

2016 Board

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Karen Carruthers

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Lori Elanik

Inspector/Investigator

Wayne Konner

March 2017

From the Chair

This year will see continuing changes from the Alberta Funeral Services Regulatory Board. Licence renewals time is coming as of April 1st, however, the continuing education credits that are required will not be such a big push as we are now in year 2 of the 3 year cycle. The board is looking at adding continuing mandatory credit courses for maintaining your funeral director license. The next course that is being developed will be coming from AHS Alberta Health Services and will deal with health and safety processes regarding the handling of deceased individuals. In the coming years the AFSRB plans to have built and develop a number of courses to that will be available for mandatory credits.

The AFSRB also did a fall forum in 2015 as a face to face way of meeting funeral directors from all areas of the province and gather information. This type of forum that travelled to various places in the province was well received and the board is again looking at another tour as it proved to be an excellent information gathering tool.

The Funeral Education Review Committee (FERC) evaluations are being presented to our two recognized schools which provide education for Alberta.

Our new Executive Director, Karen Carruthers, has been at the board for the better part of a year. It was noted by then Board Chair Christine Rapp, that Karen was a good choice for the position. In the past year, it has become very evident. Her background and knowledge is and will continue to be invaluable to the board.

As always, the AFSRB Newsletter continues to make funeral directors around the province aware of regulations and situations that affect the daily operations in funeral service. If there is legislation that you are unsure of the board office is just a call away.

The last six years for me have been informative, educational and enlightening. The mandate of a regulatory board is to protect the public interest. That being said, it also provides the legislative framework for funeral directors to provide the most excellent and valued service throughout the Province of Alberta.

Yours Sincerely
J Cameron Davis
Chair

Thank you

We would like to thank our two outgoing Board Members, Cam Davis and Bill Kostiw, for their service to the Board. Cam served twice as Chair of the Board, and was an invaluable resource for our new Executive Director. Cam's background and experience in funeral service was a great asset to the Board and he will be missed. Bill served as the Treasurer for two years with the Board. Bill was a public member that brought a different perspective to the Board. Bill will also be missed.

Welcome

The Board would like to welcome our newest industry member to the Board, Mr. Scott Barbour. Born and raised in Southern Alberta, he began his funeral service career in 1993, in Lethbridge, where he became licenced as a funeral director and embalmer. Scott and his wife were fortunate to be able to start their family in Lethbridge and in 2002, made the decision to relocate their family to Calgary where he continued in funeral service before starting with Southland Funeral Chapel of Taber in 2004. Scott, along with a business partner, purchased Southland Funeral Chapel in the spring of 2014.

After almost twenty-five years in the industry, Scott remains passionate about funeral service but more importantly takes his role as a caregiver very seriously. He believes that caring for those who have passed away and their families is a privilege, not a right. His commitment to both the funeral service industry and the families he is privileged to support is an opportunity to serve both professionally and personally. Scott feels strongly that the opportunity to serve with the Regulatory Board offers him the ability to assist in ensuring that the foundation of ethics and integrity in funeral service will continue to remain strong for years to come.

Welcome to our newest staff member!

The AFSRB is pleased to introduce our new staff member, Lori Elanik. Lori started with the Board in October and works with us part time helping out wherever she is needed. She has been kept busy with the licence renewals over the last few months.

Record keeping requirements

Under section 15 of the Funeral Services Act General Regulation, there are some very specific requirements for records that must be maintained by the funeral services businesses. The record that will be highlighted in this Newsletter is listed under subsection 15(2)(b) of the General Regulation and is as follows:

The records of every funeral services business licensee shall contain a register of pre-need funeral services contracts showing, with respect to each contract the following items:

- (i) the date of the contract,
- (ii) the name and address of the purchaser,
- (iii) the name, address and date of birth of the person for whose benefit the contract was entered into,
- (iv) particulars of money
 - (A) transferred to a trustee, or
 - (B) paid or to be paid to an insurance company
- (v) the amount charged as an administration fee,
- (vi) the place and date of death of the person for whose benefit the contract was entered into,
- (vii) the date on which the contract was fully performed or cancelled, and
- (viii) the amount held in trust, broken down as to principal and income;

The register listed above must be maintained as a standalone document and must be available to present to our inspector during inspections. Even though this information is likely found in your pre-need files, there also needs to be a spreadsheet or book, summarizing the above information for the pre-need contracts held by your business.

Please note: this requirement also applies to all pre-need contracts funded by insurance.

Transport Canada's requirements for shipping air cargo

(below information taken from Transport Canada's website)

If your funeral services business ships decedents by air, this is information that you need to be aware of.

Important notice to shippers of air cargo destined for the United States

Only air cargo from an Account Consignor or Known Consignor will be accepted for air transport to the United States.

Non-participant shippers would face limits on where and how their cargo could be transported by air.

The Air Cargo Supply Chain – Starting October 17, 2016, air cargo can be screened and made secure as early as the time it is packed, and up until the time it is tendered to an air carrier. If a business wants to be involved in screening, storing, transporting and /or accepting secure air cargo, it can apply to participate in Transport Canada's Air Cargo Security Program.

Canadian shippers will be able to apply to participate in the Air Cargo Security Program under one of two new participant categories – **Known Consignor** or **Account Consignor**.

A **Known Consignor** originates air cargo that has been made secure through a screening process applied at the time of packing. For example, a shipper with high value, unique and/or perishable air cargo might apply to become a Known Consignor for quality control of their product, to reduce potential security delays and/or to reduce additional screening fees.

An **Account Consignor** originates cargo and has an authorized Program participant screen it to make it secure. For example, a shipper might apply to become an Account Consignor because it is more cost effective for their business than building screening capacity within their own organization and/or there is low risk or damage to their cargo by having a third-party screen it due to the nature of their product.

Existing Registered Shippers – The program will transition existing Registered Shippers to Account consignor status under the amended regulations which will come into force on October 17, 2016. Existing Registered Shippers wishing to reduce potential security delays and/or reduce additional screening fees should apply to the Air Cargo Security Program as Known Consignors.

How Do Shippers Apply?

Transport Canada encourages shippers wishing to participate in the Air Cargo Security Program to contact their Air Cargo Security Support Centre, or apply directly through the Program website at www.tc.gc.ca/eng/aviationsecurity/asc-41.htm, to begin the application process.

For additional information, contact Air Cargo Security Support Centre toll free at 1/866-375-7342 or by email at aircargo-fretaerien@tc.gc.ca.



Labour Mobility

Attention Funeral Services Businesses with students from out of province

There are two approved schools in Alberta for funeral director and embalmer training, Canadian College of Funeral Services and Mount Royal University. If a student is coming to Alberta to do a practicum or finish their required hours, it is extremely important that the business has confirmed with the regulator in the jurisdiction that the student is coming from, that the other jurisdiction will accept the hours being done in Alberta and that the student will be eligible to obtain a licence from that jurisdiction.

Under Labour Mobility, the Alberta Funeral Services Regulatory Board will accept licensees from other jurisdictions within Canada and they can obtain their Alberta licence after they have passed the Alberta Funeral Director Exam. The key is that they come to Alberta with a licence confirming they have completed their schooling and have met the requirements to be licensed in that jurisdiction. Students that are not eligible to be licensed in their home jurisdiction, would not be eligible for a licence in Alberta.

Please be aware: For students taking the online Pre-need Counselor Training Course through the Canadian College of Funeral Services, all assignments must be submitted and reviewed by the College prior to scheduling your pre-need exam through the Board. The College will need 1 – 2 weeks to review these modules, so please consider these timelines before asking to book your exam.

Funeral Planning in Alberta Brochure

The AFSRB has recently revised our brochure and has sent out 10 copies in the mail to every licensed funeral business. There was also an order form included if you wish to order more copies. These are available at a cost of \$1 each.

Going on vacation, need some extra help or have a special case?

A funeral services business (the "Business") may, from time to time, find itself in a position where it is required to engage a funeral professional from outside of their own business ("Provider") to assist in its delivery of funeral services. This may often occur as a result of increased activity, reduced availability of staff or an unusual service request. When engaging the services of a Provider, the Business should consider the following issues:

1. Type of Relationship – is the Provider being hired as an employee or is the Provider an independent contractor?
2. Provisions of the Contract (assuming an independent contractor)
 - a. Contracting parties – is the Provider an individual or a corporate entity
 - b. Proper licensing – is the individual carrying out the duties, properly licensed under the Funeral Services Act
 - c. List of services to be provided/obligations
 - d. Term of Contract – specific timeline
 - e. Payment terms / expenses
 - f. Confidentiality/termination/payment of withholdings to CRA
3. Liability Concerns (addressed in the provisions of the Contract)
 - a. Liability to the consumer – which party has entered the agreement with the consumer?
 - b. Liability allocation between the Business and the Provider
 - c. Insurance coverage – does the Business hold insurance which covers the Provider? Does the Provider maintain their own insurance? Type of coverage?

Addressing these issues in the contract should result in a clearer and quicker resolution of a problem if one arises.

Scenario: The owner of XYZ Funeral Home is the only licensee at the business and is going on vacation. XYZ Funeral Home has asked a licensee from a neighboring funeral business (Bob's Funeral Home) to look after their families while they are away. This is agreed to. The Business Manager at Bob's Funeral Home needs to be aware that they are responsible for the licensed activity of their employee while they are working for XYZ Funeral Home. It would be advisable to have a contract in place to ensure clarity on the roles and responsibilities for the person coming in to cover off for XYZ Funeral Home.

Communication to Funeral Services Businesses from the Alberta Insurance Council

The Alberta *Insurance Act* (the "Act") requires that every business that acts as an insurance agent must hold a valid certificate of authority. The Act also requires that a business that is issued a certificate of authority must appoint a Designated Individual ("DI") who is responsible for receiving all notices and documents from the Alberta Insurance Council ("AIC").

This requirement applies to **Funeral Services Businesses** which sell life insurance and annuity products as a way of funding pre-arranged funeral services contracts (i.e. "Funeral Services Insurance"). If you require additional information on licensing please contact the Alberta Insurance Council at licensing@abcouncil.ab.ca

If your **Funeral Services Business** currently holds a valid certificate to sell funeral services insurance, your license(s) will expire on June 30, 2017 and must be renewed prior to that date if you wish to continue doing business. The AIC will email renewal notifications to all license holders through their Designated Individual(s) **in early May**. Acting as an insurance agent without holding a valid license is an offence under the *Insurance Act* and could result in disciplinary proceedings and sanctions.

If you are not the Designated Individual ("DI") for the license issued to your business, then the business must have the DI changed by completing a new application appointing a new person to act as DI. When you renew your certificate(s) on-line, you may **not** change:

- 1) The name of your DI,
- 2) The name of the business in which you conduct your insurance business, or
- 3) The insurance company that has recommended ("sponsored") your certificate of authority.

Your new DI will be required to obtain a CIPR number from the CIPR web site (www.CIPR.ca) if he does not already have one. You must complete the appropriate Form 5 application(s) found on the AIC web site (www.abcouncil.ab.ca) under the Other Resources-Forms & Publications link and send the original application(s) signed by your recommending insurer with your fee payment in order to make any of the abovementioned changes.

It is your responsibility to ensure that information provided to the AIC for your organization or DI is current. If the information is incorrect you will not be able to renew your certificate(s).

Not sure if you currently hold an active insurance agent's certificate of authority? Search for your business name on our web site from the link Other Resources-Popular Lookups-Agent and Agency Search.

If you have any other questions, please email us at licensing@abcouncil.ab.ca



Summer Forums!

Many of you attended the Fall Forums in 2015 and there was a sharing of information that the Board and the attendees found valuable. The Board has decided to schedule more forums for the summer of 2017.

More information will be coming out soon, including the dates, locations and continuing education credits. Watch your email for this.

Mandatory Continuing Education

Information on the upcoming mandatory course that all licensees are required to complete, will be provided shortly. The Board is working with the Environmental Public Health Officers to get this course in place. This course will be an in-person course taking about 3 hours to complete and will be held in different locations across the province. Some of our Summer Forums will be run in conjunction with the mandatory course, so you can take advantage of participating in both.

Questions

If you have any questions about the information contained in this newsletter please contact the Board office at office@afsrb.ab.ca.

The AFSRB Newsletter can also be found on our website at www.afsrb.ab.ca.