

SECTION .0300 – LICENSING

21 NCAC 34B .0310 PRACTICE OF FUNERAL SERVICE OR FUNERAL DIRECTING NOT AS AN OWNER, EMPLOYEE OR AGENT OF A LICENSED FUNERAL ESTABLISHMENT

(a) A funeral director or funeral service licensee registered to practice under G.S. 90-210.25(a2) shall not use its business office required by G.S. 90-210.25(a2)(2)a. to conduct the practice of funeral service or funeral directing. A funeral director or funeral service licensee shall not hold out to the public that its business office is a funeral establishment and shall not use a business name that misleads the public to believe that its business office is a funeral establishment or operates or maintains a facility that is a funeral establishment.

(b) An applicant to practice under the provisions of G.S. 90-210.25(a2) shall submit a form provided by the Board as set forth in Paragraph (c) of this Rule with an application fee of two hundred fifty dollars (\$250.00). Applications that are not completed within 90 days following submission to the Board shall be denied.

(c) Applications for an unaffiliated practice permit shall be made on applications available on the Board's website at ncbfs.org. Applications not completed within 90 days following submission to the Board shall be denied. All applications for an unaffiliated practice permit shall contain the following:

- (1) The applicant's full name and license number;
- (2) The applicant's email address, residential address, mailing address, and phone number(s);
- (3) The name of the individual or entity that owns the unaffiliated practice;
- (4) Whether the entity or individual owning the unaffiliated practice is a sole proprietorship, partnership, corporation, or limited liability company;
- (5) If owned by a sole proprietor, the legal name of the sole proprietor;
- (6) If owned by a partnership, a copy of the applicant's partnership agreement;
- (7) If owned by a corporation, a copy of the applicant's Articles of Incorporation;
- (8) If owned by a limited liability company, a copy of the applicant's Articles of Organization;
- (9) If the applicant will conduct business in a different name than that of its owning entity, a copy of the applicant's Certificate of Assumed Name;
- (10) The names and respective ownership interest percentages of each sole proprietor, partner, LLC members, or corporate officers;
- (11) The name and address of the funeral establishment or embalming facility where embalming will occur;
- (12) The address of the location at which unaffiliated practice records will be held;
- (13) The name and address of the location where sheltering of remains will occur prior to moving remains to the location at which funeral services will be held;
- (14) The names, license type, and license number of each funeral director, funeral service licensee, and embalmer working for the unaffiliated practice and whether said licensee is working on a full-time, part-time, or per case basis;
- (15) A copy of the General Price List, Casket Price List, Outer Burial Container Price List, and Statement of Funeral Goods and Services Selected intended for use by the applicant, as required by the FTC Funeral Rule, 16 C.F.R. 453.2;
- (16) Proof of the applicant's professional liability insurance with a minimum coverage amount of one million dollars (\$1,000,000.00);
- (17) Whether the applicant currently is in good standing with the North Carolina Secretary of State and, if so, documentation to establish proof of the same;
- (18) Whether, within the preceding two years, the applicant has been the subject of any investigation for employee misclassification and, if so, the results of the investigation;
- (19) The licensed manager's notarized signature to certify that:
 - (A) he or she has prepared the application and has read the answers;
 - (B) the information provided in the application is true;
 - (C) the applicant has read and understands the public notice statement on employee misclassification that is set forth in the application and has disclosed any investigations for employee misclassification, and its results, over the preceding two year period, as prescribed by G.S. 143-789;
 - (D) he or she understands that any credential issued shall be governed by the provisions of Article 13A, Chapter 90 of the North Carolina General Statutes and the rules promulgated by the Board; and

- (E) the applicant owns, or was employed by, a funeral establishment directly damaged or destroyed by Hurricane Helene, to include the name of said funeral establishment and the type of damage or destruction that said funeral establishment suffered.
- (20) The application fee, as prescribed by G.S. 90-210.28 and 21 NCAC 34A .0201. If the application fee is dishonored by the licensee's drawee bank for any reason, the Board shall suspend the license until the renewal fees and non-sufficient fund charges are paid.
- (d) Renewal applications for an unaffiliated practice permit shall be made on applications available on the Board's website at ncbfs.org. All renewal applications for an unaffiliated practice permit shall contain all information required by Paragraph (c)(1)-(4), (c)(9)-(20) of this Rule.

*History Note: Authority G.S. 90-210.23(a); 90-210.25(a2)(2)a., b.; 90-210.27A(a), (i);
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