



Texas Funeral Service Commission Annual Report ~ Fiscal Year 2020

Introduction

Mission Statement

To protect the public from deceptive practices in the funeral and death care industry through a process of impartial enforcement, inspection, licensing and education in order to guarantee every citizen's final disposition is conducted professionally and ethically.

Vision statement

Educate ~ Regulate ~ Effectuate

Executive Director Statement

This past fiscal year has been a challenge to the agency. There have been three Executive Directors leading the agency. Since the middle of the 3rd quarter, the agency filled the Executive Director's position with a permanent employee. During the second half of the year, the agency had to develop and manage their response to the COVID-19 global pandemic. From March through May, the inspectors were restricted from visiting their funeral home locations to complete their annual inspections. New funeral establishments seeking licensure could not have a physical inspection initially. The inspectors were able to adapt to a virtual inspection environment, as a temporary solution to those licensees who were caught in the middle of the state emergency lock-down. Funeral establishments were identified by the state and federal government as essential workers and continued operations during the economic lock-down. There were many funeral directors throughout the state requesting guidance and instructions as to best operations practice during the pandemic. The TFSC new Executive Director published a series of four COVID-19 funeral protocols that were made available to funeral licensees and the public. These publications were developed to provide funeral directors several options in providing funeral services which could safeguard their employees, the families they serve and their community. Since the funeral establishments continued operating, the TFSC continued operations, even with the state mandate to work remotely. The agency staff was able to modify their work schedule and upgrade their work technology in order to support the agency's mission and goals. There have been some staffing changes besides the change in leadership. However, the staff continues to work together providing the best resource to the licensees and public.

Strategies

Licensing

During the Fiscal Year 2020, 368 provisional licenses were issued. There were 18 reciprocal licenses issued to individuals relocating to Texas from other states. 2314 individual licenses were renewed during the FY 2020. 50 new funeral homes, 3 new commercial embalming facilities and 8 new crematories received their initial licenses. 1592 funeral facilities renewed their establishment licenses during the FY 2020. Of the license renewals, 84% of them renewed through the TFSC online renewal portal. Along with the license processing, this department reviews and approves the Continuing Education Vendors and their CE classes. For the calendar year 2020, the TFSC approved 21 individual CE providers offering multiple approved CE courses available for the licensees. The Licensing staff also answered 57% of the emails that were sent to the TFSC's information email.

Inspection

During the FY 2020, the TFSC inspectors completed 704 funeral establishment inspections in which 99.6% were compliant at the time of the inspection. This total number of inspections is lower than anticipated or planned due to the three months of restricted inspections in conjunction with the COVID-19 pandemic and the state's emergency disaster declaration. The statutory requirement for funeral establishment physical inspection is every three years. However, the legislative performance measure sets the requirement of 1000 funeral establishments physically inspected on an annual basis.

Enforcement

During the FY 2020, the TFSC received 116 written complaints and resolved 85 of them (73%). 19.3% of the licensees who received disciplinary action for a statute violation during the current fiscal year were found to be in violation of a different TFSC statute originating from a separate consumer complaint. 56% of the statutory violations during the past two fiscal years were associated with prohibited practices within the funeral profession. The next highest category of violations were in the area of Unethical funeral services. At the conclusion of the FY 2020, there were 67 complaints still pending resolution; some of them were complaints that were carried over from the previous FY.

The percent of funeral establishments with no recent violations for the past two years was 90.7%. Less than 10% of the licensed funeral establishments (including funeral homes, commercial embalming facilities and crematories) have been determined to be in violation of Texas Occupations Code 651.

Complaint Information

The current average time the TFSC experiences to resolve a complaint is 134.5 days. The annual performance measure set by the legislation, establishes the maximum number of days for a complaint to be resolved is 120 days. The overage can be explained due to staff attorney being appointed as interim Executive Director for six months and a lead investigator not being replaced after their resignation for three months.

66% of the complaints received during the FY 2020 were resolved within 6 months. 22% of the resolved complaints received during the FY 2020 resulted in disciplinary action. During the past two fiscal years, there were 13 individual licensees who had a complaint filed against them and 51 consumer complaints, which were determined to be non-jurisdictional.

Changes in Commission Policies

Rule 203.8(g) Continuing Education was amended to remove the newly required 4 hours of in-person training which was to go into effect July 1, 2020. Due to the current COVID-19 restrictions, the Commission decided to remove all in-person training requirements until the current health crisis is fully understood and the risk to all presenters and participants is reduced.

Rule 203.16 Consequence of Criminal Conviction was brought into alignment with the state Government Code.

Conclusion

The FY 2020 has been more of a transition year as the agency navigated through a change in leadership, a change in staff and a change in work place task completion. COVID-19 has created multiple challenges for the staff in which several adjustments were required to be made in order to maintain the safety and security of the staff. At the end of the FY 2020, the staff is working 60% of the time in the office. The staff's technology support (laptops, scanners, etc.) required upgrading since the agency had actually moved away from teleworking prior to the pandemic. As the Executive Director, more of my time has been dedicated to video conferencing meetings with various state agencies and private associations in regards to the emergency response to the global pandemic. However, with the support of the TFSC Commissioners, the staff has been able to continue to provide support and guidance to the licensees and to the public.

Prepared by:

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