

1999 ANNUAL REPORT



Board of Funeral Services

Board Membership

The Board of Funeral Services was established by the *Funeral Services Act* in 1976 to succeed the Board of Administration, which had a history dating back to 1914.

The current legislation, the *Funeral Directors and Establishments Act*, requires that the Board be composed of thirteen members, eight funeral directors and five public persons. All members are appointed by the Lieutenant-Governor-in-Council.

MEMBERS OF THE BOARD OF FUNERAL SERVICES

	1999		2000	
Chair	Harold Wilson*	<i>Belleville</i>	Joe Salini	<i>Thunder Bay</i>
Vice-Chair	Joe Salini	<i>Thunder Bay</i>	Scott Doney	<i>Shelburne</i>
Executive Member	Scott Doney	<i>Shelburne</i>	Bill Steadman*	<i>Toronto</i>
	Bill Maguire*	<i>Cobourg</i>	Carl Compton*	<i>Toronto</i>
	Thomas Preston*	<i>Oakville</i>	Bill Maguire*	<i>Cobourg</i>
	Bill Steadman*	<i>Toronto</i>	Thomas Preston*	<i>Oakville</i>
	Bruce Humphrey	<i>Toronto</i>	Harold Wilson*	<i>Belleville</i>
	Allan Lee	<i>Harriston</i>	Bruce Humphrey	<i>Toronto</i>
	Scott Miller	<i>Pembroke</i>	Allan Lee	<i>Harriston</i>
	Brian Parent	<i>Windsor</i>	Scott Miller	<i>Pembroke</i>
	Rick Pedder	<i>Toronto</i>	Brian Parent	<i>Windsor</i>
	Julie Tubman	<i>Ottawa</i>	Rick Pedder	<i>Toronto</i>
			Julie Tubman	<i>Ottawa</i>

* Denotes Public Members

BOARD STAFF

Registrar

Joseph Richer

Manager, Inspections & Investigations

René Brakel

Inspectors

Randy Balon

Ken Singh

James Wingate

Manager, Licensing & Administration

Susan Beck

Bilingual Administrative Assistant

Shahd Studt

Administrative Bookkeeper

Marlen Weiler

LEGAL COUNSEL

Steinecke Martin Maciura

Donald Posluns - *Barrister & Solicitor*

AUDITOR

Harris & Wright



Board of Directors 1999

Front Row L-R Scott Doney, Harold Wilson, Bill Maguire, Joe Salini

Back Row L-R Brian Parent, Bill Steadman, Allan Lee, Scott Miller, Rick Pedder, Bruce Humphrey, Thomas Preston
(Absent: Julie Tubman)



From the Chair

In the last Annual Report, I spoke of “change” as being the recurring theme of all of our lives, and particularly for those involved in the death care industry:

“**change**” as the Board continues to work toward and within the new reality of self-management;

“**change**” as the Board has welcomed new staff René Brakel and Marlen Weiler;

“**change**” as we said farewell to Board members Charles Anderson and Ted Liddycoat; and

“**change**” as we welcomed Scott Doney, Scott Miller, Brian Parent and Rick Pedder to the Board.

As chair of the Board for the past two years, I have had the opportunity to work with the Registrar, Joseph Richer, a most dedicated staff, and members of the Board. To each one, I express my thanks for your role in forming the Board's part of the regulatory team for the death care profession in Ontario.

The Board continues to be involved, through the Registrar, in “Red Tape” discussions, focussing primarily on the sensitive issue of the separation between funeral homes and cemeteries. The Board has not taken a position with respect to this issue, but strongly maintains that, whatever the eventual outcome of this discussion, as regulators, consumer protection is the Board's legislated mandate. In the meantime, the Board is mandated by legislation to enforce the *Funeral Directors and Establishments Act*.

As we enter this new century, these are exciting and challenging times – days of “change” – and, amid the flux, the Board continues to regulate the funeral service profession to ensure that the citizens of Ontario are served at some of their most sensitive hours, in a competent, caring way.



Dr. Harold Wilson
Chair

Where did the year go?

My first full year as Registrar proved to be a challenging one, though I am not certain that I would have wanted it any other way. With all that is going on, I cannot believe how quickly the time flew by. I believe that we have done a lot of good work and hope to continue our initiatives in 2000.

In making a few staffing and structural changes, we welcomed two new members to the staff, bringing the staff back up to its full complement. We have clarified the role of the two natural operational arms of the Board, Enforcement and Licensing, which has allowed the two departments to operate more efficiently. The clarification will also assist us in directing inquiries and information to the right people, in turn better assisting both the public and licensees.

Within the Enforcement side, which consists primarily of inspections and investigations, we have made several changes with the goal of formalizing procedures while eliminating unnecessary or redundant steps. The Enforcement staff has undertaken to review the inspection procedures to make them both more effective and less intrusive on the establishments, without compromising the Board's mandate to protect and serve the public interest.

Licensing, which includes not only licensing but also administration and data management, has seen its share of changes. We have implemented a new information system that will allow us to maintain records in a more detailed, accurate and efficient fashion. We are all excited at the possibility of significantly reducing the processing time for licensing, while increasing the accuracy of the information.

The changes are in keeping with the Board's legislated mandate. As we move forward, we will maintain our consumer focus and ensure, wherever possible, that the introduction of new products, theories and marketing techniques are appropriate and in the consumer's interest. For example, the Board has made it clear to the profession that it believes that only funeral directors should sell funeral services and that it will take action in cases where the consumer has not been afforded the opportunity to deal with a licensed funeral director.

The Board continues to support the concept of Labour Mobility across Canada. It believes that establishing a common national examination could be the answer to achieving reciprocity while maintaining Ontario's educational standards.

In order to fulfil its mandate, the Board will be investigating avenues to raise public awareness. Education of both the profession and the consumer are key in ensuring public protection.

Dr. Hal Wilson has sat as Chair of the Board for the past two years. We would all like to thank Hal for his dedication to the efforts of the Board. I would like to thank all of the members of the Board and staff for their continued support and dedication to the Board.



Joseph Richer
Registrar



Complaints

The purpose of the Complaints Committee is to consider and adjudicate consumer complaints regarding the action and conduct of any licensee.

The Complaints Committee received 22 complaints between November 1, 1998 and October 31, 1999. Of these, 14 were dealt with in 1999 and 8 will be carried forward into 2000.

Of the 21 complaints reviewed by the Committee over the same period, 7 were received in 1998 and 14 in 1999. The following is the breakdown of their dispositions.

<i>In favour of the licensee</i>	6
<i>In favour of the complainant</i>	7
<i>Complaints referred to the Discipline Committee</i>	2
<i>Complaints withdrawn</i>	4
<i>Complaints mediated by staff</i>	2

Either party may appeal the Complaints Committee's decision to the Commercial Registration Appeal Tribunal (C.R.A.T.). Of the 21 complaints reviewed in 1999, 2 were appealed to C.R.A.T.

To minimize the number of complaints referred to the Complaints Committee and to serve the interest of the public involved, funeral directors should be well versed in statutory and regulatory requirements. In particular, licensees should be well aware of the sections regarding professional conduct, price lists, contracts, documentation and disclosure.

When asked, the most common reason for filing complaints is because "they don't want this to happen to anyone else." In many cases, consumers have been very pleased when they have been part of a process that has resulted in policy changes at an establishment.

The Complaints Committee was very encouraged that the licensees were taking complaints seriously and taking steps to remedy the complaints before they escalated. In a few cases, the funeral directors demonstrated their sincerity to the consumer's concerns by sharing with the complainant the policy changes that had been put in place, as a result of the complaint. In some cases, while the Committee made recommendations in favour of the complainant, it also believed that the funeral director had already provided remedy equal to, or in excess of, those the Complaints Committee would have recommended.

To address the needs of the parties involved in complaints, there has been a focus on reducing the time between the date the complaint is received and the date the matter is presented to the Complaints Committee. The staff has worked hard to reduce the backlog of complaints and is committed to handling complaints within a two or three month period, bearing in mind that the Committee meets only once each month. Of course, the time span will depend on the amount of investigation that is required and the scheduling of meetings.

Funeral establishments and transfer services in Ontario provided services and supplies for over 80,000 deaths last year and the Complaints Committee reviewed 22 complaints. Considering the number of deaths in the province and the small number of complaints, the Committee believes that the public is being very well served by the funeral directors in our province.

The Committee would also like to acknowledge the work of the Board staff who investigates and communicates with both funeral directors and consumers.



Complaints Committee
L-R Hal Wilson, Allan Lee, Brian Parent



Licensing

Licensing

The Licensing Committee is composed of three persons, one of whom must be a public member. The members must consider all matters that are referred to them by the Registrar concerning the eligibility of an applicant for a licence or a renewal of a licence and any other related matters. Hence, the Committee is extremely active.

The Committee members also perform the following:

- prepare, proctor and mark each examination written by a potential licensee;
- provide practical examinations for potential licensees
- maintain a twelve month in-service training program for apprentices/interns

Licensing Exams

In June 1999, 126 students wrote the Board of Funeral Services Licensing Exams and one of the 126 wrote the non-embalming exam. One hundred and sixteen (116) students were from Humber College and ten (10) were from Collège Boréal. Ninety percent (90%) of the candidates eligible to write the exams passed. Fourteen (14) students wrote the exams in December of which six (6) passed.

Summary of Individual Licensees for 1999

The Board licensed 2,407 funeral directors in 1999. Seventy percent (70%) are active licensees and the remainder (734) are inactive. Of the 1,673 active funeral directors, seven (7) are active funeral directors not authorized to embalm.

Summary of Licensed Funeral Establishments for 1999

565	<i>funeral establishment licences were issued</i>
4	<i>funeral establishment licences not providing services to the public were issued</i>
22	<i>transfer service licences were issued</i>

Professional Development

Professional Development is held in April every year. The Toronto program is offered annually and every five years the program is offered in Thunder Bay. This year the program was offered in Toronto with 283 funeral directors attending.

The Committee is heavily involved with the development, planning and evaluation of the annual Professional Development Program. The Committee is committed to providing quality continuing education to funeral directors, and continues to investigate new options for the program.

Inactive/Active Exams

When funeral directors have been inactive for 10 or more years and want to become active, they must write the Inactive/Active Exam. Three inactive licensees wrote in 1999.

In-Service Training

The Funeral Service Education program continues to have full enrollment in both Colleges. At the time of publication in 1999, there were 114 in-service students registered with the Board of Funeral Services – 105 Humber College students and 9 Collège Boréal students.

The Committee assists the staff in providing on-site interviews and surveys of in-service trainees. A member of the Licensing Committee and the Registrar continue to serve on the College Advisory Committees of Humber College of Applied Arts and Technology and Collège Boréal and participate in the awards program at the Colleges.



Licensing Committee

L-R Bruce Humphrey, Joe Salini, Bill Steadman



Compensation / Discipline

Compensation Fund

The Compensation Fund Committee manages the affairs of the Compensation Fund, which is established to provide compensation in the event that trust monies are handled incorrectly.

During the past year, the Committee reviewed and approved three separate claims against the fund, totalling \$7,451.87. Two of the claims involved a funeral home where the owner had accepted the funds during a time when he was very ill. Unfortunately, the funeral director died shortly after entering the contracts and the funds were never properly invested. The third claim involved a refund of excess funds that had never been returned to the estate of the deceased and where the funeral home closed shortly after fulfilling the contract.

The Committee is pleased with the state of finances, the trust account reporting and the efficiency of the Board Office when dealing with matters of this nature and find that the fund is in good financial shape with safe investments.

Prearranged Funeral Service Compensation Fund

The Compensation Fund remains above the minimum threshold of \$1 Million. The Committee is satisfied that the funds continue to be invested in a secure and diversified portfolio.



Compensation Fund Committee

L-R Tom Preston, Bill Maguire, Scott Miller



Discipline Committee

L-R Bill Maguire, Bill Steadman, Julie Tubman, Rick Pedder

Discipline

The Discipline Committee is established to hear cases involving allegations of professional misconduct. The issues dealt with by the Discipline Committee come by way of referral through the Executive Committee, the Complaints Committee or the Board.

Anyone appearing before the Discipline Committee has the right to be represented by legal counsel. The Discipline Committee itself has its own independent legal counsel to advise it on matters of procedure and legal precedence, thus allowing it to work at arms length from the Board of Funeral Services itself.

During 1999, three cases were heard by the Discipline Committee. In each case, the individual was found guilty of professional misconduct, and penalties were levied by the Committee as deemed appropriate.

One funeral director was found guilty of professional misconduct under paragraph 44(u) (unprofessional conduct) of Regulation 470, made under the *Funeral Directors and Establishment Act*. The licensee was previously found guilty of a criminal offense involving a minor. In order to protect the public interest, the Committee revoked the funeral director's licence.

In the second case, the funeral director had sent a letter of complaint to the Board that was false and misleading, and also signed that letter in the name of another individual. The licensee was found guilty of professional misconduct under paragraphs (o) (signing a false document) and (u) (unprofessional conduct) of Regulation 470, made under the *Funeral Directors and Establishment Act*. As penalty, the Discipline Committee ordered a fine of \$500 and directed that letters of apology be written to those affected. The Committee also reprimanded the licensee and prohibited the funeral director from hiring or supervising apprentices for a period of two years.

The last hearing of the year involved a funeral director who failed to invest pre-payment funds as required by subsection 34(1) of the Act and sections 16 and 20 of Regulation 470. The funeral director was found guilty of professional misconduct under paragraphs 44(a) (act or omission inconsistent with the Act or regulations) and (u) (unprofessional conduct) of Regulation 470, made under the *Funeral Directors and Establishments Act*. The Discipline Committee ordered a \$1000 fine and a two-month licence suspension. If the funeral director met conditions of knowledge and practice expected of him by January 31, 2000, the fine would be reduced to \$500 and one month of the suspension would be forgiven. Restrictions were placed on the funeral director's licence prohibiting the licensee from hiring or supervising apprentices and from accepting cash payments. The licensee will also be required to file all prepaid contracts with the Registrar, on a monthly basis.



Education

Education

In 1999, the Board of Funeral Services established a Committee to Review Funeral Service Education in Ontario. The Committee will review all aspects of funeral service education to ensure that the education, training and ongoing professional development prepares funeral directors to meet the needs of consumers and the profession now and in the future.

The Committee has identified five main areas to be reviewed. These areas include:

- 1) Pre-admission process,
- 2) Curriculum,
- 3) Internship,
- 4) Licensing, and
- 5) Professional Development

The Committee is composed of representatives from the Board of Funeral Services, the Ontario Funeral Service Association, Humber College, Collège Boréal and recent graduates from both programs. The members are enthusiastic about the project and believe that such a review will ensure that every component of the program remains at the highest possible level. The review will take place over the next year and members of the profession can expect to hear more about the project in the new year.

As the Committee moves forward, it will be imperative that it considers input from both the profession and the public. We appreciate the valuable input that we have received from the members of the profession and will continue to look for feedback and input in the coming months.

Inspections/Compliance

Staff

The inspectors had their hands full in 1999 with the 6-month vacancy in the position of Manager, Inspections and Investigations (formerly Administrative Inspector). With the assistance of the Inspectors and the Registrar, the Manager of Inspections and Investigations has had a smooth transition into his new position. The members of the Board's inspection staff, with their varied background and experience, have combined to form a very competent and very effective inspection team.

The number of inquiries from licensees is significant and the inspection staff continues to play a large role in assisting and informing licensees of their rights and obligations under the *Funeral Directors and Establishments Act*.

Inspections

Inspections of establishments are conducted routinely. The inspection process is structured to include the manager of the establishment, whenever possible. This allows the inspector to discuss the inspection with the individual who is directly responsible for the management and supervision of the establishment. Whenever possible, after the inspection is completed, an exit interview is conducted to review the results of the inspection with the manager or an establishment representative. The inspector will then follow up the inspection with a letter outlining in detail the results of the inspection and a written response is requested from the licensee. This procedure has proven to be proactive in assuring both compliance and consumer protection. In addition to inspections, the Inspectors review advertising, which must be submitted by licensees prior to being released to the public.

Between November 1, 1998 and October 31, 1999, the inspection staff conducted 130 inspections. This number comprises 112 routine establishment inspections, 12 new funeral homes, 2 new transfer services, 3 new or renovated preparation rooms, 2 new additions to premises of existing establishments and 5 closings of establishments.

The inspection team is constantly updating and reviewing its procedures to maximize their effectiveness, while minimizing the intrusion on the establishments. Inspections are not announced before the inspector's arrival at the establishment, thereby allowing the inspectors to see the condition of the premises as a consumer would.

Investigation

In addition to routine inspections, the inspection staff is also heavily involved in the numerous investigations conducted each year. The inspection staff investigated a number of reported breaches of the Act and Regulations involving soliciting, advertising, unauthorized embalming, unlicensed individuals holding out as funeral directors, etc.

In most cases, the matters were resolved when the breaches were addressed directly through informal mediation, while others required disciplinary action.

Goals & Objectives

The inspection team has set a goal to complete 200 inspections in the year 2000. This will go a long way towards our long-range goal of having each funeral home and transfer service inspected within a three-year cycle.

The team believes that licensee education is the most effective way to ensure compliance. The objective for 2000 is to increase the inspectors' availability to licensees so that they may become a more accessible resource to those who wish to contact them. To this end, each member of the inspection team now has voice mail and e-mail.

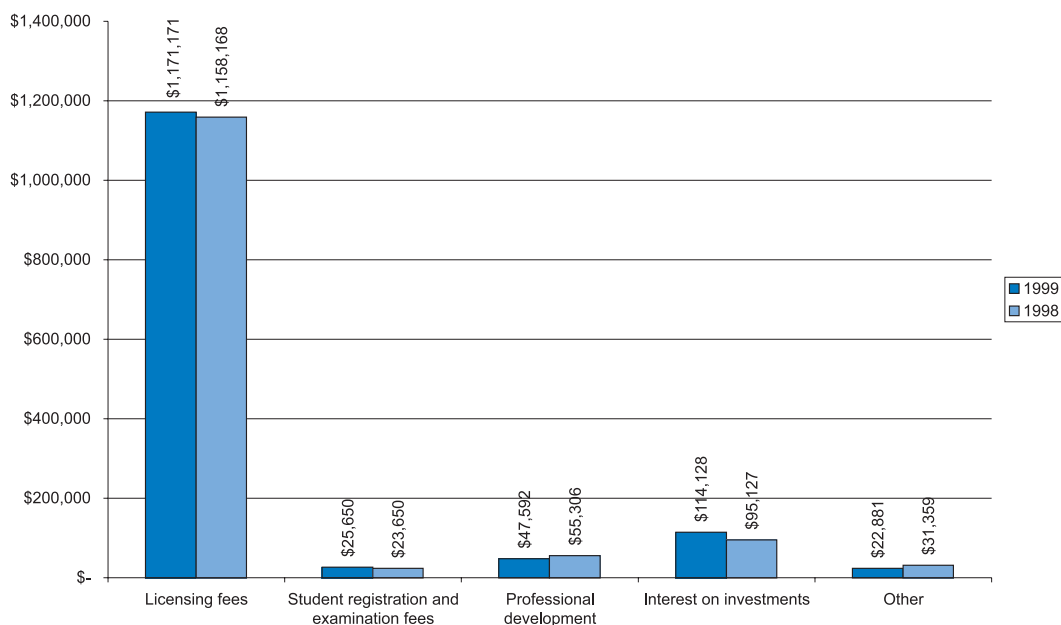


Financial Outlook

Harris & Wright audited the Board of Funeral Services and the Prepaid Funeral Services Compensation Fund. They reported that the financial statements present fairly, in all material respects, the financial position of the Board as of October 31, 1999.

The Board and the funeral service profession have been faced with a number of changes from the election of professional Board members to changes within the funeral service profession. The Board's strong financial position has allowed it to meet the challenges of 2000. Complete financial statements are available upon request.

Revenue



Expenses

