

CFB Advocate

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Advisory Committee members reappointed to second term

On March 21, 2012, Bureau Chief Lisa M. Moore sent the Cemetery and Funeral Bureau Advisory Committee members a letter advising them that they had been selected to serve a second term per the Advisory Committee Member Orientation and Reference Manual. All seven members agreed to serve until March 30, 2013. In alphabetical order, the members are:

- Fredrick Belt, who was appointed as an industry member, is from Northern California, and is a cemetery manager at Westwood Hills Memorial Park. He has also been a member of the El Dorado County Cemetery Committee.
- Caroline Flanders, who was appointed as an industry member, is from Southern California, and is a licensed funeral director who previously operated her own funeral establishment as well as working with her chaplaincy.
- Merrill Mefford, who was appointed as an industry member, is from Southern California, and is the only member of the current Advisory Committee who previously served on a Committee. He holds licenses as a funeral director, embalmer, cemetery manager, cemetery broker, and crematory manager and is affiliated with Rose Hills Mortuary, Rose Hills Memorial Park, and Rose Hills Crematory.
- Phyllis Montero, who was appointed as a public member, is from Northern California, and is the Associate Director of the Diocese of Sacramento, Department of Cemeteries. She worked with Yolo Hospice for many years as a bereavement counselor.

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Advisory Committee members reappointed *continued*

- Cheryll Moore, who was appointed as a public member, is from Northern California, and is a Los Rios Community College professor in the gerontology department. She is also a board member of the Funeral Consumers Alliance of Northern California.
- Robert Mull, who was appointed as a public member, is from Southern California, and is a retired peace officer. He worked as an apprentice in a funeral establishment prior to enlistment in the United States Air Force, and is currently a decedent investigator for the Orange County Deputy Public Administrator.
- John Resich, who was appointed as an industry member, is from Southern California, and holds a cemetery salesperson license. He is a corporate officer for Green Hills Memorial Park and is an attorney.

Note: Cheryll Moore is not related to Cemetery and Funeral Bureau Chief Lisa M. Moore.



Reminder: Don't forget required form

Just a quick reminder to funeral establishment licensees to file the annual Declaration of Non-Reporting status form, if applicable, available on the Bureau's Web site at www.cfb.ca.gov. Business and Professions Code Section 7746 states:

- (a) Notwithstanding any other provision of law, a funeral establishment that is otherwise exempt from the requirement of filing an annual preneed trust report or whose preneed trust funds are reported in a combined preneed annual preneed trust report, shall annually file a declaration of nonreporting status with the bureau.
- (b) The declaration shall be filed on or before May 1 of each year and shall also be filed upon the transfer of ownership or the cessation of business.
- (c) The declaration shall be filed on a form provided by the bureau and shall include, but shall not be limited to, both of the following:
 - (1) The basis upon which the funeral establishment is exempt from the annual trust reporting requirement.
 - (2) The specific kind and nature of the exempt preneed arrangements, if any, in which the funeral establishment engages.
- (d) The declaration shall be verified by the funeral establishment's owner, a partner, or in the case of a corporation, by the president or vice president.

If you have any questions, please feel free to contact the Bureau's Audit Unit for assistance by calling (916) 574-7870.

Staff comings and goings

Thus far, 2012 has been a year of many changes for the Bureau. February 14, 2012, was Bureau Chief Bev Augustine's last day. We wish her all the best in her future endeavors.

Also in February, the Bureau hired James Lee and Ananth Narain in our Audit Unit. James most recently worked for the Department of Aging, and our other new auditor, Ananth Narain, came to us from the Department of Alcohol and Drug Programs. James and Ananth were hired to replace Kyungsun Gardiner, who left the Bureau to work for Caltrans, and Tanya Lecky, who left the Bureau to accept a position with CalPERS.

In March, the Bureau hired a new Administrative Assistant, Richard Hernandez, who left the State Controller's Office to come to the Department of Consumer Affairs. Before being employed by the State of California, Richard spent 20 years in the

U.S. Armed Forces, where he jumped out of planes, among other exciting duties.

Please join the Bureau in extending congratulations to Licensing Analyst Mary Hintemeyer, who retired in May after 26 years of State service, 20 of which were with the Department of Consumer Affairs. As Mary says in her own words:

In 2001, I transferred to the Cemetery and Funeral Bureau in the licensing unit, licensing all the funeral homes, cemeteries and crematories in California ... After more than 11 years working with the Bureau, I've decided it's time to venture outside of the cubicle and begin a new journey in life. As I enjoy listening to blues guitarists, I have decided that I am going to purchase an acoustic guitar, and accept the challenge of learning to play. I intend to take many hikes along the beaches of California, garden, and enjoy the simple things that life has to offer.

Rulemaking process begins for proposed regulations

The Cemetery and Funeral Bureau has begun the formal rulemaking process for the cemetery maintenance standards regulation required by Business and Professions Code section 9612.

On April 13, 2012, the Office of Administrative Law (www.oal.ca.gov) published the Notice in the California Regulatory Notice Register, and copies of the Notice and the language were mailed to the Bureau's Interested Parties list and licensed cemeteries, and an e-mail was sent to the Bureau's ListServ participants.

The Notice, language, and Initial Statement of Reasons are posted on the Bureau's Web site

at www.cfb.ca.gov under "Proposed Regulations." The flow chart on the following page describes the steps to be followed when enacting regulations. As outlined in the Notice, the regulatory hearing is scheduled for 1 p.m., July 12, 2012, in the Department of Consumer Affairs Headquarters Hearing Room in Sacramento.

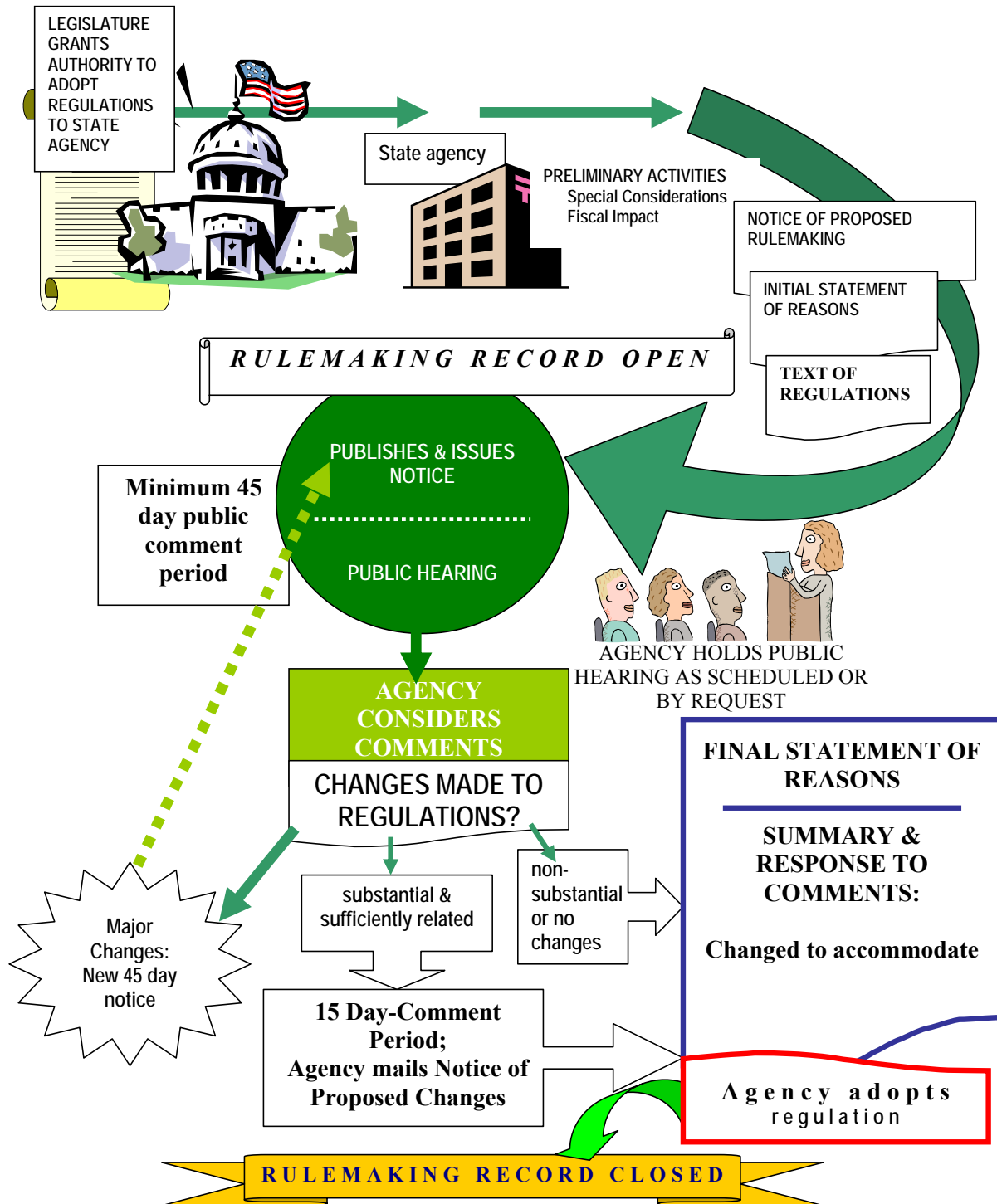
The Bureau would like to take this opportunity to thank everyone involved in the development of the cemetery maintenance standards regulation, particularly attendees of the various Advisory Committee meetings, the March 2011 workshop, and the focus group. This rulemaking is due in large part to your willing and active participation.

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Rulemaking process *continued*

The Rulemaking Process

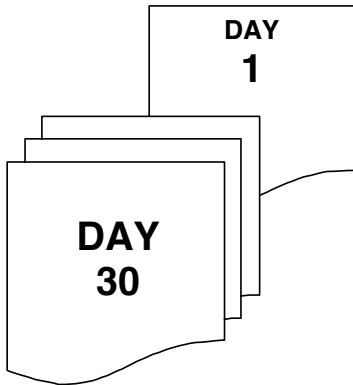


Rulemaking process *continued*

OAL REVIEW

State agency must submit rulemaking record within 1 year of notice publication

OAL has 30 WORKING days to review a regulation

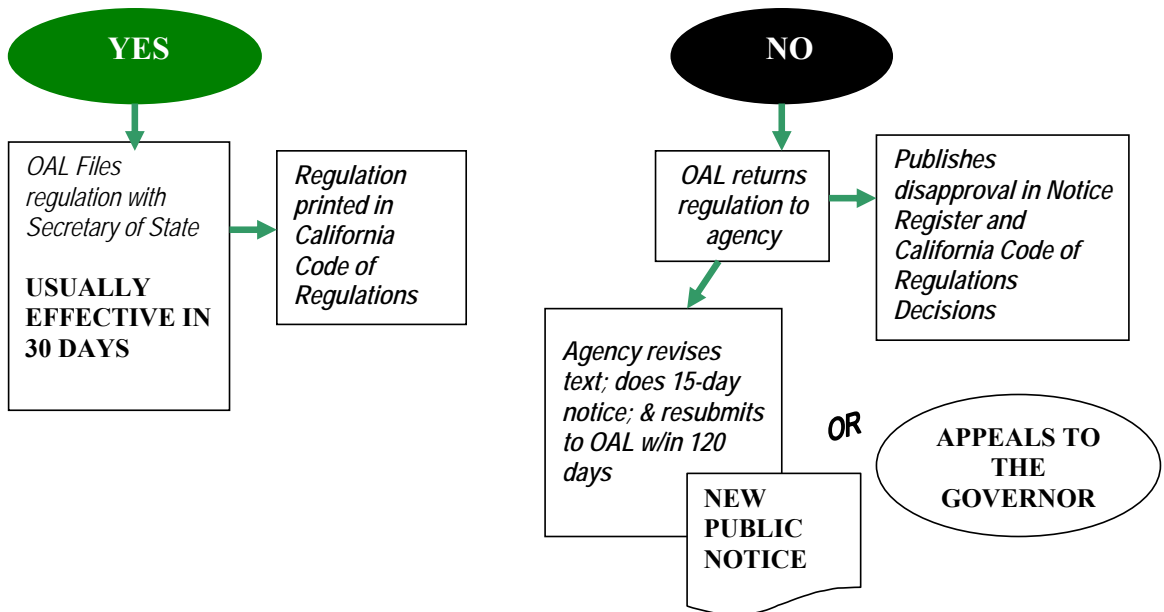


APA STANDARDS:

AUTHORITY
REFERENCE
CONSISTENCY
CLARITY
NON-DUPLICATION
NECESSITY

& PROCEDURAL REQUIREMENTS

DOES THE RULEMAKING SATISFY THE APA?





Find out more about organ and body donation

The Cemetery and Funeral Bureau receives calls from consumers asking about donating their organs and/or their body to science. The Bureau does not directly regulate these practices, but here are two resources for more information:

Donate Life

www.donatelifecalifornia.org (English)

www.doneVIDAcalifornia.org (Spanish)

Donate Life is an organization that seeks to educate and register prospective tissue and organ donors. Its Web site has a wealth of information on what organ donation can mean for the 21,000-plus Californians who are awaiting organ donation.

Since 2004, Donate Life has signed up more than 9 million Californians to become the largest registry of its kind in the nation, and this has resulted in more than 90,000 tissue and organ donations. One donation can save eight lives through organ transplantation and can assist another 50 lives through tissue donations.

The Donate Life Web site also seeks to debunk common misconceptions about donation, such as the myth that there is an upward age limit, or that the hospital will not try to save the life of a prospective organ donor, or that the decision to donate tissue or organs will delay the funeral or lead to the need for a closed casket service. There is no cost to donate, but any medical expenses incurred before donation and any funeral expenses remain the responsibility of the next of kin.

More individuals are able to donate tissue than organs because organs can only be donated by someone who dies in the hospital while on a ventilator. Tissue donation provides skin grafts for burn victims and donated corneas can restore a person's sight, among other life-saving or life-enhancing operations.

As of July 1, 2011, it became mandatory for all Californians to check one of two boxes on their

driver license or identification card renewal to indicate their commitment to organ or tissue donation. Do you think you are already listed as an organ or tissue donor because you have a little pink sticker on your California driver license? If you received the sticker before July 1, 2006, your decision to donate isn't registered online. Visit www.donatelifecalifornia.org or www.doneVIDAcalifornia.org to ensure that your decision to donate is properly recorded.

Although donor registration is legally binding on your heirs, you can change your decision anytime by going to the Web site.

Willed/Donated Body Program

www.ucop.edu/hss/adprogram

The University of California (UC) has an Anatomical Donation Program that allows Californians to donate their bodies to one of five UC campuses for scientific study. Prospective donors can contact the nearest participating UC campus — Davis, Irvine, Los Angeles, San Diego, San Francisco — for details and a registration packet. Return the completed forms and a donor card will be mailed to you. Forms, information, and links to the five campuses can be found online at www.ucop.edu/hss/adprogram.

There are certain medical conditions which may prevent a body from being accepted for donation, so you should discuss backup funeral arrangements with your family. Donors can change their mind about donating their body, but the next of kin cannot limit or revoke the decision to donate after death.

Questions regarding the UC Anatomical Donation Program can be directed to:

Brandi Schmitt, MS

Director, Anatomical Services, University of California
Office of the President, Health Sciences and Services
1111 Franklin St., 11th Floor, Oakland, CA 94607
(510) 287-3810

brandi.schmitt@ucop.edu

New law requires posting of General Price List

The Bureau keeps track of legislation in the areas of law that we oversee, and posts a yearly summary of the changes on our Web site, www.cfb.ca.gov. Just in case you missed it, we want to make sure funeral establishments maintaining a Web site are aware of the provisions of Senate Bill 658 (Negrete McLeod, Chapter 386, Statutes of 2011), which amended Business and Professions Code section 7685.

Effective January 1, 2013, a funeral establishment that maintains a Web site must post the list of funeral goods and services that are included in the establishment's Federally-mandated General Price List (GPL). The Web site must also include a statement that the GPL is available upon request via a link from the home page, unless a

phrase containing the word "price" links to the establishment's online GPL.

The full text of Business and Professions Code section 7685, as well as the rest of the Funeral Directors and Embalmers Law, can be found in Business and Professions Code Chapter 12, sections 7600-7746, and is accessible from the Bureau's Web site at www.cfb.ca.gov under the "Laws/Regs" tab, and the "Existing Laws/Regulations" link. You can also access the laws on www.leginfo.ca.gov (which is where the link from the Bureau's Web site will take you).

If you have questions about the laws and regulations or the rulemaking process, please contact Joy Korstjens at (916) 574-7878.

New Bureau Chief appointed

Please join the Cemetery and Funeral Bureau in welcoming our new Bureau Chief, Lisa Moore. Ms. Moore has worked for the Department of Consumer Affairs (DCA) since 1984. She served as Deputy Chief of the Cemetery and Funeral Bureau from 2000-2012 and was appointed as Bureau Chief on March 12, 2012.

As Bureau Chief, she is responsible for the overall management of the Bureau's activities, including policy and budget management, and directs a staff of 22 employees. Prior to her positions with the Bureau, Ms. Moore worked for the DCA's Board of Barbering and Cosmetology for 15 years, where she managed

very similar program activities while serving as the Interim Program Administrator.

Ms. Moore has earned a high level of respect from her colleagues. She was elected to the Board of Directors of The International Conference of Funeral Service Examining Boards, Inc., better known as "The Conference" in 2003, and represented District 9, which includes California, Arizona, Colorado, Hawaii, Nevada, and Utah. In 2007, Ms. Moore served as the Secretary-Treasurer of the Board. She served as Vice President in 2008 and President in 2009.



Renew your license on time to avoid fines

If you fail to renew your funeral director, embalmer, cemetery broker, cemetery manager, and/or crematory manager license(s), it becomes delinquent. A license may remain delinquent for up to five years and still be renewed, once all applicable renewal and delinquent fees have been paid. Be sure to contact the Bureau's Licensing Unit at (916) 574-7870 for an accrued renewal fee notice (i.e., the total renewal fee owed with delinquency fee) before you submit your payment.

Any license not renewed after five years will be cancelled, and you will be required to pass an examination before you can be issued a new license, regardless of how long you have been in practice or your licensure status in another state. Working with an expired license is considered unlicensed activity, so be sure your license is current and active or you could be subject to a citation and fine by the Bureau.

Disciplinary Actions

Below are the Cemetery and Funeral Bureau enforcement actions from December 2011-March 2012. Please contact Bureau staff at (916) 574-7870 with any questions.

LICENSEE/APPLICANT	CASE #	DEC TYPE	DECISION	EFFECTIVE DATE
Angelus Rosedale Funeral Home Trustee SOI	A1 2010 474	ADP DEC	DENIAL	1.16.12
Angelus Funeral Home Trustee SOI	A1 2010 475	ADP DEC	DENIAL	1.16.12
Angelus Rosedale Funeral Home Officer SOI	A1 2010 476	ADP DEC	DENIAL	1.16.12
Angelus Funeral Home Officer SOI	A1 2010 477	ADP DEC	DENIAL	1.16.12
Carol A. Archie ACC CES 42210	A1 2010 132	ADP DEC	REVOCATION	1.20.12
Michael S. Wallace PET REINSTATE FDR 309	A1 2011 357	ADP DEC	DENIAL	3.07.12

ACC= Accusation
SOI= Statement of Issues

ADP DEC= Adopted Decision
Stip Settle= Stipulated Settlement

CITE= Citation

PET REINSTATE= Petition Reinstatement