RECENT MEETINGS:

BEAR’s Advisory Board met in Monterey on February 5. The Advisory Board and its Legislative Committee discussed the possibility of recommending minimum test equipment necessary for electronic appliance repair. However, the Board voted not to make any recommendations and to leave this area to industry and trade associations. The proposed recommendations would not have been adopted as regulations, but the Board feared that the recommendations might be considered “underground regulations.” The issue will be discussed again at BEAR’s next meeting.

BEAR staff reported on disciplinary action taken by BEAR between the Advisory Board’s meeting in November 1987 and the February 5 meeting. Six criminal actions were initiated against service dealers for operating without a license. An appliance repair dealer in Garden Grove received a thirty-day stayed registration suspension and was placed on three years’ probation for administrative violations, including placing ads in the Pennysaver without stating the company’s name or address, and without stating whether the costs of parts and labor were included in the advertised price. The registrations of two satellite antenna dealers were revoked. In addition, one application for registration was denied because of the applicant’s moral character.

FUTURE MEETINGS:

August 19 in Long Beach.
November 18 in Ontario.

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

Executive Officer: James B. Allen
(916) 445-2413

The five-member Board of Funeral Directors and Embalmers licenses funeral establishments and embalmers and approves changes of business name or location. It registers apprentice embalmers, approves funeral establishments for apprenticeship training, annually accredits embalming schools and administers the licensing examinations. The Board inspects the physical and sanitary conditions in a funeral establishment, enforces price disclosure laws and audits preneed funeral trust accounts maintained by its licensees. (A Board audit of a licensed funeral firm’s preneed trust funds is statutorily mandated prior to transfer or cancellation of the license.)

In addition, the Board investigates and resolves consumer complaints.

MAJOR PROJECTS:

Permits for Disposition of Cremated Remains. In its January 15 newsletter, the Los Angeles County Funeral Directors Association (LACFDA) encouraged California funeral directors to inform clients who have the right to control the disposition of human remains of their responsibilities regarding the interment procedures authorized by a permit for disposition. Currently, Health and Safety Code section 7100 specifies the person(s) entitled to control the disposition of the remains of a deceased person in the absence of other directions given by the decedent. In addition, section 7100 provides that “a decedent... may direct the preparation for, type or place of interment of his remains, either by oral or written instructions, but a written contract for funeral services may be modified only in writing. The person... entitled to control the disposition... shall faithfully carry out the directions of the decedent.”

According to the newsletter, “some registrars may become aware that cremated remains are being released to persons with the right to control the disposition without that person fully understanding what actions are authorized by the permit.” Specifically, some individuals who take possession of cremated human remains assume that if the box on the permit entitled “Burial at Sea or Disposition other than in a Cemetery of Cremated Remains” is checked, and the permit indicates that the ashes are released to the individual’s home address, burial of the ashes or scattering at sea is also authorized. However, these procedures require a new disposition permit, and funeral directors were reminded to so inform their clients.

Death Certificates. In response to an article appearing in the Los Angeles Times and increasing concern and confusion throughout the industry regarding the appropriate role(s) of funeral directors, physicians, and local registrars in obtaining, completing, and filing death certificates, the Los Angeles County Board of Supervisors recently ordered an investigation of the death certificate problem in Los Angeles County. (See CRLR Vol. 8, No. 1 (Winter 1988) pp. 53-54; Vol. 7, No. 4 (Fall 1987) p. 49; Vol. 7, No. 3 (Summer 1987) p. 70; and Vol. 7, No. 2 (Spring 1987) p. 50 for background information.)

Chief Accountant-Auditor William Eng conducted a study of the death certificate process. His ten-page report encompasses information gathered from interviews with members of LACFDA, a review of the policies and procedures of the county coroner’s office and the Department of Health Services (DHS), and a flowchart of the death certificate process. The report concludes that the process of obtaining a properly executed and complete death certificate is unnecessarily complicated and time-consuming for funeral directors. Additionally, delaying disposition places added stress on the deceased's family and friends. Recommendations for remedial action are primarily aimed at correcting the underlying procedural problems in processing death certificates.

Among the recommendations offered to streamline the death certificate issuance process is the development of uniform instruction guidelines by the Office of the State Registrar for physicians’ proper completion of death certificates. Section 10203, chapter 5 of the Funeral Directors and Embalmers Law, requires that “the medical and health section data and the time of death shall be completed and attested to by the physician last in attendance; provided, such physician is legally authorized to certify and attest to these facts....” Funeral directors, however, cannot always confirm that the attending physician has accurately completed the medical details. Consequently, death certificates submitted by the funeral director are not always accepted for registration, thereby requiring the funeral director to relocate the physician and secure a death certificate which will be acceptable to the local registrar. The development of uniform guidelines should help ensure that physicians properly complete the certificates.

The report also recommends that the DHS registrar station a part-time public health registrar at the county coroner’s office on a trial basis, as part of a “one-step program” to improve service to the public by reducing the time required to issue a burial permit.

Eng’s third recommendation would require the DHS to develop a method for monitoring the authenticity of death certificates. DHS could randomly mail confirmation letters to attending physicians requesting verification of the signatures and the cause of death on their death certificates. Conducting an investigation through random sampling will help to detect forgery of a physician’s signature on death certificates by funeral establishment personnel. As reported in the Los Angeles Times on February 10,
“the county issues about 65,000 burial permits annually and does not attempt
to determine whether the physician's
signature is legitimate...” (See agency
report on CEMETARY BOARD, CRLR
Vol. 7, No. 2 (Spring 1987) p. 43 for an
example of a funeral establishment em-
ployee's forgery of a physician's signa-
ture on a death certificate.)

The report also revealed that in 15%
of cases sampled, death certificates were
not signed by the attending physicians
within fifteen hours after the death, as is
required by section 10204 of the Health
and Safety Code. In addition, physicians
are required to deposit the certificate at
the place of death, or deliver it to the
attending funeral director at his place of
business. Failure to comply with these
statutes is a misdemeanor, under section
However, physicians are rarely prosecu-
ted for violating section 10677 because
infractions carry only a $10 fine; each
subsequent offense carries a fine of not
less than $50, or imprisonment in the
county jail for not more than sixty days,
or both.

Upon review of Eng's report in early
January, the County Coroner's Office
and DHS expressed general agreement
with the recommendations. On February
9, the Los Angeles County Board of
Supervisors adopted the report's recom-
mandations.

The county audit was requested in
response to a story in the Los Angeles
Times last September, which quoted a
night supervisor at a Los Angeles funeral
home as saying that death certificates were
routinely altered there, and that some
certificates were thrown away and
physicians' signatures forged on new
ones to avoid delays in funeral services
or avert the expense of legally mandated
coroner's reviews. The Times stated that
in some cases “[p]hysicians reported
that their signatures had been forged by
[the funeral home's] employees before
the certificates were filed with county
health authorities.” At the request of the
county coroner's office, DHS investi-
gated the charges. The findings of that
investigation are currently in the hands of
the Los Angeles County District
Attorney's Office.

LEGISLATION:

SB 87 (Boatwright), as amended Janu-
ary 12, would have abolished the
BRGG and transferred the licensing of
persons engaging in geology and geo-
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RECENT MEETINGS:

At BRGG's January 12 meeting in
Los Angeles, drafts of the revised Guide-
lines for Groundwater Investigation
Reports and Geologic Guidelines for
Earthquake and/or Fault Hazard Re-
ports were distributed to Board members
for their review. The Professional Prac-
tice Committee is in the process of
 updating these reports, which are intend-
ed to be used as guidelines, and removing
those items which would be considered
standards.

At Board member James Weddle's
request, the Board discussed the possi-
bility of requiring licensure to complete
certain continuing education require-
ments. Board member Joseph Crosby
suggested that letters be sent to the
affected professional associations re-
questing their reactions to the proposed
addition of such a requirement.

Department of Consumer Affairs at-
torney Barbara King replaced Don
Chang as legal counsel for BRGG.

Also at its January meeting, the
Board discussed the status of SB 87
(previously SB 86). Board President
Howard Spellman and Executive Officer
John Wolfe attended the interim hear-
ing of the Senate Business and Profes-
sions Committee in Palm Springs on
December 7. Howard Spellman and
James Weddle sent letters expressing
opposition to the bill to Senator
Montoya.