Department of Consumer Affairs
Cemetery and Funeral Bureau

Sunset Review Report 2014

Presented to the Senate Business, Professions, and Economic Development Committee and the Assembly Business, Professions, and Consumer Protection Committee

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Cemetery and Funeral Bureau

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CEMETERY AND FUNERAL BUREAU

BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM

As of November 1, 2014

Section 1:
Background and Description of the Bureau and Regulated Profession

The California State Board of Funeral Directors and Embalmers was established in 1939, and the California State Cemetery Board was created in 1949. In the 1990s, turmoil within the Board of Funeral Directors and Embalmers and the Cemetery Board led to significant discussion within the Legislature regarding the effectiveness of the two separate boards. Ultimately, the Legislature determined that the Department of Consumer Affairs (DCA/Department) was the best structure for managing the Programs. Urgency legislation was enacted in 1995 (Assembly Bill 910, Speier, Chapter 381, Statutes of 1995) to transfer the regulatory operations of both Boards to DCA. Through a Memorandum of Understanding with the Cemetery Board, DCA assumed responsibility for the Cemetery Program in October 1995. Effective January 1, 1996, DCA succeeded to and was vested with, all of the duties, powers, purpose, responsibilities, and jurisdiction of the Cemetery Board and the Board of Funeral Directors and Embalmers, and consolidated the functions into the Cemetery and Funeral Program.

To conduct the operations of the Programs, the Department created a new policy unit, Policy Chief (Cemetery and Funeral), and a new Enforcement Division unit (Cemetery and Funeral Unit), and the resources of both Boards were consolidated into these functions. DCA fully integrated the Programs' operations into the Performance Based Budgeting (PBB) pilot project, which began in 1993 with other Bureaus and Programs under its direct authority. The Department reorganized and centralized the core business functions previously performed by individual Bureaus into different divisions: licensing, enforcement, complaint mediation, consumer information center, cashiering, and some administrative services.

In 1999, legislation was enacted establishing regulatory programs managed by the Department as "Bureaus" (Senate Bill 1306, Senate Committee on Business and Professions, Chapter 656, Statutes of 1999). The Governor's budget for Fiscal Year (FY) 2000-01 established the policy of organizing regulatory programs within the Department into traditional Bureaus.

In January 2000, the licensing and enforcement operations for both Programs were transitioned to the Bureau. Also in 2000, the Department sponsored legislation that changed the Cemetery Program and Funeral Program into what it is today—the Cemetery and Funeral Bureau (Bureau).

Today, the Bureau licenses and regulates, and investigates complaints against 13 different licensing categories in California, totaling approximately 12,200 licensees. This includes funeral establishments, funeral directors, embalmers, apprentice embalmers, cemetery brokers/branch/ additional, cemetery salespersons, cremated remains disposers, crematories, crematory managers, cemetery managers, and private, nonreligious cemeteries established after September 1939 that collect endowment care funds.

The Bureau regulates nearly every aspect of the licensed cemetery and funeral industries. The Bureau has responsibility for oversight of both the fiduciary and the operational activities of the industries. With regard to the financial aspect of the industry, the Bureau oversees preneed funeral

trust funds, cemetery endowment care trust funds, and cemetery special care trust funds. The State Department of Insurance regulates the sale of insurance policies that can be used to fund preneed funeral arrangements. However, the seller must meet the price disclosure and contract requirements under the Bureau's jurisdiction. The Bureau has the financial examination authority to ensure compliance with the laws, verify accounting and investing practices, and identify funding shortages. Audits may be initiated based upon the review of an annual trust report, failure to file a trust report, consumer complaints, or for any other reason if the funds appear to be at risk of possible abuse or noncompliance.

To carry out its duties and protect consumers, the Bureau currently has 21.5 authorized positions, consisting of nine full-time field staff located throughout the State and 12.5 office staff members in Sacramento. Although the Bureau operates as a single regulatory bureau, there are still two budgets/funds for the Bureau: 1) Cemetery Program and 2) Funeral Directors and Embalmers Program.

The Bureau has statutory authority to enforce the licensing and practice acts in the Business and Professions Code (BPC) relating to the funeral, cemetery, and crematory industries.[1] The Bureau also has jurisdiction over specified section of the Health and Safety Code (HSC) dealing with human remains, cemetery, and crematory provisions.[2]

1. Describe the makeup and functions of each of the Bureau's committees (cf., Section 12, Attachment B).

The Cemetery and Funeral Bureau does not have a "board," but has established an Advisory Committee. The Advisory Committee provides a forum for both consumers and licensees to provide input on funeral- and cemetery-related issues and allows the Bureau to meet its regulatory obligations in an open and transparent environment.

The composition of the Advisory Committee consists of seven members, for a two-year term with the possibility of an extension for an additional two-year term. Four members are selected from the industry and three members represent the public. The Bureau Chief selects and appoints the members upon approval from the Director of the Department. The members, who volunteer on their own time and at their own expense, serve in an advisory capacity, only making nonbinding recommendations directly to the Bureau Chief.

The focus of the Advisory Committee is to advise the Bureau as a whole based on each member's diverse experience and education. Committee members are expected to provide professional and technical assistance to the Bureau concerning the Bureau's administration, regulation, licensing, and enforcement functions. Meetings are typically held twice a year and a notice and agenda of each meeting is distributed and posted on the Bureau's website at least 10 days prior to each meeting. Minutes are prepared and also posted on the Bureau's website. A copy of the member orientation and reference manual is included in Section 12 (Attachment A).

[1] Division 3, Chapter 12 (beginning with Section 7600—the Funeral Directors and Embalmers Act) and 19 (beginning with Section 9600—the Cemetery Act) of the Business and Professions Code.

[2] Part 1 (commencing with Section 8100), Part 3 (commencing with Section 8250), and Part 5 (commencing with Section 9501) of Division 8 of the Health and Safety Code.

Table 1a . Cemetery and Funeral Bureau Advisory Committee Meetings and Attendance																	
	MEETING DATE	9/25/2002 – Sacramento	*12/6/2002 – Sacramento	7/20/2005 – Sacramento	8/15/2006 – Sacramento	12/6/2006 – Sacramento	11/30/2007– Sacramento	11/18/2008 – Los Angeles	10/28/2010 – Sacramento	6/17/2011 – Sacramento	9/14/2011 – Sacramento	6/7/2012 – Sacramento	11/15/2012 – Sacramento	3/5/2013 – Sacramento	6/13/2013 – Sacramento	2/12/2014 – Sacramento	7/17/2014 – Sacramento
CURRENT MEMBERS	**APPOINTED**																
Jolena Grande	Apr-13														x	x	x
Terry DeWeese	Apr-13														x	x	A
Darin Drabing	Apr-13														x	x	x
John Resich	Apr-13														A	x	x
Tracy Hughes	Apr-13														x	x	x
Victoria Emmons	Apr-13														A	x	x
Cheryll Moore	Apr-13														x	x	x
PAST MEMBERS																	
Frederick Belt	Mar-11									x	x	x	x	x			
Caroline Flanders	Mar-11									x	A	A	A	A			
Phyllis Montero	Mar-11									x	x	x	A	x			
Cheryll Moore	Mar-11									x	x	A	x	A			
Robert Mull	Mar-11									x	x	x	x	x			
John Resich	Mar-11									x	x	x	x	x			
Linda Cooke	Nov-07						x	x	A								
Glenn Bower	2005			A	A	A	A	x	A								
Calvin “Andy” Bryant	2005			x	x	x	x	x	x								
Royce Ann Ruhkala Burks	2005			x	x	x	x	x	x								
Virgil County	2005			x	A	x	x	x	x								
Merrill Mefford	2002/2005	x		x	x	x	x	x	A	x	x	x	x	x			
Steve Schacht	2002/2005	x		x	x	x	x	x	A								
Lisa Messina				A	x	x	A	A	A								
George Prather	2005			x	x	A	A	x	x								
Eva Shaw, PH.D.	2005			A	x	x	x	x	A								
Dr. Anthony Wallace				x	x	x	A	x	x								
Felicia Winston	2005			x	x	A	x		A								
Betty Youngren Cooper	2002/ Dec-06	x				x	x	x	A								
Linda Baxter	2002	x															
Steve Blackledge	2002	x															
Carol Corey	2002	A															
Jim Gordon, Jr.	2002	x															
Bob Risher	2002	x															
Tom Swift	2002	x															

X = In attendance; A = Absent

** Minutes from this meeting are unavailable to determine attendance of Committee members.*

Table 1b. Advisory Committee Member Roster as of July 2014					
MEMBER NAME	APPOINTED	REAPPOINTED	TERM EXPIRES	APPOINTING AUTHORITY	TYPE
Jolena Grande	4/1/2013	N/A	3/30/2015	Bureau Chief	Professional
Terry DeWeese	4/1/2013	N/A	3/30/2015	Bureau Chief	Professional
Darin Drabing	4/1/2013	N/A	3/30/2015	Bureau Chief	Professional
John Resich	3/30/2011	4/1/2013	3/30/2015	Bureau Chief	Professional
Tracy Hughes	4/1/2013	N/A	3/30/2015	Bureau Chief	Public
Victoria Emmons	4/1/2013	N/A	3/30/2015	Bureau Chief	Public
Cheryll Moore	3/30/2011	4/1/2013	3/30/2015	Bureau Chief	Public

2. In the past four years, was the Bureau unable to hold any meetings due to lack of quorum? If so, please describe. Why? When? How did it impact operations?

The Advisory Committee has not had to cancel any meetings due to lack of a quorum. Committee members do not have any decision-making authority and are not part of any type of disciplinary proceedings where a quorum would be necessary for the Bureau to take any action.

3. Describe any major changes to the Bureau since the last Sunset Review, including:

- Internal changes (i.e., reorganization, relocation, change in leadership, strategic planning)

Since the last Sunset Review in 2002, there have been a number of changes in Bureau leadership, as well as changes in the Department's administrative and executive staff. Changes in Bureau Chiefs have been as follows:

- G.V. Ayers (2000–2004)
- Sherrie Moffet-Bell (2004–2008)
- Richard Wallinder, Jr. (2008–2010)
- Beverlee Augustine (2010–2012)
- Lisa M. Moore (2012–Present)

A copy of the Bureau's organizational chart is included in Section 12 (Attachment B).

In 2005, the Bureau relocated from its location at 400 R Street, Sacramento, CA 95811, to its current location at 1625 N. Market Blvd, Suite S-208, Sacramento, CA 95834.

The Bureau has developed Strategic Plans as follows:

- 2002–2004 Strategic Plan
- 2004–2006 Strategic Plan
- 2011–2014 Strategic Plan
- 2015–2018 Strategic Plan (Section 12, Attachment C)

The following are some of the Bureau's accomplishments as a result of the Strategic Plans:

- Implemented the provisions of legislation that required the licensing of all cemetery and crematory managers and established licensing standards through regulation for the new licensing categories

- Enacted consumer protection regulations that require funeral establishments to disclose to the responsible party any preneed funeral arrangement they have on file for the decedent

- Conducted a survey to determine the adequacy of cemetery endowment care fees collected by licensed cemeteries

- Implemented the requirement for annual inspections of licensed cemeteries and crematories

- Began publishing its newsletter, which is posted on the Bureau's website

- Developed its publication *Preneed Q&A,* which includes the most frequently asked questions about purchasing funeral preneed (before death) merchandise and services

- Began computer-based testing for all five licensing examinations given by the Bureau

- Implemented procedural changes to enforcement processes and established target timeframes to better track and reduce the amount of time it takes to complete field investigations

- Began a comprehensive review of the cemetery and funeral regulations to identify necessary changes to streamline enforcement processes and enhance consumer protection

The Bureau has accomplished the following as a result of the 2011 Strategic Plan:

- Appointed a new seven-member Advisory Committee composed of four industry and three public members

- Revised the *Consumer Guide to Funeral and Cemetery Purchases*, which provides information to help consumers make informed decisions about funeral and cemetery arrangements for themselves or loved ones

- Developed a new brochure, *For Peace of Mind: Funeral and Cemetery Arrangements*, which includes consumer tips on planning ahead for cemetery and funeral arrangements

- Updated *Preneed Q&A*, the Bureau's publication about making advance funeral and cemetery arrangements

- Established probation monitoring guidelines and procedures to ensure that licensees placed on probation comply with the terms and conditions of their probation, including cost recovery

- Updated procedure manuals for field operations, licensing functions, and enforcement procedures

- Reorganized and revised the Bureau's website to make it easier to navigate and provide information in a user-friendly format

- Automated the Bureau's financial annual reports to allow licensees to complete the forms electronically

- Completed Section 100 changes for cemetery and funeral regulations
- Developed and implemented regulations for cemetery maintenance standards for cemeteries licensed by the Bureau
- Drafted Limited Liability Company (LLC) regulations to allow cemeteries under the Bureau's jurisdiction to become licensed as an LLC (currently under Departmental review)
- Amended the funeral citation and fine table to allow for issuance of an administrative citation and/or monetary fine for any violation of the statutes or regulations applicable to funeral practice
- Drafted proposed language to revise and update a section of the funeral regulations (currently under departmental review)
- Drafted language to amend the cemetery citation and fine table to allow for issuance of an administrative citation and/or monetary fine for any violation of the statutes or regulations applicable to cemetery practice

➢ All legislation sponsored by the Bureau and affecting the Bureau since the last Sunset Review.

The Bureau does not sponsor legislation; however, since the 2002 Sunset Review, the Bureau's authority and mandates have been amended by numerous pieces of legislation. A listing of these bills can be found on the *Impacting Legislation 2002–2014* document (Attachment D).

➢ All regulation changes approved by the Bureau the last Sunset Review. Include the status of each regulatory change approved by the Bureau.

Also since 2002, the Bureau has adopted, amended, and repealed a significant amount of regulatory actions. A listing of those actions can be found on the *Regulatory Actions 2002–2014* document (Attachment E).

4. Describe any major studies conducted by the Bureau (cf. Section 12, Attachment C).

In 2002, SB 1952 (Figueroa, Chapter 825, Statutes of 2002) required the Bureau to conduct a comprehensive study to determine the feasibility/necessity of oversight of third-party casket retailers and proprietary employees of religious corporations, churches, etc.

BPC § 7612 and § 9610 were repealed after studies were completed and presented to the JLSRC in 2004. Attachment F includes copies of the complete reports.

In 2006, SB 1490 (Ducheny, Chapter 401, Statutes of 2006) required the Bureau to conduct a survey of cemetery licensees regarding the sufficiency of existing cemetery Endowment Care Fund(s), which revealed that the funds collected were inadequate. The report was submitted to the Legislature in 2007, resulting in the passage of SB 1135 (Chapter 545, Statutes of 2008), which doubled the amounts collected and deposited into the Endowment Care Fund(s). Attachment G includes a copy of the complete report.

5. **List the status of all national associations to which the Bureau belongs.**
The Bureau currently belongs to the following associations:

- The International Conference of Funeral Service Examining Boards, Inc. (ICFSEB); requires annual membership dues of $250.

- North American Death Care Regulators Association (DCRA); membership dues are not required.

- **Does the Bureau's membership include voting privileges?**

  The Bureau's membership in the ICFSEB includes voting privileges; however, California must be present at the annual meetings in order to vote on any matters brought before the member boards.

  The Bureau's membership in the DCRA includes voting privileges only if a registration fee is paid for attendance at the annual meeting.

- **List committees, workshops, working groups, task forces, etc., on which Bureau participates.**

  The Bureau Chief is currently serving as the Chairperson of an ICFSEB ad hoc committee for the development of a Model Practice Act for funeral service.

- **How many meetings did Bureau representative(s) attend? When and where?**

  The Bureau Chief served on the Board of Directors for the ICFSEB from 2003–2011, and attended meetings in various locations when out-of-state travel was approved. The last meeting the Bureau Chief attended was in 2010 in California. While the restrictions in Executive Order B-06-11 have prevented the Bureau's attendance at any meetings since 2010, the Bureau was granted travel approval to attend the ICFSEB meeting in 2015 in Dallas, Texas.

  In 2003, the Bureau Chief (at that time) attended a DCRA meeting in New York. (Note that the organization was previously known as the North American Cemetery Regulators Association.) The Bureau has not participated in any meetings with this organization since that time; however, the Bureau has participated in telephone conference calls on occasion.

- **If the Bureau is using a national exam, how is the Bureau involved in its development, scoring, analysis, and administration?**

  In 2010, the Bureau began using the National Board Examination (NBE) toward licensure as an embalmer. The examination is developed and administered by the ICFSEB, which is located in Arkansas.

  In 2007, through an independent contracted vendor, the Bureau conducted an audit of the NBE to determine compliance with the sciences (embalming) section of the NBE to ensure the examination met the standards outlined in the DCA's Licensure Examination Validation Policy. The audit confirmed that the examination development and administration procedures were sufficiently consistent with the *Standards for Educational and Psychological Testing* and

section 139 of the BPC (included in the Department's policy). The conclusion of the audit was that the ICFSEB's examination is a valid measure of competencies essential for entry-level embalmer practice.

Embalmer applicants follow procedures established by the ICFSEB to schedule their NBE examination. The computer-based test is administered at testing centers located throughout the United States. The Bureau receives NBE pass scores directly from the ICFSEB, and they are reviewed as part of the application process. Applicants must also pass a written examination administered by the Bureau on the State's laws, rules, and regulations that pertain to the funeral industry. This examination, developed by the Department's Office of Professional Examination Services (OPES), is also a computer-based test and can be scheduled after eligibility requirements have been met. Scoring for both examinations is consistent with testing procedures for measuring competency in a specific area.

The ICFSEB testing provisions include the following to ensure the NBE is consistent with national and California testing standards:

- Occupational analyses are performed every 5–7 years
- California-licensed embalmers are involved in occupational analyses and may be involved in examination development
- Detailed content outlines of the examination are provided to applicants for the examination
- Comprehensive study guide is available to applicants
- Pass/fail rates for the NBE are provided to the Bureau on a quarterly basis
- Pass/fail rates and statistics for the NBE are provided to the accredited mortuary science programs in California
- Pass/fail rates for the NBE for applicants who attended California schools are available from the American Board of Funeral Service Education
- Appropriate testing accommodations are provided to comply with the Americans with Disabilities Act

The examination policy for the ICFSEB is established by the elected Board of Directors and the National Board Examination Committee. The NBE is reported on and discussed with the total membership at each annual meeting.

Section 2:
Performance Measures and Customer Satisfaction Surveys

6. Provide each quarterly and annual performance measure report for the Bureau as published on the DCA website.

Quarterly and annual reports of *Performance Measures* provide stakeholders with the Bureau's progress in meeting its enforcement target goals (Section 12, Attachment H).

7. Provide results for each question in the Bureau's customer satisfaction survey broken down by fiscal year. Discuss the results of the customer satisfaction surveys.

The Bureau includes a postage-paid customer satisfaction survey with almost every closure letter for complaints and also includes a website address where consumers can complete a more

comprehensive survey. The electronic survey allows the consumer to advance through the questions, answering only those items they choose to. When survey postcards are received, they are manually entered into the electronic survey and the Bureau receives a quarterly report with all of the responses received. When consumers include specific comments, the Bureau reviews them to identify ways to improve or change its processes, or to recognize staff when they have received positive comments about the service provided.

The Bureau strives to address all issues identified in a complaint, realizing that some are complex and require additional time to complete them, some are nonjurisdictional, and some don't establish a violation of law. Additionally, there are circumstances where the consumer is not satisfied with the proposed resolution. The Bureau makes every effort to complete its complaint investigations in a professional manner, while being sensitive and aware of the subject matter we regulate. See Table 9a on page 33 for a breakdown of the total number of complaints received for Fiscal Years 2011–12, 2012–13, and 2013–14.

FISCAL YEAR 2011–12	WEBSITE	REGULAR MAIL	E-MAIL	PHONE	IN PERSON
How did you contact the Bureau?	0	4	14	10	0
	VERY SATISFIED	**SOMEWHAT SATISFIED**	**NEITHER SATISFIED NOR DISSATISFIED**	**SOMEWHAT DISSATISFIED**	**VERY DISSATISFIED**
How satisfied were you with the format and navigation of our website?	0	1	0	0	0
How satisfied were you with the information pertaining to your complaint available on our website?	1	0	0	0	0
How satisfied were you with the time it took to respond to your initial correspondence?	1	0	0	0	0
How satisfied were you with our response to your initial correspondence?	1	0	0	0	0
How satisfied were you with the time it took to speak to a representative of our Bureau?	1	0	0	0	0
How satisfied were you with our representative's ability to address your complaint?	1	0	0	0	1
How satisfied were you with the time it took for us to resolve your complaint?	32	3	3	2	8
How satisfied were you with the explanation you were provided regarding the outcome of your complaint?	24	8	2	3	11
Overall, how satisfied were you with the way in which we handled your complaint?	30	3	1	4	11

	DEFINITELY	PROBABLY	MAYBE	PROBABLY NOT	ABSOLUTELY NOT
Would you contact us again for a similar situation?	30	3	2	7	6
Would you recommend us to a friend or family member experiencing a similar situation?	31	0	6	3	8

FISCAL YEAR 2012–13	WEBSITE	REGULAR MAIL	E-MAIL	PHONE	IN PERSON
How did you contact the Bureau?	0	1	4	13	0
	VERY SATISFIED	**SOMEWHAT SATISFIED**	**NEITHER SATISFIED NOR DISSATISFIED**	**SOMEWHAT DISSATISFIED**	**VERY DISSATISFIED**
How satisfied were you with the format and navigation of our website?	3	1	2	0	0
How satisfied were you with the information pertaining to your complaint available on our website?	3	1	1	0	1
How satisfied were you with the time it took to respond to your initial correspondence?	0	0	1	0	0
How satisfied were you with our response to your initial correspondence?	0	0	1	0	0
How satisfied were you with the time it took to speak to a representative of our Bureau?	0	0	0	0	1
How satisfied were you with our representative's ability to address your complaint?	0	0	0	0	0
How satisfied were you with the time it took for us to resolve your complaint?	26	4	4	1	9
How satisfied were you with the explanation you were provided regarding the outcome of your complaint?	19	9	1	3	12
Overall, how satisfied were you with the way in which we handled your complaint?	24	5	3	1	11
	DEFINITELY	**PROBABLY**	**MAYBE**	**PROBABLY NOT**	**ABSOLUTELY NOT**
Would you contact us again for a similar situation?	27	4	0	8	5
Would you recommend us to a friend or family member experiencing a similar situation?	27	4	1	4	7

FISCAL YEAR 2013–14 (through March 2014)	WEBSITE	REGULAR MAIL	E-MAIL	PHONE	IN PERSON
How did you contact the Bureau?	1	10	6	8	0
	VERY SATISFIED	**SOMEWHAT SATISFIED**	**NEITHER SATISFIED NOR DISSATISFIED**	**SOMEWHAT DISSATISFIED**	**VERY DISSATISFIED**
How satisfied were you with the format and navigation of our website?	0	0	0	0	0
How satisfied were you with the information pertaining to your complaint available on our website?	0	0	0	0	0
How satisfied were you with the time it took to respond to your initial correspondence?	2	0	0	0	0
How satisfied were you with our response to your initial correspondence?	1	1	0	0	0
How satisfied were you with the time it took to speak to a representative of our Bureau?	0	0	0	0	0
How satisfied were you with our representative's ability to address your complaint?	0	0	0	0	0
How satisfied were you with the time it took for us to resolve your complaint?	17	7	3	2	7
How satisfied were you with the explanation you were provided regarding the outcome of your complaint?	16	7	1	3	9
Overall, how satisfied were you with the way in which we handled your complaint?	21	4	0	3	8
	DEFINITELY	**PROBABLY**	**MAYBE**	**PROBABLY NOT**	**ABSOLUTELY NOT**
Would you contact us again for a similar situation?	20	5	2	1	7
Would you recommend us to a friend or family member experiencing a similar situation?	23	3	1	2	7

Fiscal Issues

The Bureau is funded by two special funds that provide revenue to maintain both of the Bureau's programs. Each fund is listed on the next page.

8. Describe the Bureau's current reserve level, spending, and if a statutory reserve level exists.

At the end of FY 2013–14, the Bureau had a reserve balance of 13.1 months in the Cemetery Fund and 7.7 months in the State Funeral Directors and Embalmers Fund. Both funds cannot exceed 24.0 months in reserve pursuant to BPC section 128.5(a).

9. Describe if/when a deficit is projected to occur and if/when a fee increase or reduction is anticipated. Describe the fee changes (increases or decreases) anticipated by the Bureau.

There are no projected deficits in the Cemetery fund; therefore, no changes in fees are anticipated by the Bureau at this time.

The State Funeral Directors and Embalmers Fund is projected to go below 3.0 months in reserve in FY 2015–16. The Bureau will re-evaluate its current fee structure and explore ways to realize operational efficiencies.

Table 2. Fund Condition (Cemetery)

(Dollars in Thousands)	FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16
Beginning Balance	$1,918	$2,201	$2,374	$2,608	$2,702	$2,487
Revenues and Transfers	$2,166	$2,141	$2,205	$2,296	$2,269	$2,269
Total Revenue	$4,084	$4,342	$4,579	$4,905	$4,971	$4,756
Budget Authority	$2,479	$2,534	$2,537	$2,513	$2,484	$2,534
Expenditures	$1,886	$1,987	$1,971	$2,203	$2,484	$2,534
Loans to General Fund	$0	$0	$0	$0	$0	$0
Accrued Interest, Loans to General Fund	$0	$0	$0	$0	$0	$0
Loans Repaid from General Fund	$0	$0	$0	$0	$0	$0
Fund Balance	$2,198	$2,355	$2,608	$2,702	$2,487	$2,222
Months in Reserve	13.3	14.3	12.4	13.1	11.8	10.3

Table 2. Fund Condition (Funeral)

(Dollars in Thousands)	FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16
Beginning Balance	$2,262	$1,953	$1,769	$1,658	$1,192	$633
Revenues and Transfers	$1,251	$1,261	$1,268	$1,320	$1,304	$1,302
Total Revenue	$3,513	$3,214	$3,037	$2,978	$2,496	$1,935

Budget Authority	$1,626	$1,693	$1,740	$1,822	$1,863	$1,863
Expenditures	$1,579	$1,435	$1,385	$1,768	$1,863	$1,863
Loans to General Fund	$0	$0	$0	$0	$0	$0
Accrued Interest, Loans to General Fund	$0	$0	$0	$0	$0	$0
Loans Repaid from General Fund	$0	$0	$0	$0	$0	$0
Fund Balance	$1,934	$1,779	$1,652	$1,192	$633	$35
Months in Reserve	16.2	15.4	10.9	7.7	4.0	0.2

10. Describe the history of general fund loans. When were the loans made? When have payments been made to the Bureau? Has interest been paid? What is the remaining balance?

There has been no history of general fund loans from the Cemetery Fund or the State Funeral Directors and Embalmers Fund.

11. Describe the amounts and percentages of expenditures by program component. Use *Table 3. Expenditures by Program Component* to provide a breakdown of the expenditures by the Bureau in each program area. Expenditures by each component (except for pro rata) should be broken out by personnel expenditures and other expenditures.

The Table is Attachment L.

12. Describe license renewal cycles and history of fee changes in the last 10 years. Give the fee authority (Business and Professions Code and California Code of Regulations citation) for each fee charged by the Bureau.

The Bureau has not had any fee changes for licenses, registrations, or renewals within the last 10 years. The license renewal cycles and fee authority for each fee charged are as follows:

Fee Authority and Renewal Cycle			
License Type	**Renewal Cycle**	**Business and Professions Code**	**California Code of Regulations, Title 16**
Certificate of Authority (Cemetery)	Annually	9765	2310(a)
Cemetery Manager	Annually	9764.2	2317(c)
Cemetery Broker	Annually	9753	2314
Cemetery Broker Additional	Annually	9754 & 9755	2315
Cemetery Broker Branch	Annually	9731 & 9750.5	
Cemetery Salesperson	Annually	9759	2320
Crematory	Annually	9786	2311(b)
Crematory Manager	Annually	9786	2317(c)
Cremated Remains Disposer	Annually	9763	
Funeral Establishment	Annually	7729(o)	1257(f)
Funeral Director	Annually	7729(d)	1257(e)

Embalmer	Annually	7729(f)	1257(h)

Table 4. Fee Schedule and Revenue (Cemetery) (list revenue dollars in thousands)

Fee	Current Fee Amount	Statutory Limit	FY 2010–11 Revenue	FY 2011–12 Revenue	FY 2012–13 Revenue	FY 2013–14 Revenue	% of Total Revenue
CERTIFICATE OF AUTHORITY (COA) (CEMETERY)							
Initial Filing Fee	$400.00	$400.00	$3	$3	$0	$4	.17%
Additional Filing Fee (per day/per person, to defray investigation expenses)	$100.00	$500.00	$0	$0	$0	$0	0
Annual Regulatory/ Renewal Fee	$400.00	$400.00	$72	$76	$75	$77	3.33%
Delinquent Renewal Fee	$200.00	$200.00	$2	$1	$8	$0	0
Quarterly Fee Per Interment	$8.50	$8.50	$544	$524	$513	$509	22.06%
CREMATORY (CR)							
Initial Filing Fee	$400.00	$400.00	$5	$6	$6	$14	.61%
Additional Filing Fee (per day/per person to defray investigation expenses)	$100.00	$500.00	$0	$0	$0	$0	0
Annual Regulatory/ Renewal Fee	$400.00	$400.00	$79	$81	$84	$82	3.55%
Delinquent Renewal Fee	$200.00	$200.00	$1	$2	$1	$2	.09%
Quarterly Fee Per Cremation	$8.50	$8.50	$1,134	$1,126	$1,204	$1,212	53%
CEMETERY MANAGER (CEM)							
Examination/Re-examination Fee	$800.00	$900.00	$22	$17	$15	$18	.78%
Original License Fee	$80.00	$100.00	$0	$1	$1	$3	.13%
Annual Renewal Fee	$80.00	$100.00	$23	$22	$22	$21	.91%
Delinquent Renewal Fee	$40.00	$40.00	$0	$0	$0	$0	0
Request to Share Designated Cemetery Manager	$50.00	$50.00	$1	$1	$1	$0	0
Report Change of Designated Cemetery Manager	$50.00	$50.00	$1	$1	$1	$0	0
CREMATORY MANAGER (CRM)							
Examination/Re-examination Fee	$450.00	$500.00	$12	$15	$13	$16	.69%
Original License Fee	$80.00	$100.00	$2	$2	$2	$4	.17%
Annual Renewal Fee	$80.00	$100.00	$36	$36	$37	$35	1.52%
Delinquent Renewal Fee	$40.00	$40.00	$2	$1	$1	$2	.09%
Report Change of Designated Crematory Manager	$50.00	$50.00	$1	$1	$2	$0	0
CEMETERY BROKER (CEB)							
Original License Fee	$400.00	$400.00	$10	$9	$11	$9	.39%
Re-examination Fee	$100.00	$100.00	$1	$0	$0	$0	0
Annual Renewal Fee	$300.00	$300.00	$47	$49	$49	$55	2.38%
Delinquent Renewal Fee	$150.00	$150.00	$0	$1	$1	$0	0

Reinstatement of License	$25.00	$25.00	$0	$0	$0	$0	0
CEMETERY BROKER ADDITIONAL (CBA)							
Original License Fee*	$400.00	$400.00	$0	$0	$0	$0	0
Annual Renewal Fee	$100.00	$100.00	$2	$2	$1	$1	.04%
Delinquent Renewal Fee	$50.00	$50.00	$0	$0	$0	$0	0
CEMETERY BROKER BRANCH (CBB)							
Original License Fee	$100.00	$100.00	$3	$2	$1	$1	.04%
Annual Renewal Fee	$100.00	$100.00	$6	$7	$6	$7	.30%
Delinquent Renewal Fee	$50.00	$50.00	$0	$0	$0	$0	0
CEMETERY SALESPERSON (CES)							
Original License Fee	$30.00	$30.00	$42	$52	$50	$46	1.99%
Transfer License Fee	$25.00	$25.00	$12	$7	$7	$11	.48%
Reinstatement License Fee	$25.00	$25.00	$1	$1	$1	$0	0
Annual Renewal Fee	$25.00	$25.00	$57	$58	$65	$78	3.38%
Delinquent Renewal Fee	$25.00	$25.00	$2	$1	$1	$3	.13%
CREMATED REMAINS DISPOSER (CRD)							
Original Registration Free	$100.00	$100.00	$3	$2	$2	$3	.13%
Annual Renewal Fee	$50.00	$50.00	$8	$8	$9	$7	.30%
Delinquent Renewal Fee	$25.00	$25.00	$1	$0	$1	$0	0
MISCELLANEOUS							
Changer of Name and/or Address	$25.00	$25.00	$0	$0	$0	$0	0
Duplicate License Fee	$25.00	$25.00	$2	$3	$2	$2	.09%

**The same revenue code is used for the original license fee for an additional cemetery broker and a cemetery broker. The "additional" designation refers to any subsequent cemetery broker employed at the same location where a broker is already employed.*

Table 4. Fee Schedule and Revenue (Funeral) (list revenue dollars in thousands)

Fee	Current Fee Amount	Statutory Limit	FY 2010–11 Revenue	FY 2011–12 Revenue	FY 2012–13 Revenue	FY 2013–14 Revenue	% of Total Revenue
FUNERAL ESTABLISHMENT (FD)							
Original License Fee	$400.00	$400.00	$17	$14	$14	$18	1.35%
Assignment Application Fee	$300.00	$300.00	$11	$10	$8	$26	1.95%
Annual Renewal Fee	$400.00	$400.00	$373	$386	$391	$404	30.44%
Delinquent Renewal Fee	$200.00	$200.00	$13	$13	$13	$15	1.13%
Change of Name Fee	$200.00	$200.00	$3	$2	$2	$3	.23%
Change of Location Fee	$250.00	$250.00	$11	$9	$9	$17	1.28%
Change of Manager, Officers, or Trustees Fee	$50.00	$50.00	$15	$12	$21	$13	.98%
Approval to Train Apprentice Embalmers Fee	$100.00	$100.00	$13	$15	$19	$14	1.06%
Annual Preneed Trust Fund Report Filing Fee	$200.00	$200.00	$21	$23	$23	$23	1.73%
Late Trust Fund Report Filing Fee	$100.00	$100.00	$1	$2	$2	$2	.15%
FUNERAL DIRECTOR (FDR)							
Application/Examination Re-examination Fee	$100.00	$100.00	$18	$21	$23	$25	1.88%
Original License Fee	$200.00	$200.00	$27	$28	$28	$33	2.49%

Annual Renewal Fee	$200.00	$200.00	$415	$424	$431	$436	32.86%
Delinquent Renewal Fee	$100.00	$100.00	$15	$14	$12	$15	1.13%
EMBALMER (EMB)							
Application/Examination/ Original License Fee	$150.00	$150.00	$7	$4	$7	$8	.60%
Annual Renewal Fee	$100.00	$125.00	$180	$177	$170	$169	12.74%
Delinquent Renewal Fee	$50.00	$50.00	$8	$7	$7	$7	.53%
APPRENTICE EMBALMER (AE)							
Application Fee	$60.00		$3	$4	$3	$5	.38%
MISCELLANEOUS							
Duplicate License Fee	$40.00	$40.00	$13	$22	$19	$22	1.66%
FINGERPRINT PROCESSING (Applicable to Cemetery and Funeral)							
Department of Justice/Federal Bureau of Investigation	$32.00/ $17.00	N/A	$8	$1	$1	$2	.15%

13. Describe Budget Change Proposals (BCPs) submitted by the Bureau in the past four fiscal years.

The Bureau has not submitted any BCPs in the past four fiscal years.

Staffing Issues

14. Describe any Bureau staffing issues/challenges; i.e., vacancy rates, efforts to reclassify positions, staff turnover, recruitment and retention efforts, succession planning.

The Bureau is small, currently operating with 21.5 positions. Most of the Bureau's positions are classified at the analytical level, and there have been no issues with recruitment/retention issues in this area. The Bureau also employs nine field staff, with the most recent hire in October 2013. Prior to that, the last hire for field staff was in mid-2006. The Bureau does not generally experience a high rate of turnover in staff.

There have been some occasional challenges with the auditor positions because they are specialized classifications, particularly with one half-time, entry-level position; however, vacancies are rare and the Bureau is successful in recruiting and retaining employees.

The Bureau utilizes DCA's Workforce and Succession Plan in addition to policy and procedures manuals to ensure that historical knowledge and expertise is documented and memorialized for successors. Field staff are trained in all areas of funeral and cemetery issues, and several office staff are cross-trained in program functions other than their own areas.

15. Describe the Bureau's staff development efforts and how much is spent annually on staff development (cf., Section 12, Attachment D).

Staff are encouraged to take advantage of the Department's free training classes offered through its Strategic Organization, Leadership, and Individual Development (SOLID) Training and Planning Solutions division. Courses are offered in such areas as communication and cooperation, time management, supervision and leadership, customer service, and career and

personal development. The Bureau has several analysts who are currently enrolled in the Analytical Certification Training program, which includes a series of six classes and concludes with a presentation to a panel of managers/supervisors. Applicable staff have also attended the Department's weeklong Enforcement Academy. Field staff are encouraged to participate in webinars offered by SOLID for training purposes.

Staff development is included in the Bureau's Strategic Plan under "Organizational Effectiveness" and includes training activities for both headquarters staff and field staff.

Auditors complete specific continuing education requirements each year, and those classes are only offered by an outside vendor, at an annual total cost of approximately $6,125.

(Attachment I includes organizational charts for FY 2010–11 through FY 2013–14.)

Section 4: Licensing Program

16. What are the Bureau's performance targets/expectations for its licensing[3] program? Is the Bureau meeting those expectations? If not, what is the Bureau doing to improve performance?

The primary goal of the Bureau's Licensing Unit is to, in an efficient manner, register and license funeral establishments, funeral directors, embalmers, apprentice embalmers, private cemeteries, crematories, cemetery brokers and salespersons, cemetery and crematory managers, and cremated remains disposers in California. In addition, the Bureau's Licensing Unit is responsible for processing manager/officer/trustee changes, name/address changes, changes of location for funeral establishments, and duplicate license requests.

Most applications received by the Bureau are reviewed within five to seven business days of receipt. When necessary, applications are forwarded to the Bureau's Enforcement Unit and/or Audit Unit for review and approval based on the type of application received. The typical turnaround time for review by each of those units is two days. Deficiency letters are issued in a timely manner, and completed applications continue through the process for an inspection and/or license issuance.

The Bureau is continually evaluating its processes and procedures to ensure timely review and issuance of licenses. Procedures are well-documented, and this allows for cross-training of staff to assist with licensing processes when/if necessary.

The Bureau is scheduled for Release III of the BreEZe system. This system will allow for the online submittal of initial license applications and renewal processing. The BreEZe system will also incorporate online payment processing and allow for the collection of licensing statistics to better measure performance metrics.

17. Describe any increase or decrease in the Bureau's average time to process applications, administer exams and/or issue licenses. Have pending applications grown at a rate that exceeds completed applications? If so, what has been done by the Bureau to address them? What are the performance barriers and what improvement plans are in place?

[3] The term "license" in this document includes a license certificate or registration.

What has the Bureau done and what is the Bureau going to do to address any performance issues; i.e., process efficiencies, regulations, BCP, legislation?

Although the Bureau does not track separate cycle times for completed and incomplete applications, it can identify total cycle times for *all* applications received. As reflected in Table 7a, the quantity of new applications received by the Bureau has slightly increased over the last three fiscal years. The overall cycle times reflect that there were minimal variances in the total processing time for the majority of applications received. The average time to process applications has been slightly reduced for most license types, while some license types reflect minimal increases in processing times. Any significant increase/decrease in processing times for specific license types is noted in the table.

The ability to receive electronic fingerprint information along with improved processes and procedures has helped to reduce cycle times. Criminal Offender Record Information (CORI) is sent directly to the Bureau's Licensing Unit through the Applicant Tracking System (ATS) from the Department of Justice (DOJ) and the Federal Bureau of Investigation (FBI). Most clearances are received within seven to 10 business days from the fingerprint submission. The Bureau is diligent in its efforts to streamline processes and to maintain the timely review of applications and the issuance of licenses to the cemetery and funeral industry.

18. How many licenses or registrations does the Bureau issue each year? How many renewals does the Bureau issue each year?

FISCAL YEAR	INITIAL LICENSES	RENEWAL LICENSES
2011–12	1,598	8,992
2012–13	1,700	8,940
2013–14	1,679	8,646

Table 6. Licensee Population

		FY 2010–11	FY 2011–12	FY 2012–13	FY 2013–14
Funeral Establishment	Active	974	991	1,006	1,021
	Out-of-State	0	0	0	0
	Out-of-Country	0	0	0	0
	Delinquent	9	9	12	17
Funeral Director	Active	2,162	2,188	2,210	2,249
	Out-of-State	99	106	100	108
	Out-of-Country	1	1	3	2
	Delinquent	428	448	457	471
Embalmer	Active	1,766	1,743	1,695	1,645
	Out-of-State	197	203	185	175
	Out-of-Country	3	3	5	5
	Delinquent	336	317	333	348
Apprentice Embalmer	Active	279	259	260	262
	Out-of-State	0	0	0	0
	Out-of-Country	0	0	0	0
	Delinquent	0	0	0	0
Certificate of Authority (Cemetery)	Active	188	191	194	196
	Out-of-State	0	0	0	0
	Out-of-Country	0	0	0	0
	Delinquent	1	0	1	0

Crematory	Active	207	215	223	227
	Out-of-State	0	0	0	0
	Out-of-Country	0	0	0	0
	Delinquent	2	0	0	0
Cemetery Manager	Active	289	282	284	282
	Out-of-State	6	7	6	8
	Out-of-Country	0	0	0	0
	Delinquent	67	73	70	169
Crematory Manager	Active	453	462	472	469
	Out-of-State	9	14	12	14
	Out-of-Country	0	0	0	0
	Delinquent	92	95	91	98
Cemetery Broker	Active	168	173	175	182
	Out-of-State	0	0	0	0
	Out-of-Country	0	0	0	0
	Delinquent	2	4	6	8
Cemetery Branch Broker	Active	85	77	72	68
	Out-of-State	0	0	0	0
	Out-of-Country	0	0	0	0
	Delinquent	3	14	15	15
Cemetery Broker Additional	Active	15	13	13	14
	Out-of-State	0	0	0	0
	Out-of-Country	0	0	0	0
	Delinquent	0	1	1	1
Cemetery Salesperson	Active	2,997	3,393	3,793	3,811
	Out-of-State	0	0	0	1
	Out-of-Country	0	0	0	0
	Delinquent	289	232	238	479
Cremated Remains Disposer	Active	155	159	163	138
	Out-of-State	0	0	0	0
	Out-of-Country	0	0	0	0
	Delinquent	102	93	58	89

Table 7a. Licensing Data by Type

FUNERAL ESTABLISHMENT (Business License/ No Examination)		Received	Approved	Closed	Issued	Pending Applications			Cycle Times		
						Total (Close of FY)	Outside Board Control*	Within Board Control*	Complete Apps	Incomplete Apps	Combined, IF Unable to Separate Out
FY 2011–12	(Exam)	N/A	N/A	N/A*	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	(License)	34	29	3	29	5	N/A*	N/A*	N/A**	N/A**	199
	(Renewal)	965	N/A	0	981	0	N/A*	N/A*	N/A*	N/A*	N/A*
FY 2012–13	(Exam)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	(License)	36	36	1	36	14	N/A*	N/A*	N/A**	N/A**	65
	(Renewal)	977	N/A*	N/A*	978	0	N/A*	N/A*	N/A*	N/A*	N/A*
FY 2013–14	(Exam)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	(License	44	35	0	35	17	N/A*	N/A*	N/A**	N/A**	64
	(Renewal)	1,010	N/A*	N/A*	969	0	N/A*	N/A*	N/A*	N/A*	N/A*

**Not tracked by Bureau **Unable to separate*

Table 7a. Licensing Data by Type

FUNERAL	Received	Approved	Closed	Issued	Pending Applications	Cycle Times

DIRECTOR						Total (Close of FY)	Outside Board Control*	Within Board Control*	Complete Apps	Incomplete Apps	Combined, IF Unable to Separate Out
FY 2011–12	(Exam)	212	204	9	N/A*	9	N/A*	N/A*	N/A*	N/A*	N/A*
	(License)	138	N/A*	N/A*	123	0	N/A*	N/A*	N/A**	N/A**	117
	(Renewal)	2,119	N/A	N/A*	2,098	0	N/A*	N/A*	N/A*	N/A*	N/A*
FY 2012–13	(Exam)	227	218	4	N/A*	28	N/A*	N/A*	N/A*	N/A*	N/A*
	(License)	138	N/A*	N/A*	124	0	N/A*	N/A*	N/A**	N/A**	109
	(Renewal)	2,155	N/A*	N/A*	2,113	0	N/A*	N/A*	N/A*	N/A*	N/A*
FY 2013–14	(Exam)	245	242	4	N/A*	14	N/A*	N/A*	N/A**	N/A**	N/A*
	(License)	166	N/A*	N/A*	140	0	N/A*	N/A*	N/A**	N/A**	106
	(Renewal)	2,178	N/A*	N/A*	2,121	0	N/A*	N/A*	N/A*	N/A*	N/A*

**Not tracked by Bureau **Unable to separate*
Note: Applicants have one year from notification of eligibility to take the examination and then an additional year to pay the license fee and obtain the license.

Table 7a. Licensing Data by Type

EMBALMER		Received	Approved	Closed	Issued	Pending Applications			Cycle Times		
						Total (Close of FY)	Outside Board Control*	Within Board Control*	Complete Apps	Incomplete Apps	Combined, IF Unable to Separate Out
FY 2011–12	(Exam/License)	28	31	2	N/A*	1	N/A*	N/A*	N/A*	N/A*	N/A*
	(License)	N/A*	N/A*	N/A*	35	0	N/A**	N/A**	N/A**	N/A**	480
	(Renewal)	1,773	N/A*	N/A*	1,752	0	N/A**	N/A**	N/A**	N/A**	N/A*
FY 2012–13	(Exam/License)	43	45	0	N/A*	18	N/A*	N/A*	N/A*	N/A*	N/A*
	(License)	N/A*	N/A*	N/A*	37	0	N/A**	N/A**	N/A**	N/A**	423
	(Renewal)	1,701	N/A*	N/A*	1,685	0	N/A**	N/A**	N/A**	N/A**	N/A*
FY 2013–14	(Exam)	55	43	0	N/A*	3	N/A*	N/A*	N/A*	N/A*	N/A*
	(Exam/License)	N/A*	N/A*	N/A*	28	0	N/A**	N/A**	N/A**	N/A**	194
	(Renewal)	1,685	N/A*	N/A*	1,595	0	N/A**	N/A**	N/A**	N/A**	N/A*

**Not tracked by Bureau **Unable to separate*
Note: Embalmers must complete a two-year educational requirement and a two-year apprenticeship, choosing which one to complete first. Applicants are eligible for the examination after they complete the educational requirement. License is not issued until all requirements have been met.

Table 7a. Licensing Data by Type

APPRENTICE EMBALMER (No Examination/Renewal)		Received	Approved	Closed	Issued	Pending Applications			Cycle Times		
						Total (Close of FY)	Outside Board Control*	Within Board Control*	Complete Apps	Incomplete Apps	Combined, IF Unable to Separate Out
FY 2011–12	(Exam)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	(License)	62	54	1	54	0	N/A*	N/A*	N/A**	N/A**	18
	(Renewal)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
FY 2012–13	(Exam)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	(License)	68	65	2	65	3	N/A**	N/A *	N/A**	N/A**	25
	(Renewal)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
FY 2013–14	(Exam)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	(License)	75	67	1	67	6	N/A**	N/A*	N/A**	N/A**	17
	(Renewal)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

**Not tracked by Bureau **Unable to separate*

Table 7a. Licensing Data by Type

CERTIFICATE OF AUTHORITY	Received	Approved	Closed	Issued	Pending Applications	Cycle Times

(Business License/No Examination)						Total (Close of FY)	Outside Board Control*	Within Board Control*	Complete Apps	Incomplete Apps	Combined, IF Unable to Separate Out
FY 2011–12	(Exam)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	(License)	8	8	1	8	1	N/A*	N/A*	N/A**	N/A**	275
	(Renewal)	189	N/A*	N/A*	189	0	N/A*	N/A*	N/A**	N/A**	N/A**
FY 2012–13	(Exam)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	(License)	1	5	0	5	1	N/A*	N/A*	N/A**	N/A**	702
	(Renewal)	187	N/A*	N/A*	187	0	N/A*	N/A*	N/A**	N/A**	N/A**
FY 2013–14	(Exam)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	(License)	10	4	0	4	1	N/A*	N/A*	N/A**	N/A**	865
	(Renewal)	192	N/A*	N/A*	195	0	N/A*	N/A*	N/A**	N/A**	N/A**

** Not tracked by Bureau **Unable to separate*
Note: Significant increase in processing times resulting from two problematic applications outside the Bureau's control.

Table 7a. Licensing Data by Type

CREMATORY (Business License/No Examination)		Received	Approved	Closed	Issued	Pending Applications			Cycle Times		
						Total (Close of FY)	Outside Board Control*	Within Board Control*	Complete Apps	Incomplete Apps	Combined, IF Unable to Separate Out
FY 2011–12	(Exam)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	(License)	15	11	1	11	1	N/A*	N/A*	N/A**	N/A**	125
	(Renewal)	203	N/A*	N/A*	206	0	N/A*	N/A*	N/A**	N/A**	N/A**
FY 2012–13	(Exam)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	(License)	14	15	0	15	3	N/A*	N/A*	N/A**	N/A**	131
	(Renewal)	210	N/A*	N/A*	212	0	N/A*	N/A*	N/A**	N/A**	N/A**
FY 2013–14	(Exam)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	(License)	35	10	0	10	13	N/A*	N/A*	N/A**	N/A**	101
	(Renewal)	205	N/A*	N/A*	219	0	N/A*	N/A*	N/A**	N/A**	N/A**

**Not tracked by Bureau **Unable to separate*

Table 7a. Licensing Data by Type

CEMETERY MANAGER		Received	Approved	Closed	Issued	Pending Applications			Cycle Times		
						Total (Close of FY)	Outside Board Control*	Within Board Control*	Complete Apps	Incomplete Apps	Combined, IF Unable to Separate Out
FY 2011–12	(Exam)	21	20	2	N/A*	0	N/A*	N/A*	N/A*	N/A*	N/A*
	(License)	16	N/A*	N/A*	9	1	N/A*	N/A*	N/A**	N/A**	153
	(Renewal)	276	N/A*	N/A*	277	0	N/A*	N/A*	N/A*	N/A*	N/A*
FY 2012–13	(Exam)	19	23	1	N/A*	0	N/A*	N/A*	N/A*	N/A*	N/A*
	(License)	14	N/A*	N/A*	14	0	N/A*	N/A*	N/A**	N/A**	163
	(Renewal)	273	N/A*	N/A*	266	0	N/A*	N/A*	N/A*	N/A*	N/A*
FY 2013–14	(Exam)	23	23	0	N/A*	0	N/A*	N/A*	N/A*	N/A*	N/A*
	(License)	36	N/A*	N/A*	13	0	N/A*	N/A*	N/A**	N/A**	322
	(Renewal)	260	N/A*	N/A*	266	0	N/A*	N/A*	N/A*	N/A*	N/A*

**Not tracked by Bureau **Unable to separate*
Note: Applicants have one year from notification of eligibility to take the examination and then an additional year to pay the license fee and obtain the license.

Table 7a. Licensing Data by Type

CREMATORY MANAGER	Received	Approved	Closed	Issued	Pending Applications			Cycle Times		
					Total (Close of FY)	Outside Board Control*	Within Board Control*	Complete Apps	Incomplete Apps	Combined, IF Unable to Separate Out

FY 2011–12	(Exam)	33	31	4	N/A*	0	N/A*	N/A*	N/A*	N/A*	N/A*
	(License)	29	N/A*	N/A*	27	1	N/A*	N/A*	N/A**	N/A**	121
	(Renewal)	453	N/A*	N/A*	453	0	N/A*	N/A*	N/A*	N/A*	N/A*
FY 2012–13	(Exam)	28	28	3	N/A*	1	N/A*	N/A*	N/A*	N/A*	N/A*
	(License fee)	28	N/A*	N/A*	25	1	N/A*	N/A*	N/A**	N/A**	49
	(Renewal)	457	N/A*	N/A*	441	0	N/A*	N/A*	N/A*	N/A*	N/A*
FY 2013–14	(Exam)	36	34	0	N/A*	2	N/A*	N/A*	N/A*	N/A*	N/A*
	(License)	56	N/A*	N/A*	24	0	N/A*	N/A*	N/A**	N/A**	122
	(Renewal)	433	N/A*	N/A*	446	0	N/A*	N/A*	N/A*	N/A*	N/A*

**Not tracked by Bureau **Unable to separate*
Note: Applicants have one year from notification of eligibility to take the examination and then an additional year to pay the license fee and obtain the license.

Table 7a. Licensing Data by Type

CEMETERY BROKER/ CEMETERY BROKER ADDITIONAL (One Application for Both License Types)		Received	Approved	Closed	Issued	Pending Applications			Cycle Times		
						Total (Close of FY)	Outside Board Control*	Within Board Control*	Complete Apps	Incomplete Apps	Combined, IF Unable to Separate Out
FY 2011–12	(Exam)	21	15	0	N/A*	0	N/A*	N/A*	N/A*	N/A*	N/A*
	(License)	N/A*	N/A*	N/A*	13	2	N/A*	N/A*	N/A**	N/A**	31
	(Renewal)	177	N/A*	N/A*	180	0	N/A*	N/A*	N/A*	N/A*	N/A*
FY 2012–13	(Exam)	28	23	1	N/A*	0	N/A*	N/A*	N/A*	N/A*	N/A*
	(License)	N/A*	N/A*	N/A*	21	7	N/A*	N/A*	N/A**	N/A**	180
	(Renewal)	175	N/A*	N/A*	184	0	N/A*	N/A*	N/A*	N/A*	N/A*
FY 2013–14	(Exam)	23	20	0	N/A*	0	N/A*	N/A*	N/A*	N/A*	N/A*
	(License)	N/A*	N/A*	N/A*	26	4	N/A*	N/A*	N/A**	N/A**	29
	(Renewal)	196	N/A*	N/A*	182	0	N/A*	N/A*	N/A*	N/A*	N/A*

**Not tracked by Bureau **Unable to separate*
Note: Applicants have one year from notification of eligibility to take the examination; there is no additional license fee. Independent brokers have an additional year to obtain a bond.

Table 7a. Licensing Data by Type

CEMETERY BROKER BRANCH (Branch Office/No Examination)		Received	Approved	Closed	Issued	Pending Applications			Cycle Times		
						Total (Close of FY)	Outside Board Control*	Within Board Control*	Complete Apps	Incomplete Apps	Combined, IF Unable to Separate Out
FY 2011–12	(Exam)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	(License)	15	13	0	6	0	N/A*	N/A*	N/A**	N/A**	2.5
	(Renewal)	65	N/A*	N/A*	59	0	N/A*	N/A*	N/A**	N/A**	N/A**
FY 2012–13	(Exam)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	(License)	8	6	0	6	2	N/A*	N/A*	N/A**	N/A**	.5
	(Renewal)	61	N/A*	N/A*	65	0	N/A*	N/A*	N/A**	N/A**	N/A**
FY 2013–14	(Exam)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	(License)	14	8	1	8	2	N/A*	N/A*	N/A**	N/A**	12
	(Renewal)	71	N/A*	N/A*	64	0	N/A*	N/A*	N/A**	N/A**	N/A**

**Not tracked by Bureau **Unable to separate*

Table 7a. Licensing Data by Type

CEMETERY SALESPERSON (No Examination)		Received	Approved	Closed	Issued	Pending Applications			Cycle Times		
						Total (Close of FY)	Outside Board Control*	Within Board Control*	Complete Apps	Incomplete Apps	Combined, IF Unable to Separate Out
FY 2011–12	(Exam)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	(License)	1,740	1,270	70	1,270	8	N/A*	N/A*	N/A**	N/A**	9
	(Renewal)	2,322	N/A*	N/A*	2,638	0	N/A*	N/A*	N/A**	N/A**	N/A**

FY 2012–13	(Exam)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	(License)	1,653	1,336	60	1,336	12	N/A*	N/A*	N/A**	N/A**	19
	(Renewal)	2,610	N/A*	N/A*	2674	0	N/A*	N/A*	N/A**	N/A**	N/A**
FY 2013–14	(Exam)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	(License)	1,533	1,328	28	1,328	87	N/A*	N/A*	N/A**	N/A**	16
	(Renewal)	3,101	N/A*	N/A*	2,589	0	N/A*	N/A*	N/A**	N/A**	N/A**

**Not tracked by Bureau **Unable to separate*

Table 7a. Licensing Data by Type

CREMATED REMAINS DISPOSER (No Examination)		Received	Approved	Closed	Issued	Pending Applications			Cycle Times		
						Total (Close of FY)	Outside Board Control*	Within Board Control*	Complete Apps	Incomplete Apps	Combined, IF Unable to Separate Out
FY 2011–12	(Exam)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	(License)	15	13	2	13	0	N/A*	N/A*	N/A**	N/A**	10
	(Renewal)	157	127	N/A*	159	0	N/A*	N/A*	N/A**	N/A**	N/A**
FY 2012–13	(Exam)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	(License)	15	16	1	16	0	N/A*	N/A*	N/A**	N/A**	17
	(Renewal)	170	109	N/A*	135	0	N/A*	N/A*	N/A**	N/A**	N/A**
FY 2013–14	(Exam)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	(License)	27	26	0	26	2	N/A*	N/A*	N/A**	N/A**	24
	(Renewal)	147	DNA***	DNA***	DNA***	0	N/A*	N/A*	N/A**	N/A**	N/A**

**Not tracked by Bureau **Unable to separate ***Data not available*
Note: License expiration is September 30 each year.

Table 7b. Total Licensing Data

	FY 2011–12	FY 2012–13	FY 2013–14
Initial Licensing Data:			
Initial License/Initial Exam Applications Received	2,204	2,051	2,145
Initial License/Initial Exam Applications Approved	1,699	1,816	1,846
Initial License/Initial Exam Applications Closed	102	85	34
License Issued	1,598	1,699	1,709
Initial License/Initial Exam Pending Application Data:			
Pending Applications (total at close of FY)	42	89	152
Pending Applications (outside of Board control)*	N/A*	N/A*	N/A*
Pending Applications (within the Board control)*	N/A*	N/A*	N/A*
Initial License/Initial Exam Cycle Time Data (WEIGHTED AVERAGE):			
Average Days to Application Approval (All—Complete/Incomplete)	1,561**	1,959**	1,870**
Average Days to Application Approval (incomplete applications)*	N/A*	N/A*	N/A*
Average Days to Application Approval (complete applications)*	N/A*	N/A*	N/A*
License Renewal Data:			
License Renewed	4,116	4,154	4,605

**Not tracked by Bureau*
***Applicants have one year from time of application approval to take examination. Funeral director, cemetery manager, and crematory manager have one year after passing the examination to pay the additional licensing fee. Embalmer applicants must also complete a 24-month apprenticeship before a license can be issued.*

19. How does the Bureau verify information provided by the applicant?

The Bureau requires source information from applicants applying for licensure with an educational requirement and background clearance (CORI) is required for all applicants.

a. What process does the Bureau use to check prior criminal history information, prior disciplinary actions, or other unlawful acts of the applicant?

Applicants are required to disclose all prior criminal convictions and administrative discipline as part of the application process. Applicants who respond "yes" to the conviction question on the application are instructed to submit an explanation that includes the type of violation, the date, circumstances and location, and the complete penalty received. They are also instructed to include copies of court documents, arrest records, verification of restitution received by the court, and verification of successful completion of probation. Applicants who respond "yes" to the administrative discipline question are instructed to attach an explanation that includes the license type, the action taken, by what state, the date, and a copy of the administrative action.

Applicants are fingerprinted and the Bureau receives CORI from the DOJ and the FBI. The Bureau's Enforcement Unit reviews prior disciplinary action and/or criminal history to determine if the initial or renewal license should be granted.

b. Does the Bureau fingerprint all applicants?

Yes.

c. Have all current licensees been fingerprinted? If not, explain.

Yes.

d. Is there a national databank relating to disciplinary actions? Does the Bureau check the national databank prior to issuing a license? Renewing a license?

There is no national disciplinary database related to disciplinary actions.

e. Does the Bureau require primary source documentation?

For licenses that include an educational requirement, applicants must submit a certified copy of their transcripts to the Bureau in a sealed envelope mailed directly from the educational institution. In addition, CORI is submitted electronically directly to the Bureau.

20. Describe the Bureau's legal requirement and process for out-of-state and out-of-country applicants to obtain licensure.

The Bureau's licensing requirements are the same for out-of-state and out-of-country applicants as they are for in-state applicants. However, application requirements may differ.

The Bureau issues two licenses that have an educational requirement, as follows:

- An applicant for a funeral director license must possess an associate of arts or science degree or the equivalent, or higher education as recognized by the Western Association of Colleges and Universities. A certified copy of their original college transcript must be sent to the Bureau in a sealed envelope mailed directly from the educational institution.

- An applicant for an embalmer license must be a graduate of a mortuary science program approved by the Bureau and accredited by the American Board of Funeral Service Education and complete a two-year apprenticeship. If the applicant has practiced as an embalmer for a minimum of three years within the seven years preceding his/her application in any other state or country and their license has never been suspended or revoked for unethical conduct, they are not required to serve an apprenticeship in California. All embalmer applicants must pass a national examination, and those examination scores must be sent to the Bureau in a sealed envelope mailed directly from the examination provider.

If necessary, out-of-country applicants are instructed to have their official transcripts translated into English by a certified translator and submitted to an educational institution recognized by the Western Association of Colleges and Universities to determine course credit applicable to the California funeral director and/or embalmer educational requirements.

Out-of-state and out-of-country applicants may submit two fingerprint "hard cards" with the processing fees if they are submitting an application prior to arrival in California. While the DOJ requires fingerprints to be captured and submitted electronically via Live Scan, they also provide an exemption for applicants when a site is regionally unavailable (i.e., out-of-state/country). The DOJ requires applicants who reside outside of California who cannot have their fingerprints taken in California to have them done at a law enforcement agency using hard cards.

21. Describe the Bureau's process, if any, for considering military education, training, and experience for purposes of licensing or credentialing requirements, including college credit equivalency.

a. Does the Bureau identify or track applicants who are veterans? If not, when does the Bureau expect to be compliant with BPC § 114.5?

The Bureau tracks this information on a spreadsheet that staff can access on a shared drive. The Bureau is in the process of updating all applications to ask the applicant if he/she is serving in, or has previously served in, the military, in order to better identify and assist active military members and veterans applying for professional licensure. Additionally, information is available on the Bureau's website under the Licensing Application link, providing statutory provisions currently available to military personnel and/or their spouses.

b. How many applicants offered military education, training or experience toward meeting licensing or credentialing requirements, and how many applicants had such education, training or experience accepted by the Bureau?

To date, the Bureau has not received any applications requesting consideration of military education, training, or experience to meet education and experience requirements.

c. What regulatory changes has the Bureau made to bring it into conformance with BPC § 35?

The Bureau does not have specific statutes, rules, or regulations for accepting military credit for veterans. The minimum qualifications for the following licenses have language that permits the Bureau the discretion to accept military experience or education that meets certain conditions: cemetery broker; cemetery manager, and funeral director. The required two years of cemetery experience, obtained by a veteran working in a Federal/veteran cemetery, may be accepted as meeting the requirement for licensure as a cemetery broker or cemetery manager. A funeral director license requires an associate degree or the equivalent. An individual can perform many of the duties of a funeral director without a license as long as they undergo documented training by a funeral establishment.

The Bureau also has several licenses that require little or no experience or education requirements: cemetery salesperson, cremated remains disposer, crematory manager, and apprentice embalmers.

With regard to embalmers, the only branch of the military that uses authorized uniformed embalmers is the Navy, which recruits individuals who are already licensed in one of the 50 states and who have already passed the national examination. A veteran may use experience they have gained in the Navy toward licensure in California (i.e., experience in lieu of the required apprenticeship). The Navy further requires California-licensed embalmers to also possess a funeral director license.

For these reasons, regulations to implement and comply with BPC section 35 is unnecessary at this time.

d. How many licensees has the Bureau waived fees or requirements for pursuant to BPC § 114.3 and what has the impact been on Bureau revenues?

To date, the Bureau has not received any requests from active duty members to waive fees or renewal requirements.

e. **How many applications has the Bureau expedited pursuant to BPC § 115.5**?

The Bureau has only been requested to expedite one funeral director application for a military spouse, and did so.

22. Does the Bureau send "No Longer Interested" notifications to the DOJ on a regular and ongoing basis? Is this done electronically? Is there a backlog? If so, describe the extent and efforts to address the backlog.

The Bureau regularly sends the "No Longer Interested" notifications to the DOJ when a license is cancelled, revoked, surrendered, or otherwise cancelled, and the licensee does not hold any other license(s) from the Bureau. Most often, the notifications are sent by fax; occasionally, if there is a large quantity at once, the notifications are mailed. The Bureau also maintains an electronic database of the notifications that were submitted to the DOJ.

Examinations

Table 8. Examination Data						
California Examination (include multiple language) if any:						
	License Type	Funeral Director	Embalmer	Cemetery Broker	Cemetery Manager	Crematory Manager
	Exam Title	FDR	EMB	CEB	CEM	CRM
FY 2010-11	Number of First-Time Candidates	158	39	10	25	22
	Pass %	81%	95%	40%	64%	96%
FY 2011-12	Number of First-Time Candidates	174	32	11	17	27
	Pass %	64%	97%	55%	71%	93%
FY 2012-13	Number of First-Time Candidates	191	43	22	22	28
	Pass %	69%	98%	64%	64%	93%
FY 2013-14	Number of First-Time Candidates	196	41	19	15	25
	Pass %	62%	95%	58%	73%	96%
	Date of Last Occupational Analysis (OA)	2011	2014	2013	2012	2010
	Name of OA Developer	Department of Consumer Affairs, Office of Professional Examination Services				
	Target OA Date	FY 2015–16	FY 2019–20	FY 2018–19	FY 2017–18	FY 2016–17
National Examination (include multiple language) if any: **NOTE: The only national examination used is for embalmer licensure.**						
	License Type	Embalmer				
	Exam Title	EMB				
CY 2011	Number of First-Time Candidates	55				
	Pass %	84%				
CY 2012	Number of First-Time Candidates	57				
	Pass %	95%				
CY 2013	Number of First-Time Candidates	71				
	Pass %	97%				
CY 2014 (to date)	Number of First-Time Candidates	16				
	Pass %	75%				
	Date of Last OA	2011				
	Name of OA Developer	Pearson VUE				
	Target OA Date	2017–2018				

23. Describe the examinations required for licensure. Is a national examination used? Is a California-specific examination required?

The Bureau's multiple-choice licensing examinations are developed using industry Subject Matter Experts in cooperation with the Department's OPES. The Bureau administers five licensing examinations described below:

- The funeral director examination consists of 100 multiple-choice questions in major content areas such as funeral arrangements, contracts, and administration.

- The embalmer examination consists of a two-part National Board Examination—NBE Arts and NBE Sciences. Each section is 170 multiple-choice questions (20 questions on each section are pretest questions and not scored). Applicants are required to take this examination in order to graduate from a mortuary science program. For California's licensing requirements, applicants are only required to pass the NBE Sciences (embalming) section. Additionally, applicants must pass a California-specific examination consisting of 50 multiple-choice questions on the State's laws, rules, and regulations.

- The cemetery broker examination consists of 100 multiple-choice questions in major content areas such as sales, interment, and broker management.

- The cemetery manager examination consists of 100 multiple-choice questions in major content areas such as contracts, interment rights, care funds, disposition and interment, disinterment, cemetery operations, and recordkeeping and reporting.

- The crematory manager examination consists of 75 multiple-choice questions in major content areas such as preparation, cremation, managements, and release and disposal procedures.

24. What are pass rates for first time vs. retakes in the past four fiscal years? *(Refer to Table 8: Examination Data)*

Number of Retake Candidates (see Table 8 for the number of first-time candidates)						
	License Type	Funeral Director	Embalmer	Cemetery Broker	Cemetery Manager	Crematory Manager
	Exam Title	FDR	EMB	CEB	CEM	CRM
FY 2010-11	Number of Retake Candidates	1	0	0	2	1
	Pass %	100%	0	0	0	100%
FY 2011-12	Number of Retake Candidates	2	0	0	0	0
	Pass %	100%	0	0	0	0
FY 2012-13	Number of Retake Candidates	1	1	0	0	0
	Pass %	100%	100%	0	0	0
FY 2013-14	Number of Retake Candidates	1	1	0	0	0
	Pass %	100%	100%	0	0	0

25. Is the Bureau using computer-based testing? If so, for which tests? Describe how it works. Where is it available? How often are tests administered?

The Bureau uses computer-based testing for all of its licensing examinations (identified in question 23). All of the examinations, with the exception of the embalmer national examination, are developed by the Bureau in coordination with the Department's OPES and provided by the Department's contracted vendor, PSI Services. The examinations are available throughout California, six days per week, excluding major holidays.

Qualified applicants schedule their examination(s) directly with the examination vendor via the Internet or telephone. Candidates receive their score immediately following the examination. Scores are electronically submitted to the Bureau and candidates who pass the examination are issued a license. Examination sites are located in Anaheim, Atascadero, Bakersfield, Carson, El Monte, Fresno, Hayward, Redding, Riverside, Sacramento, San Diego, San Francisco, Santa Rosa, Santa Clara, Ventura, Visalia, and Walnut Creek.

26. Are there existing statutes that hinder the efficient and effective processing of applications and/or examinations? If so, please describe.

No.

School Approvals

27. Describe legal requirements regarding school approval. Who approves your schools? What role does the Bureau for Private Postsecondary Education (BPPE) have in approving schools? How does the Bureau work with BPPE in the school approval process?

California has two degree-granting public colleges that offer a curriculum in mortuary science (embalming). BPC § 7643 states that the program must be approved by the Bureau and accredited by the American Board of Funeral Service Education (ABFSE) or its equivalent, as determined by the Bureau. The ABFSE serves as the national academic accreditation agency for college and university programs in Funeral Service and Mortuary Science Education. The U.S. Department of Education and the Council on Higher Education Accreditation recognize it as the sole accrediting agency for academic programs that prepare funeral service professionals. The Bureau approves the two programs in California that are accredited by the ABFSE. The BPPE does not have any role in approving mortuary science programs.

28. How many schools are approved by the Bureau? How often are approved schools reviewed? Can the Bureau remove its approval of a school?

There are two public colleges in California who offer a mortuary science program. The schools are reviewed by the ABFSE's Committee on Accreditation at specific intervals, with a maximum of seven years between reviews. Shorter durations of accreditation may be awarded based on any deficiencies a program may need to correct. The last accreditation of both schools in California was granted for seven years. The Bureau would remove its approval of the school if it were not accredited by the ABFSE or otherwise nonoperational as a result of sanctions imposed by the ABFSE.

29. What are the Bureau's legal requirements regarding approval of international schools?

The Bureau has no legal jurisdiction with respect to the approval of international schools.

Continuing Education/Competency Requirements

30. Describe the Bureau's continuing education/competency requirements, if any. Describe any changes made by the Bureau since the last review.

The Bureau does not have any continuing education/competency requirements for cemetery or funeral licensees after they obtain their license.

Assembly Bill 2877 (Davis, Chapter 1151, Statutes of 1996), sponsored by the California Funeral Directors Association (CFDA), added BPC §§ 7622.3 and 7651 directing the then-Board of Funeral Directors and Embalmers to adopt regulations requiring continuing education of 14 hours every two years for licensed funeral directors and embalmers. CFDA argued that requiring continued education for funeral directors and embalmers, as was required by 60 percent of the states, was important to the safety and welfare of the members of the funeral service profession. In response, the Board of Funeral Directors and Embalmers implemented continuing education requirements as found in the California Code of Regulations (CCR), Division 12, Article 9, §§ 1280–1291, which became operative November 30, 1997.

Prior to implementing the new regulatory program, CFDA sponsored Assembly Bill 1379 (Granlund, Chapter 241, Statutes of 1999), which repealed BPC §§ 7622.3 and 7651, authorizing statutes for the continuing education requirement. CFDA argued that it was virtually impossible to establish meaningful criteria and courses for funeral director and embalmer licensees. Through a series of stakeholder and Advisory Committee meetings, the Bureau determined a regulatory repeal would be necessary. The Bureau submitted Office of Administrative Law (OAL) file number 2014-0430-02S to repeal CCR §§ 1280–1291, which became operative on October 1, 2014.

a. How does the Bureau verify CE or other competency requirements?

N/A

b. Does the Bureau conduct CE audits of licensees? Describe the Bureau's policy on CE audits.

N/A

c. What are consequences for failing a CE audit?

N/A

d. How many CE audits were conducted in the past four fiscal years? How many fails? What is the percentage of CE failure?

N/A

e. What is the Bureau's course approval policy?

N/A

f. Who approves CE providers? Who approves CE courses? If the Bureau approves them, what is the Bureau application review process?

N/A

g. How many applications for CE providers and CE courses were received? How many were approved?

N/A

h. Does the Bureau audit CE providers? If so, describe the Bureau's policy and process.

N/A

i. Describe the Bureau's effort, if any, to review its CE policy for purpose of moving toward performance-based assessments of the licensee's continuing competence.

N/A

Section 5: Enforcement Program

31. What are the Bureau's performance targets/expectations for its enforcement program? Is the Bureau meeting those expectations? If not, what is the Bureau doing to improve performance?

The Bureau's performance measures for its enforcement activities are defined by the DCA as part of the Consumer Protection Enforcement Initiative (CPEI) and stress timely response to consumers and swift disciplinary action when licensees are in violation of the laws.

Consumers file complaints by telephone, online, and in writing. The less complex complaints are handled by the Department's mediation centers, and the more detailed or complex issues are assigned to one of the Bureau's field representatives. Additionally, complaints initially assigned to one of the mediation centers may be referred to the Bureau if a field investigation is warranted.

During the last three fiscal years, the Bureau has consistently met its target timeframes in the areas of complaint intake and investigations. Complaints are assigned upon receipt, and investigations not resulting in disciplinary action are averaging much less time from receipt until completion/closure than the 120 days as reflected in the Performance Measure Goals (Section 12, Attachment H).

The Bureau's target timeframe for completing formal disciplinary actions, as defined in the CPEI, is 540 days from the date the investigation is opened to the date of the final disciplinary order or other action. Table 9b reflects that it took an average of 555 days in FY 2011–12, an average of 582 days in FY 2012–13, and an average of 396 days in FY 2013–14 to complete a case from the time the complaint was received until the matter was adjudicated. There were two cases in FY 2012–13 that increased the target timeframe in this area. One case was reopened for subsequent discipline, which aged the case from the date it was originally opened through completion of the subsequent discipline. The Bureau no longer reopens original cases, but

instead opens new cases for subsequent disciplines. The second case involved the reassignment of the Deputy Attorney General, a hearing continuance, a delay in the Proposed Decision, and a Writ of Mandate; the case remains pending.

Although the Bureau has met the formal disciplinary action target timeframes on a quarterly basis over the last three fiscal years, overall it has not been able to consistently meet its target timeframes in this area. Part of this is attributed to the Consumer Affairs System (CAS) electronic database used to track enforcement actions; it is designed to have a subsequent discipline entered and tracked on the original disciplinary record. When aging data is displayed for this type of record, the age of the case is reflected from the date it was initially opened through the completion of the subsequent disciplinary action. This presents a false representation of how long it actually took to complete the subsequent action. The Bureau has stopped tracking all subsequent discipline this way and instead creates a new record.

It can also be attributed to the caseloads at the Office of the Attorney General and the Office of Administrative Hearings. Although those areas are outside the Bureau's control, the Bureau established specific timeframes for each step of the process for follow-up on cases that are submitted to the Office of the Attorney General for action.

Additionally, the Bureau's probation monitoring program works well, and the Bureau is operating within established timeframes for monitoring those cases and following up on violations.

32. Explain trends in enforcement data and the Bureau's efforts to address any increase in volume, timeframes, ratio of closure to pending cases, or other challenges. What are the performance barriers? What improvement plans are in place? What has the Bureau done and what is the Bureau going to do to address these issues, i.e., process efficiencies, regulations, BCP, legislation?

The Bureau's target timeframe for completion of investigations (assigned to its field representatives) is 90 days; however, investigations can take longer depending on the nature of the complaint or specific circumstances discovered during an investigation. Approximately 83 percent of the Bureau's investigations have been closed within this timeframe over the past four fiscal years.

Once a case is submitted to the Office of the Attorney General for an Accusation, the time it takes to adjudicate the case is largely dependent upon the complexity of the case, the workload of the assigned Deputy Attorney General, and the hearing calendar of the Office of Administrative Hearings. The Bureau has established very specific timeframes for follow-up when a case is referred for disciplinary action. Although this helps to proceed with the assignment of the case and serving of the initial pleading upon the respondent, requests for administrative hearings are based on the availability of Administrative Law Judges.

In addition to investigating complaints, the Bureau's field representatives are responsible for conducting at least one unannounced inspection of each cemetery and crematory annually, and inspecting 5 to 10 percent of cremated remains disposers each year. Although there is no mandate for the inspection of funeral establishments, the Bureau strives to conduct at least one inspection of each funeral establishment annually.

The following tables reflect the Bureau's enforcement actions and activities. Table 9a reflects that in FY 2012–13, it took an average of 1,027 days from the time the complaints were received by the Bureau until the Accusations were either withdrawn, dismissed, or the matter was

declined for prosecution by the Office of the Attorney General. Note that this (1,027 days) was a result of only three cases.

The Bureau opened two separate complaints based on the same action because the licensee held a cemetery license and a funeral license and CAS requires cemetery and funeral complaints to be opened separately. There was an Order Granting Penal Code (PC) Section 23 Motion and the respondent's licenses were suspended. Both cases remained open pending sentencing of the respondent. Upon completion of the sentencing, the Attorney General (AG) returned the cases and declined to prosecute as the licenses had either been cancelled or could no longer be renewed. The Bureau will no longer keep a case pending should similar circumstances occur in the future; the case will be closed after the PC 23 hearing and a new case will be opened for license discipline at the conclusion of the criminal case.

The third complaint resulted from a lengthy, complex case involving an audit and investigation of a cemetery. Ultimately, the matter was declined by the Office of the Attorney General.

Table 9a. Enforcement Statistics (reflected in days)

	FY 2011–12	FY 2012–13	FY 2013–14
COMPLAINT			
Intake (Use CAS Report EM 10)			
*Received	672	588	648
Closed	21	5	1
Referred to Investigation	647	579	651
Average Time to Close	3	5	3
Pending (close of FY)	4	8	4
Source of Complaint (Use CAS Report 091)			
Public	336	333	323
Licensee/Professional Groups	19	22	13
Governmental Agencies	11	26	4
Other (Internal, Anonymous, Miscellaneous)	378	282	375
Conviction/Arrest (Use CAS Report EM 10)			
*Conviction Received	72	76	67
CONV Closed	72	76	67
Average Time to Close	1	5	2
CONV Pending (close of FY)	0	0	0
LICENSE DENIAL (Use CAS Reports EM 10 and 095)			
License Applications Denied	12	11	16
Statement of Issues Filed	2	5	12
Statement of Issues Withdrawn	0	0	1
Statement of Issues Dismissed	0	0	0
Statement of Issues Declined	0	0	0
Average Days Statement of Issues	0	0	535
ACCUSATION (Use CAS Report EM 10)			
Accusations Filed	8	11	15
Accusations Withdrawn	0	0	0
Accusations Dismissed	0	0	0
Accusations Declined	0	3	2
Average Days Accusations (Withdrawn, Dismissed, or Declined)	0	1,027	495
Pending (close of FY)	8	10	0

** "Intake Received" plus "Conviction Received" total the "Source of Complaint Received"*

Table 9b. Enforcement Statistics (reflected in days)			
	FY 2011–12	FY 2012–13	FY 2013–14
DISCIPLINE			
Disciplinary Actions (Use CAS Report EM 10)			
Proposed/Default Decisions	12	7	16
Stipulations	4	7	5
Average Days to Complete	555	582	396
AG Cases Initiated	11	23	21
AG Cases Pending (close of FY)	19	25	19
Disciplinary Outcomes (Use CAS Report 096)			
Revocation	9	16	17
Voluntary Surrender	2	6	2
Suspension	0	2	0
Probation with Suspension	0	0	0
Probation	3	3	5
Probationary License Issued	0	1	0
Other	0	0	0
PROBATION			
New Probationers	3	6	4
Probations Successfully Completed	1	3	3
Probationers (close of FY)	5	10	14
Petitions to Revoke Probation	0	1	2
Probations Revoked	1	1	0
Probations Modified	0	0	1
Probations Extended	0	0	2
Probationers Subject to Drug Testing	N/A	N/A	N/A
Drug Tests Ordered	N/A	N/A	N/A
Positive Drug Tests	N/A	N/A	N/A
Petition for Reinstatement Granted	0	1	0
DIVERSION			
New Participants	N/A	N/A	N/A
Successful Completions	N/A	N/A	N/A
Participants (close of FY)	N/A	N/A	N/A
Terminations	N/A	N/A	N/A
Terminations for Public Threat	N/A	N/A	N/A
Drug Tests Ordered	N/A	N/A	N/A
Positive Drug Tests	N/A	N/A	N/A

Table 9c. Enforcement Statistics (reflected in days)			
	FY 2011–12	FY 2012–13	FY 2013–14
INVESTIGATION			
All Investigations (Use CAS Report EM 10)			
First Assigned	719	655	718
Closed	748	606	717
Average Days to Close	47	48	56
Pending (close of FY)	70	119	111
Desk Investigations* (Use CAS Report EM 10)			
Closed	601	459	520
Average Days to Close	27	25	24
Pending (close of FY)	19	31	25
Nonsworn Investigation (Use CAS Report EM 10)			
Closed	147	147	197
Average Days to Close	130	119	139

Pending (close of FY)	51	88	86
Sworn Investigation			
Closed (Use CAS Report EM 10)	N/A	N/A	N/A
Average Days to Close	N/A	N/A	N/A
Pending (close of FY)	N/A	N/A	N/A
COMPLIANCE ACTION (Use CAS Report 096)			
ISO & TRO Issued	0	1	0
PC 23 Orders Requested	0	0	0
Other Suspension Orders	0	0	0
Public Letter of Reprimand	0	0	0
Cease & Desist/Warning**	288	181	263
Referred for Diversion	N/A	N/A	N/A
Compel Examination	N/A	N/A	N/A
CITATION AND FINE (Use CAS Report EM 10 and 095)			
Citations Issued	191	126	159
Average Days to Complete	38	33	35
Amount of Fines Assessed	$99,656	$75,697	$83,697
Reduced, Withdrawn, Dismissed	$1,902	$1,403	$1,001
Amount Collected	$80,597	$73,396	$87,852
CRIMINAL ACTION			
Referred for Criminal Prosecution	0	0	0

**Note: Desk investigations are conducted by the Complaint Resolution Program at the Department level. Complaints that require a field investigation are transferred to the Bureau and assigned to a nonsworn field representative.*
***Informal warning letter issued to licensee as closure of inspection/investigation.*

Table 10. Enforcement Aging

	FY 2010–11	FY 2011–12	FY 2012–13	FY 2013–14	Cases Closed	Average %
Attorney General Cases Closed						
Closed Within:						
1 Year	2	1	2	7	12	17.6%
2 Years	10	11	8	14	43	63.2%
3 Years	4	4	1	0	9	13.2%
4 Years	1	0	2	0	3	4.4%
Over 4 Years	0	0	1	0	1	1.5%
Total Cases Closed	17	16	14	21	68	
Investigations Closed						
Closed Within:						
90 Days	639	632	507	563	2,341	82.7%
180 Days	93	79	74	108	354	12.5%
1 Year	26	33	24	41	124	4.4%
2 Years	1	4	1	5	11	0.4%
3 Years	0	0	0	0	0	0.0%
Over 3 Years	0	0	0	0	0	0.0%
Total Cases Closed	759	748	606	717	2,830	

33. What do overall statistics show as to increases or decreases in disciplinary action since last review.

Since the last Sunset Review, the Bureau has seen an increase in the number of administrative actions, license revocations, and the issuance of citations. Staffing levels for field representatives has increased since the last review, resulting in consistent inspections and

outreach efforts to achieve compliance with laws and regulations. This has allowed the Bureau to focus its efforts on the more egregious activity in the industry, thus resulting in an increase in administrative actions and citations.

Overall, the number of complaints has only slightly increased since the last review. From those complaints, the Bureau initiated 142 formal investigations (to nonsworn field representatives) in FY 2011–12, 184 in FY 2012–13, and 204 in FY 2013–14. Desk investigations are less-complex complaints assigned to the Department's Complaint Resolution Program (CRP) or to analysts within the Bureau, and are categorized as investigations. In FY 2011–12, there were 592 desk investigations; in FY 2012–13 there were 481 desk investigations; and in FY 2013–14, there were 526 desk investigations.

34. How are cases prioritized? What is the Bureau's complaint prioritization policy? Is it different from DCA's *Complaint Prioritization Guidelines for Health Care Agencies* (August 31, 2009)? If so, explain why.

The Bureau advocates consumer protection and licensee compliance through proactive education and enforcement of applicable laws and regulations governing the death care industry. Ensuring that the deceased are appropriately cared for and that families receive the services and merchandise they pay for is of the highest priority to the Bureau.

Complaints are assigned as they are received and prioritized based on guidelines in the DCA's *Complaint Prioritization Guidelines* (March 15, 2010) for agencies regulating business services, design, and construction bureaus/programs. Time-sensitive issues that require immediate assistance (i.e., pending cremation or burial, failure to release a body) are of the highest priority.

35. Are there mandatory reporting requirements? For example, requiring local officials or organizations, or other professionals to report violations, or for civil courts to report to the Bureau actions taken against a licensee. Are there problems with the Bureau receiving the required reports? If so, what could be done to correct the problems?

External law enforcement agencies and civil courts are not statutorily required to provide notifications of violations related to the Bureau's licensees.

36. Does the Bureau operate with a statute of limitations? If so, please describe and provide citation. If so, how many cases have been lost due to statute of limitations? If not, what is the Bureau's policy on statute of limitations?

Pursuant to BPC § 7686.5, the Bureau has two years from the occurrence of, or three years after the discovery of fraud or misrepresentation of, an alleged act, that is grounds for disciplinary action to file an accusation***. (Funeral)***

Pursuant to BPC § 9726, the Bureau has three years from the occurrence of an alleged act to file an accusation. ***(Cemetery)***

Pursuant to BPC § 9727.1, the Bureau may suspend or revoke a license obtained by fraud, misrepresentation, or deceit three years from discovery of that violation. ***(Cemetery)***

The Bureau has not lost any cases due to technicalities associated with exceeding the statutes of limitation.

37. Describe the Bureau's efforts to address unlicensed activity and the underground economy.

The Bureau has statutory authority to issue administrative citations and assess monetary fines for unlicensed practice, and this is an effective tool in addressing and deterring such activity. The Bureau's field representatives conduct annual inspections of cemeteries, crematories, and funeral establishments, and have a well-known presence amongst the Bureau's licensing population.

The Bureau partners with a variety of State agencies, local law enforcement entities, and the Office of the Attorney General in its efforts to reduce unlicensed practice. In addition, the Bureau's licensing population is relatively small and the licensed entities monitor the industry for unlicensed practice and promptly report any concerns they have to the Bureau.

Cite and Fine

38. Discuss the extent to which the Bureau has used its cite and fine authority. Discuss any changes from last review and describe the last time regulations were updated and any changes that were made. Has the Bureau increased its maximum fines to the $5,000 statutory limit?

The Bureau continuously uses its cite and fine authority to enforce the provisions of its regulations for funeral and cemetery law and promote compliance.

The Bureau has amended the funeral regulations, CCR §§ 1240, 1241, 1243, and 1246, to incorporate the increased maximum fine amount of $5,000. The amendments, made through OAL file number 2014-0430-02S, became operative on October 1, 2014.

The Bureau is in the process of amending the cemetery regulations CCR §§ 2382–2388 to incorporate the increased maximum fine amount of $5,000. The proposed language for these amendments was reviewed with the Bureau's Advisory Committee during the meeting in July 2014.

39. How is cite and fine used? What types of violations are the basis for citation and fine?

The Bureau practices "progressive discipline" in an attempt to bring licensees into compliance with its laws and regulations. Therefore, most initial violations are given a warning prior to a citation being issued, giving the licensee time to execute corrective action prior to the Bureau engaging in enforcement measures. If a licensee fails to correct the violation(s), or if the initial finding of the violation(s) is egregious, the Bureau will proceed with issuing an administrative citation. Whether the citation contains a fine and the amount of the fine depends on the type and seriousness of the violation, along with the enforcement history of the licensee.

Currently, the Bureau has the authority to issue administrative citations and assess monetary fines only for specific violations identified in the California Code of Regulations. The fines, determined by class designation, range from $100 to $2,500 for funeral violations and $50 to $1,500 for cemetery violations.

As discussed in question 38, regulatory changes are in process to allow the Bureau to issue a citation for any violation of its laws or regulations, up to the $5,000 statutory limit.

Below is a table of monetary fines assessed and collected:

Fiscal Year	10–11	11–12	12–13	13–14
Fines Assessed	$86,766	$96,753	$75,297	$83,697
Collected*	$82,265	$90,252	$94,842	$79,195
Percent Collected	95%	94%	86%	95%

** The amount collected may include fines assessed and paid for the current fiscal year and prior fiscal years.*

40. How many informal office conferences, Disciplinary Review Committees reviews, and/or Administrative Procedure Act appeals of a citation or fine in the last four fiscal years?

The Bureau uses informal office conferences and formal citation appeal hearings pursuant to the Administrative Procedure Act to allow respondents the opportunity to appeal a citation. The following table details the appeals received for the last four fiscal years.

Citation Appeals				
APPEAL TYPE	FY 2010–11	FY 2011–12	FY 2012–13	FY 2013–14
Informal Office Conference	7	13	10	11
Administrative Procedure Act Appeals	2	3	2	0

41. What are the five most common violations for which citations are issued?

The following code sections are the five most common violations for which the Bureau issues citations (in no particular order).

Code/Section	Description
California Code of Regulations § 1258.1	Price ranges on the General Price List and Casket Price List do not match casket offerings on the Casket Price List
Business and Professions Code § 7680	Failure to post all current/renewal licenses
Business and Professions Code § 7685	Failure to include all caskets offered for sale on the Casket Price List
Business and Professions Code § 7685.1	Missing or incorrect price information on casket price tags
Business and Professions Code § 7077	Unprofessional conduct

42. What is average fine pre- and post- appeal?

The table on the following page describes average fine amounts.

Citation Amounts				
APPEAL STATUS	FY 2010–11	FY 2011–12	FY 2012–13	FY 2013–14
Pre-Appeal (Average)	$1,012	$1,238	$758	$911
Post Appeal (Average)	$845	$1,044	$758	$911

43. Describe the Bureau's use of Franchise Tax Board intercepts to collect outstanding fines.

The Bureau does not use the Franchise Tax Board (FTB) intercept program to collect outstanding fines because the majority of the citations issued are to businesses, not individuals. The FTB program utilizes Social Security numbers to intercept the funds. Further, the Bureau generally has an annual revolving unpaid outstanding fine balance of less than $25,000, due to the fact that most licensees pay their fines at the time of licensee renewal, and the fine is added to that amount in accordance with the provisions of BPC § 125.9.

Cost Recovery and Restitution

44. Describe the Bureau's efforts to obtain cost recovery. Discuss any changes from the last review.

The Bureau's request to recover costs for investigation and prosecution in disciplinary cases is a standard part of each administrative action that is sent to the Office of the Attorney General, and costs are recovered to the fullest extent possible under BPC § 125.3. The Bureau includes cost recovery in settlement discussions with respondents and has been successful in recovering costs both in stipulated settlements and when ordered by an Administrative Law Judge. When a respondent stipulates to a revocation of his or her license, the Bureau includes the payment of cost recovery as a prior condition for consideration of any petition for license reinstatement or the issuance of a new license. Since the last Sunset Review, there have been no significant changes affecting the Bureau's authority to seek cost recovery under BPC § 125.3.

45. How many and how much is ordered by the Bureau for revocations, surrenders, and probationers? How much do you believe is uncollectable? Explain.

There have been 21 cases adjudicated in the last four fiscal years (ending 06/30/14) that resulted in approximately $122,000 in cost recovery ordered for license revocations, surrenders, and probationers. From the 21 cases adjudicated, there were 14 that resulted in license revocations or voluntary surrenders of the license(s). The amount of cost recovery associated with these 14 cases totals $81,671. Potentially, this amount is uncollectable unless and until the licensee applies for reinstatement of the license(s), at which time the Bureau would require payment of the cost recovery prior to issuing any license(s).

46. Are there cases for which the Bureau does not seek cost recovery? Why?

The only instances when the Bureau does not seek cost recovery are for Statements of Issues cases. There is no statute or regulation allowing the Bureau to seek cost recovery for Statements of Issues cases.

47. Describe the Bureau's use of Franchise Tax Board intercepts to collect cost recovery.

The Bureau does not use the FTB intercept program to collect outstanding cost recovery because many of the disciplinary decisions are issued against businesses, not individuals, and the FTB program uses Social Security numbers to intercept the funds.

48. Describe the Bureau's efforts to obtain restitution for individual consumers, any formal or informal Bureau restitution policy, and the types of restitution that the Bureau attempts to collect, i.e., monetary, services, etc. Describe the situation in which the Bureau may seek restitution from the licensee to a harmed consumer.

The Bureau uses the Department's Complaint Resolution Program (CRP) to assist in mediating consumer complaints and actively pursue restitution for harmed consumers. CRP acts as an intermediary to resolve disputes between two parties. The CRP representative assists the disputing parties in exploring settlement options with the goal of reaching a resolution that is mutually acceptable.

Consumer restitution may either be monetary or nonmonetary. Monetary restitution includes refunds in the form of cash or credit, or an adjustment to the cost of services or merchandise. Examples of nonmonetary restitution could be a request for paperwork, such as a contract, or an apology from the respondent.

A common complaint from consumers is that a licensee failed to fulfill a contract for services or merchandise as specified in the contract, or failed to fulfill the contract in a professional manner. The CRP representative contacts the licensee and explains the issues involving the contract and may seek restitution from the licensee in the form of a refund (monetary) or a commitment to fulfill the contract (nonmonetary) for the consumer.

Investigations by the Bureau's field representatives also include efforts to obtain restitution for consumers, as appropriate. For instance, if a consumer was charged more for a service or item than what was identified on the General Price List or a consumer was dissatisfied with the embalming of the decedent, the Bureau has been successful in obtaining a refund for the consumer.

Table 12 includes restitution to consumers from mediation efforts and formal investigations. There has been no restitution ordered by an Administrative Law Judge in the last four years.

Table 11. Cost Recovery

	FY 2010–11	FY 2011–12	FY 2012–13	FY 2013–14
Total Enforcement Expenditures*	$169,000	$120,000	$151,000	$151,000
Potential Cases for Recovery**	8	7	10	9
Cases Recovery Ordered	5	4	6	6
Amount of Cost Recovery Ordered	$24,000	$26,000	$37,000	$35,000
Amount Collected	$15,000	$8,000	$16,000	$20,000

** "Total Enforcement Expenditures" is the total cost of investigation, adjudication, and hearing for all cases referred to the AG (including Statements of Issues) for both funds; California Master Trust litigation is not included. See Section 11, number 3.*
*** "Potential Cases for Recovery" are those cases in which disciplinary action has been taken based on violation(s) of the License Practice Act.*

Table 12. Restitution

Mediated Restitution Data	FY 2010–11	FY 2011–12	FY 2012–13	FY 2013–14
Refunded to Consumers	$36,000	$34,000	$30,000	$31,000
Rework	0	0	$ 5,000	0

Adjustments	$10,000	$ 15,000	$2,000	$6,000
Total Savings to Consumers	46,000	$49,000	$37,000	$37,000
Court Ordered Restitution Data				
Amount Ordered	0	0	0	0
Amount Collected	N/A	N/A	N/A	N/A

Section 6:
Public Information Policies

49. How does the Bureau use the Internet to keep the public informed of Bureau activities? Does the Bureau post Bureau meeting materials online? When are they posted? How long do they remain on the Bureau's website? When are draft meeting minutes posted online? When does the Bureau post final meeting minutes? How long do meeting minutes remain available online?

In 2013, the Bureau updated and reorganized its website to be more user-friendly and to follow the DCA's website format. The Bureau uses its public website to provide program-specific and general information to consumers, licensees, and interested parties. Using the Bureau website, consumers can verify the status of a license, access complaint reporting options, and download three consumer publications. Licensees can obtain information on licensing, inspections, audit forms, and the laws and regulations. The Bureau also creates and distributes a newsletter twice a year that is posted on its website.

Staff actively updates the website to announce Advisory Committee meetings and other public meetings/workshops. Announcements about upcoming meetings and agendas are posted to the website as soon as meeting dates and agendas are established (a minimum of 10 days in advance of a meeting), and final minutes are typically posted to the website within 60 days of the meetings. Currently, Advisory Committee agendas and minutes are available dating back to 2005; however, the Bureau is currently working on website changes to archive the older material to an easily downloadable file on the website, and will continue to post the most recent meeting agendas and minutes. Additionally, the Bureau is working on creating a link to disciplinary actions so they can be accessed in one location by fiscal year, with the most recent actions posted and the ability to view prior years' actions by fiscal year. This is in addition to accessing disciplinary actions via the license verification feature on the website.

At the beginning of each year, the Bureau creates a summary of legislation and regulations that takes effect as of January 1. The summaries are posted on the website and include a brief description of what the change in the statute or regulation requires.

50. Does the Bureau webcast its meetings? What is the Bureau's plan to webcast future Bureau and committee meetings? How long do webcast meetings remain available online?

The Bureau recently began to webcast its meetings and will continue to do so when equipment and facilities are available at DCA Headquarters. Webcasts remain available online for a minimum of three years.

51. Does the Bureau establish an annual meeting calendar and post it on the Bureau's website?

The Bureau is not statutorily mandated to conduct committee meetings; however, it has established an Advisory Committee to hold periodic meetings. The meetings provide a forum for both consumers and licensees to give input on funeral and cemetery-related issues while allowing the Bureau to meet its regulatory obligations in an open and transparent environment.

Announcements and the agenda for the meeting are posted on the Bureau's website as soon as the meeting date is known and the agenda is developed—at a minimum of 10 days before a meeting. The Bureau also sends an e-mail to interested parties on its ListServ with the meeting details and the agenda. Meetings are typically held twice a year, but the schedule can vary based on agenda items, workload, and committee member availability.

52. Is the Bureau's complaint disclosure policy consistent with the DCA's *Recommended Minimum Standards for Consumer Complaint Disclosure*? Does the Bureau post accusations and disciplinary actions consistent with the DCA's *Website Posting of Accusations and Disciplinary Actions* (May 21, 2010)?

The Bureau's complaint disclosure policy is consistent with the DCA's *Recommended Minimum Standards for Consumer Complaint Disclosure*. Accusations and disciplinary actions are posted on the Bureau's website upon service to the respondent and are included in the Bureau's biannual newsletter.

53. What information does the Bureau provide to the public regarding its licensees (i.e., education completed, awards, certificates, certification, specialty areas, disciplinary action, etc.)?

The Bureau offers a variety of information relating to its licensees through its website and publications. Information includes, but is not limited to, license status by type, how to file complaints, disciplinary actions, and news.

54. What methods are used by the Bureau to provide consumer outreach and education?

The Bureau tries to promote consumer awareness through basic information that provides accurate, usable explanations about consumer rights and options in nontechnical terms. Its website is accessible to consumers and includes comprehensive information that is easily available. The Bureau's website includes its *Consumer Guide to Cemetery and Funeral Purchases*, which can be downloaded and is available in both English and Spanish. The Bureau also publishes two informational pamphlets that are available on its website: *For Peace of Mind* and *Preneed Q&A*. Consumers may also find helpful information in the Bureau's biannual newsletter, *CFB Advocate*. The Bureau has also worked closely with consumer advocacy groups, attending their meetings and providing information to their members. In addition, the Bureau is currently working with DCA's Office of Public Affairs to create an educational outreach video message for consumers.

The Bureau provides extensive consumer information on its website, at consumer events, and by telephone; however, there is still consumer reluctance to address cemetery and funeral arrangements until it's absolutely necessary; for example, when a loved one dies or a family is unhappy with the licensee. Many individuals do not even realize that the Cemetery and Funeral Bureau exists to regulate the industry. Promoting awareness that the Bureau does exist is extremely important so that consumers know where to go when they do need information. Providing the Department's toll-free phone number, the Bureau's website address, and

consumer information publications will continue to be a large part of the Bureau's outreach efforts.

In 2011, the *Los Angeles Times* (*Times*) initiated a series of articles titled "Mortician with a Badge," related to the funeral industry. As part of the series, a reporter with the *Times* "shadowed" a Bureau field representative in Southern California as he conducted inspections at several funeral establishments. It was a very positive experience and an opportunity for the Bureau to make its presence known to a large audience. See Attachment K for a copy of the article.

Section 7: Online Practice Issues

55. Discuss the prevalence of online practice and whether there are issues with unlicensed activity. How does the Bureau regulate online practice? Does the Bureau have any plans to regulate Internet business practices or believe there is a need to do so?

Funeral establishments and private cemeteries (those regulated by the Bureau) have an online presence and advertise their services and the merchandise they offer. California law requires explicit consumer disclosures, price lists, preneed trusting requirements, signatures on specific documents, and other obligations by licensees that are designed to protect consumers. Most often, consumers will make funeral and/or burial arrangements in person with a licensee; however, arrangements can and are made via phone, e-mail, and fax. As long as all of the disclosures are made, documents are provided, and a contract is signed, there is nothing that prohibits this.

The Internet allows consumers to find a variety of services and providers from anywhere they have access, and they may be more likely to search for providers and compare prices in an environment where they do not feel pressured and can shop around for what meets their needs.

The Bureau periodically discovers unlicensed practice through Internet advertising and has taken swift action to gain compliance. The licensing population for funeral establishments is small—about 1,050 current licensed locations—and competitive. When the occasional unlicensed location is identified by a licensee, the Bureau is quickly contacted and a complaint is initiated. In addition, the Bureau has nine field staff located throughout the State who are responsible for conducting inspections and investigations of licensed funeral establishments, cemeteries, and crematories. They are all assigned to specific geographic regions and know the licensing population in their respective areas.

Additionally, as of January 1, 2013, funeral establishments that maintain a website are required to post their list of funeral goods and services that are required to be included in the establishment's General Price List (GPL), pursuant to Federal rule, and 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 GPL. Part of the Bureau's inspection procedures include an online search to see if the funeral establishment maintains a website and, if so, if it is compliant with this provision. Searching the Internet allows the Bureau's field representatives to identify unlicensed locations, as well as those funeral establishments that are properly licensed.

Section 8:
Workforce Development and Job Creation

56. What actions have the Bureau taken in terms of workforce development?

In order to make information more accessible, the Bureau provides relevant information over the telephone, in writing, and posts the most current information on its website, as it pertains to obtaining licensure and entering the workforce as a cemetery or funeral licensee. The Bureau also publishes a newsletter twice a year to inform licensees, as well as the general public, of the latest changes within the Bureau and industry. In addition, the Bureau's website includes links to various industry associations that can provide information relative to the industry.

Additionally, the Bureau's Advisory Committee consists of four licensed members who provide information and guidance about the current workforce and industry trends. The Bureau also works closely with industry associations to keep abreast of changes in the industry that may impact the profession.

57. Describe any assessment the Bureau has conducted on the impact of licensing delays.

The Bureau does not experience substantial delays in licensing; therefore, no assessments have been conducted.

58. Describe the Bureau's efforts to work with schools to inform potential licensees of the licensing requirements and licensing process.

The Bureau has worked with the schools (two in California) and has presented information to their students when requested and when travel restrictions do not prohibit the Bureau's attendance. The Bureau is confident that both schools would welcome its presence on a regular basis to speak to new students about the licensing requirements and process, as well as the laws and regulations that will govern their practice once they become licensed.

In addition, the Bureau's website includes all of its licensing requirements, applications, instructions, laws, regulations, and links to a variety of industry associations.

59. Provide any workforce development data collected by the Bureau, such as:

a. Workforce shortages

The Bureau has not received any significant information to indicate that there are any shortages in the cemetery or funeral industry at this time. The Bureau monitors industry trends through its inspection activities, complaint allegations, licensing data, annual deaths in the State, and the types of disposition (i.e., direct cremation, burial, embalming, etc.).

b. Successful training programs

There are numerous State and national associations that provide a variety of training to Bureau licensees, applicants, and nonlicensed individuals working in the industry. While the Bureau does not require any continuing education, there are several statutes that require (nonlicensed) individuals to receive documented training in specific areas if they are working

in a funeral establishment or crematory. The training provided by industry associations meets the requirements in law.

In addition, the Bureau has hosted workshops for licensees on completion of its Endowment Care Fund and Special Care Fund Report and has attended numerous association meetings and presented information on its inspection and enforcement activities to help ensure compliance with the applicable laws and regulations.

Section 9:
Current Issues

60. What is the status of the Bureau's implementation of the Uniform Standards for Substance Abusing Licensees?

Uniform standards do not apply to the Bureau, because the Bureau is not a healing arts program.

61. What is the status of the Bureau's implementation of the Consumer Protection Enforcement Initiative (CPEI) regulations?

Because the Bureau is not a healing arts program, the regulatory changes mandated by CPEI do not apply. However, the Bureau strives to achieve the performance measures outlined by CPEI such as the goal to complete formal discipline within 540 days. In addition, the Bureau continues to report to the Department on a quarterly basis its success in meeting the applicable enforcement goals of CPEI.

62. Describe how the Bureau is participating in development of BreEZe and any other secondary IT issues affecting the Bureau.

The Bureau is scheduled for Release III of the BreEZe project. When Release II nears completion, the Bureau anticipates allocating resources to the project and recognizes that its interaction with the Department on this project will increase. The information gleaned and lessons learned in prior releases for other boards and bureaus will help ensure a smooth transition from the Bureau's current legacy system to the BreEZe system.

Section 10:
Bureau Action and Response to Prior Sunset Issues

Bureau action and responses to prior Sunset Review issues include the following:

1. **Background information concerning the issue as it pertains to the Bureau.**
2. **Short discussion of recommendations made by the Committees/Joint Committee during prior Sunset Review.**
3. **What action the Bureau took in response to the recommendation or findings made under prior Sunset Review.**
4. **Any recommendations the Bureau has for dealing with the issue, if appropriate.**

In 2002, the Bureau underwent Sunset Review by the (then) Joint Legislative Sunset Review Committee (JLSRC). As a result, the Bureau has continued with its activity in licensing, enforcement, and administration of the practice acts regulating the funeral, cemetery, and cremation industry.

Items completed or pending based on recommendations from the JLSRC include the following:

- The Bureau met with the Department of Insurance (DOI) to clarify areas of jurisdiction and establish contacts. The Bureau developed a preneed survey to use in connection with inspections to identify insurance companies and agents used by funeral establishments; the surveys were then forwarded to the DOI. Several years ago, the process was stopped at the request of the DOI. The Bureau continues to refer complaints involving insurance issues to the DOI.

- Legislation was enacted to require funeral establishments that are exempt from filing an annual preneed trust report to file a declaration of nonreporting status to the Bureau on an annual basis (SB 1592, Chapter 825, Statutes of 2002).

- The Bureau continues to closely monitor apprentice embalmers; the protocol for inspections of funeral establishments includes questions directed at apprentice embalmers. As of 2003, the Bureau has revoked a total of nine apprentice embalmer registrations and placed another six on probation.

- Cemetery and crematory managers are licensed and regulated by the Bureau (SB 17, Chapter 819, Statutes of 2002; SB 1952, Chapter 825, Statutes of 2002).

- Occupational analyses for each of the five licensing examinations administered by the Bureau are current and conducted every five to seven years.

- Delinquent renewal fees are assessed and collected for cemeteries, crematories, cemetery brokers, cemetery salespersons, and cremated remains disposers (SB 1952, Chapter 825, Statutes of 2002).

- The Bureau annually conducts at least one unannounced inspection of licensed cemeteries and crematories (SB 17, Chapter 819, Statutes of 2002).

- The Bureau has authority to examine cemetery endowment care funds whenever it deems necessary, at least once every five years, whenever a cemetery fails to file the annual report, or whenever the accountant qualifies his or her certification of the report. Desk audits are conducted each year on the financial statements submitted by cemeteries, and field examinations are selected based on the risk identified in the desk audits.

- The Bureau fully implemented the fingerprint requirement for all applicants for licensure and implemented the electronic submission of fingerprints for background checks known as Live Scan.

- The $8.50 fee for each interment or cremation is collected from the applicable cemetery or crematory.

- In 2002, as part of the recommendations of the JLSRC in response to the Bureau's prior Sunset Review, the Bureau conducted a comprehensive study to determine the feasibility/

necessity of oversight for proprietary employees of religious corporations, churches, etc. (SB 1952, Chapter 825, Statutes 2002). BPC § 9610 was repealed after the study was completed and presented to the JLSRC in 2004. Attachment F includes a copy of the complete report.

- The Bureau's *Consumer Guide to Cemetery and Funeral Purchases* must be provided to consumers prior to drafting a contract for cemetery and/or funeral goods and services.

- In 2002, as part of the recommendations of the JLSRC in response to the Bureau's prior Sunset Review, the Bureau conducted a comprehensive study to determine the feasibility/necessity of oversight for third-party casket retailers (SB 1952, Chapter 825, Statutes of 2002). BPC § 7612 was repealed after the study was completed and presented to the JLSRC in 2004. Attachment F includes a copy of the complete report.

- The Bureau has implemented the recommendations of the Department's February 2002 internal audit office. Procedure manuals exist for the Bureau's licensing and enforcement processes, strategic planning is current and ongoing, and the audit functions have improved. The Bureau continues to have staffing challenges within its Audit Unit.

- The Bureau has statutory authority to collect examination, license, renewal, and delinquent renewal fees for cemetery and crematory managers.

- The Bureau conducted a study to determine if the $50,000 fidelity bond is sufficient to cover losses to a cemetery endowment care fund and the need to raise the fine amount contained in BPC § 125.9. The report was submitted to the JLSRC in July 2002. Attachment J incudes a copy of the report.

Section 11: New Issues

This is the opportunity for the Bureau to inform the Committees of solutions to issues identified by the Bureau and by the Committees. Provide a short discussion of each of the outstanding issues, and the Bureau's recommendation for action that could be taken by the Bureau, by DCA, or by the Legislature to resolve these issues (i.e., policy direction, budget changes, legislative changes) for each of the following:

1. **Issues that were raised under prior Sunset Review that have not been addressed.**

   The Bureau has addressed the prior Sunset Review issues, as describe in the action above.

2. **New issues that are identified by the Bureau in this report.**

   There are no new issues identified in this report.

3. **New issues not previously discussed in this report.**

   The Bureau is currently part of pending litigation, as follows:

   The California Funeral Directors Association created the Funeral Directors Service Corporation (FDSC), an Oregon-based for-profit corporation created to develop and administer the

California Master Trust (CMT) program. That program administers preneed contracts that individual funeral businesses enter into with customers. Preneed contracts are purchased by consumers to make their funeral arrangements with a specific funeral home in advance. These funeral establishments then contract with a professional trustee, which makes it easier for the funeral establishments because the trustee manages the funds paid toward preneed contracts.

The first case was filed by a participating funeral establishment in an effort to compel the trustees to provide an accounting of the expenditures by the trustees of the funds deposited by it into the trust. The then-Bureau Chief and the Department formally intervened on behalf of consumers in this case in November 2009. After the Bureau's intervention was filed, the parties requested a continuance of the trial in this matter (*In the Matter of the California Master Trust*, Santa Clara County Superior Court, Case No. 109PR165181). On November 15, 2010, the Department and Bureau were sued by FDSC in an attempt by the FDSC to obtain injunctions preventing both agencies from taking any administrative actions against the CMT and affected funeral establishments (*Funeral Directors Service Corp. v. Dept. of Consumer Affairs*, *Cemetery and Funeral Bureau*, originally filed in Sacramento County Superior Court, Case No. 34-2010-80000715).

On April 18, 2011, the Department/Bureau filed a civil suit against FDSC and others over alleged illegal activities uncovered, in part, by an audit and subsequent investigation of the CMT by the Bureau and the California Attorney General's Office. The lawsuit alleges that a significant portion of the consumers' money paid into the trust was being squandered, misspent, or mismanaged (*Cemetery and Funeral Bureau, Department of Consumer Affairs v. California Master Trust*, et al., originally filed in Los Angeles County, Case No. BC459862).

To date, two defendants have settled with the Bureau. Seven other defendants have executed settlement agreements with the Bureau, which are pending approval with the Santa Clara County Superior Court as "good faith settlements." Settlement discussions continue with the remaining defendants. Trial was set to begin October 6, 2014.

As of June 30, 2014, the Bureau has expended approximately $934,000 in Attorney General costs resulting from this litigation.

4. New issues raised by the Committee.

The Bureau is unaware of any new issues raised by the Committee.

Section 12: Attachments

Please provide the following attachments:

A. Bureau's administrative manual:

- Cemetery and Funeral Bureau Strategic Plan 2015–2018 (Attachment C)
- Cemetery and Funeral Bureau Advisory Committee Member Orientation and Reference Manual (Attachment A)

B. Current organizational chart showing relationship of committees to the Bureau and membership of each committee (cf., Section 1, Question 1):

- Cemetery and Funeral Bureau Organizational Chart (Attachment B)

C. Major studies, if any (cf., Section 1, Question 4):

- November 2004 Report to the Joint Committee on Boards, Commissions, and Consumer Protection on the Need to Regulate Third-Party Casket Retailers and Proprietary Employees of Religious Corporations, Churches, Religious Societies, and Religious Denominations (Attachment F)

- 2007 Report to the Legislature Regarding Endowment Care Fund Survey Required by Senate Bill 1490 (Chapter 401, Statutes of 2006) (Attachment G)

D. Year-end organization charts for last four fiscal years. Each chart should include number of staff by classifications assigned to each major program area (licensing, enforcement, administration, etc.) (cf., Section 3, Question 15):

- Cemetery and Funeral Bureau Organizational Charts, FY 2010–11 through FY 2013–14 (Attachment I)

E. Other attachments:

- Cemetery and Funeral Bureau Impacting Legislation 2002–2014 (Attachment D)

- Cemetery and Funeral Bureau Regulatory Actions 2002–2014 (Attachment E)

- Cemetery and Funeral Bureau Quarterly and Annual Performance Measures (Attachment H)

- July 2002 Report to the Joint Committee on Boards, Commissions, and Consumer Protection on Cemetery Requirement for $50,000 Fidelity Bond and Maximum Administrative Fine in Business and Professions Code § 125.9 (Attachment J)

- "Mortician with a Badge," *Los Angeles Times*, December 23, 2011 (Attachment K)

- Table 3 Expenditures by Program Component (Attachment L)