to include in the Board law some direction on transporting bodies out of the state for final disposition.

Certification of Retort Operators: The Board discussed the need to ensure that all operators of retorts have prior and continuing training on proper operation of a retort. Some discussion involved requiring all retort operators to be licensed funeral directors or embalmers. Discussion also included amending the law to require training of all retort operators, even though the Board will not require licensure of the individuals. Further discussion will be needed on this topic.

Funeral Director in Full & Continuous Charge: Some discussion regarding the criteria for approval as FDFCC included distance limitations, accessibility to the community, and time spent at the funeral establishment. The discussion on this topic was of a general nature, and further discussion will be needed.

The Board discussed possible legislation requiring future owners of funeral establishments to be licensed funeral directors. All current owners of establishment who are not licensed funeral directors will not be affected until the sale of the business occurs, or in the event that an application is made for an additional establishment. Establishments owned by a corporation, LLC, or partnership will require at least one principle officer, member, or partner to be a licensed funeral director. The Board members discussed the number of unlicensed practice cases that come before the Board each year, and the overwhelming number of these cases involved unlicensed owners practicing funeral directing. The Board members agreed that requiring owners of establishments to be licensed will significantly reduce the unlicensed practice case.

Unlawful Acts: The Board discussed creating rule or legislation that established holding cremated remains or death certificates for payment to be unlawful. The Attorney General will need to advise whether a rule will suffice, or if legislation is required.

The discussion of all topics was preliminary, and the Board expressed desire to have further discussion on these topics to determine plans rule amendments or future legislation proposals.

There being no further business, the work session adjourned at 2:00 p.m.

Minutes were approved at July 8, 2008 meeting.