



# TECHNOLOGY, PRENEED SALES HELP DEATHCARE INDUSTRY WEATHER TOUGH ECONOMY

## PRESIDENT'S NOTE

### Technology, Preneed Helping Deathcare Industry Weather Tough Economy

What a difference a few months makes. At the start of the year, alarm bells were going off in many board rooms across the country as business leaders and economists warned that a significant economic downturn or recession was looming. Fast-forward to today and, thankfully, a growing number of business owners and c-suite executives are breathing a little easier.



The economy has not fallen off a cliff and consumers are still spending their hard-earned money (but being more selective in what they are purchasing). Yes, inflation at around 5% is still a concern, and yes, the number of funeral services continues to be lower than the previous year.

The good news, however, is that preneed sales volume for the first half of the year has trended upward compared to 2022. Also, many funeral home and cemetery owners have successfully pushed through price increases to blunt the impact of inflation.

In conversations with funeral directors and cemeterians, I am frequently reminded about the vital role that technology is playing to help leaders strategically navigate today's economy. Investments in marketing (robust websites that make it easier for families to plan end-of-life celebrations) and recordkeeping (applications that simplify contract management and preneed trust administration) are paying off.

If you believe your business could benefit from a technology tune-up, please give us a call. Our experienced team of experts can show you how to enhance your digital tools to better serve the families in your community and grow your business.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Williams".

Bill Williams  
President and CEO, Funeral Services, Inc.

# TECH SPOTLIGHT

## Secure Payments

At FSI, data security is our top priority. But we also know that in today's online world, funeral homes and cemeteries must provide families with flexible - and secure - electronic payment options.

With FSI, you get the best of both worlds. Our state-of-the-art technology protects your sensitive financial data and makes it easy for families to transfer money. And our platform minimizes the likelihood of a data breach by monitoring irregular activity on your account and issues alerts if a potential hack has occurred.

FSI adheres to the highest standards of compliance when it comes to safeguarding your business and the families you serve. Here are some of the key features of our secure electronic payment solutions:

- **Credit or debit card payments:** Available for atneed and preneed sales, which eliminates the need for two separate systems. For preneed sales, FSI can also process a single or recurring charge to a consumer's credit or debit card.
- **Auto debit services:** FSI can auto debit a consumer's bank account for periodic preneed payments.
- **Remote, 24/7 access:** Seamless connection across all smartphones, tablets and the majority of browsers. Since the platform is entirely web-based, no app downloads or frequent updates are necessary.
- **Live chat support:** No chat bots or answering machines. Our live chat feature allows clients to speak directly with an FSI team member online during business hours.

For more information about our secure payments solutions, please contact our Client Services team at 1-800-749-1340 or [clientservices@fsitrust.com](mailto:clientservices@fsitrust.com).

REGULATORY UPDATE FROM WRW LEGAL

## Understanding Duties and Limitations of Licensees and Interns at Funeral Establishments

*By Henry A. W. Thompson Esq., WRW Legal*

Within funeral establishments, the importance of clarity when it comes to the roles and responsibilities of individuals on the team cannot be understated. Whether a team member is a full licensee, unlicensed individual or an intern licensee, it's crucial to know what activities can be performed within the legal framework. Below, we'll provide you with guidance needed.

### **Full Licensees:**

To start, full licensees, i.e. individuals who hold either a funeral director, embalmer, or combination license, have their specific duties defined by statute. Only funeral director or combination licensees may perform the activities found in Fla. Stat. § 497.372(1). Only embalmer or combination licensees may engage in the "practice of embalming" as defined in Fla. Stat. § 497.005(59).

### **Unlicensed Individuals:**

Next, unlicensed individuals may perform all the duties found in Fla. Stat. § 497.372(3). Unlicensed individuals may also assist fully licensed individuals in performing their duties, however, the extent to which unlicensed individuals may assist in these duties is not well defined in Florida's statutes. As such, we developed these guidelines based on

what activities are definitively the responsibility of full licensees. An unlicensed individual may perform activities that do not require:

1. Entering into or negotiating any aspect of an agreement that would bind the funeral establishment or its licensees.
2. Making an executive decision as to the level or nature of care a decedent needs.
3. Any activity that requires special training or knowledge, such as embalming the decedent.
  - a. Although, unlicensed personnel may assist in the process so long as the specific activity would not require special training or knowledge.
4. Signing any paperwork that is required to be filed by the establishment or its licensees.

Additionally, the only thing an individual without a preneed sales agent license could do, related to preneed sales, would be to quote the prices of preneed contracts as they appear on the GPL to families who inquire. Anything else runs the risk of violating Fla. Stat. § 497.452.

**Intern Licensees:**

Finally, intern licensees are similar to full licensees. They can engage in any activity that a full licensee of the corresponding license type could so long as the intern licensee is under proper supervision. There are two types of supervision in Florida, "general supervision" and "direct supervision". "Direct supervision" is defined in Fla. Stat. § 497.005(29) and can be summarized into the three following requirements:

1. A fully licensed individual is physically present for the activity or is on the premises;
2. A fully licensed individual has provided the intern with initial instructions on how to perform the specific activity; and
3. A fully licensed individual periodically inspects the intern's work and ensures it is correct and in compliance with the standards a fully licensed individual is normally held to.

Understanding the limitations and responsibilities of licensees and interns is crucial for smooth operations. By following these guidelines and seeking professional assistance when needed, you can navigate the legal landscape with confidence.



FSI executives regularly contribute to our profession's leading publications with thought leadership articles. The articles are written with you in mind - to provide advice, new ideas and in-depth insights on issues our profession faces.

**Here are brief summaries of several stories featuring FSI:**

## **FSI, Argent Pros Explain How to Build a Superior Preneed Trust Program**

Savvy deathcare leaders should regularly fine-tune their preneed trust programs so they are operating - administratively and financially - at peak performance. In the January issue of American Funeral Director, a trio of experts at FSI and Argent Financial Group discuss three areas on which to focus so you are maximizing the ROI on your preneed trust program. [Learn more here.](#)

## FSI CEO Bill Williams Provides Insight Into Improving Your Website



When it comes to your company's website, you do not get a second chance to make a first impression. In the February issue of Memento Mori, FSI President/CEO Bill Williams discusses actionable steps that funeral directors and cemeterians can take to ensure their businesses have a strong online presence. [Read more here.](#)

## FSI's Paul White Explores a New Twist on Preneed Contracts: Inspiration Funds

Consumers are searching for unique ways to celebrate the lives of loved ones. In the March issue of The Director magazine, FSI's Paul White explains the power of a new trend - inspiration funds - and how it can help increase sales of nontraditional services. [Learn more here.](#)

FSI SERVICES SPOTLIGHT:

### WRW LEGAL

**Deathcare industry laws frequently change at the state and federal levels, and just a small clerical error can result in substantial fines or penalties. Shielding your business from the unwanted attention of regulators and protecting your hard-earned reputation in the community is exactly why Wendy Russell Wiener started her law firm, WRW Legal.**

Based in Tallahassee, Florida, WRW Legal serves all members of the deathcare industry, including preneed funeral homes, cemeteries, crematories, financial institutions, pre-need insurance companies, state or industry associations and more. Led by Wendy, who has 30 years of deathcare industry experience, WRW Legal specializes in:

- **Licensure services:** Help facility and individual clients in all aspects of securing and retaining their licensure.
- **Forms preparation:** Review and prepare customized state law and federal regulation compliant forms.
- **Policy and procedure preparation:** Review and prepare policies and procedures for every aspect of our client's operations relating to regulatory compliance.
- **Regulator liaison:** Serve as the liaison between our clients and both state and federal regulators; responding to audit, examination, inspection, inquiry, investigation or customer/disciplinary complaints.
- **Compliance review:** Perform a complete review of all aspects of a client's operations to ensure regulatory and legal compliance.

For more information, please call our main office at [850.765.5214](tel:850.765.5214) or email Wendy at [Wendy.Wiener@WRWLegal.com](mailto:Wendy.Wiener@WRWLegal.com).



**Wendy Russell Wiener**  
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*Attorney*

**IMPORTANT FSI DATES TO REMEMBER**



**2023 FCCFA Annual Convention  
& Trade Show**  
*Marriott Tampa Water Street,  
Tampa, FL Visit Us at Booth #12!*



**CANA's 105th Cremation  
Innovation Convention**  
*Hyatt Regency Washington on  
Capitol Hill, Washington, DC*



**Labor Day**  
*FSI offices will be closed in  
observance of Labor Day*



**NFDA International Convention  
and Expo**  
*Las Vegas Convention Center, Las  
Vegas, NV Visit Us at Booth  
#1232!*

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