

**APPROVED MINUTES
BOARD OF FUNERAL DIRECTORS AND EMBALMERS
MINUTES OF BOARD MEETING**

**Tuesday, September 7, 2004
6603 West Broad Street, 5th Floor
Richmond, Virginia 23230-1717
Conference Room 1**

Department of Health Professions

- CALL TO ORDER:** A meeting of the Virginia Board of Funeral Directors and Embalmers was called to order at 9:04 a.m.
- PRESIDING:** J. Michael Williams
- MEMBERS PRESENT:** Billie Watson Hughes
Joseph Jenkins, Jr.
Rev. Alane C. Miles
Barry Murphy
Pratt P. Stelly
W.D. "Skip" Tharp
Robert Burger, Jr.
Randy Minter
- MEMBERS ABSENT:** None
- STAFF PRESENT:** Elizabeth Young, Executive Director
Elaine Yeatts, Sr. Policy Analyst, DHP
Jeanette Meade, Administrative Staff Assistant
Pam Horner, Administrative Staff Assistant
Donna Shropshire, Contracts Manager, DHP
- COUNSEL PRESENT:** Jack Kotvas, Assistant Attorney General
- GUESTS:** Meredyth Partridge, RSS, Inc.
Bruce Keeney, IFHV, Inc.
Paige Holloway, Advantus Strategies, Inc.
Andy Parker, Experior Inc.
- QUORUM:** With 9 members of the Board present, a quorum was established.
- ORDERING OF AGENDA:** On a properly seconded motion by Ms. Hughes, the Board approved the agenda.
- PUBLIC COMMENT:** None
- ACCEPTANCE OF MINUTES:** On a properly seconded motion by Mr. Tharp, the Board approved the Minutes of the Special Conference Committee Meeting of November 11, 2003.

On a properly seconded motion by Ms. Hughes, the Board approved the Minutes of the Special Conference Committee Meeting of December 16, 2003.

On a properly seconded motion by Ms. Hughes, the Board approved the minutes of the Special Conference Committee meeting of March 30, 2004.

On a properly seconded motion by Mr. Tharp, . Hughes, the Board approved the minutes of the Continuing Education Ms. Young Committee Meeting of March 31, 2004.

On a properly seconded motion by Mr. Jenkins, the Board approved the minutes of the Special Conference Committee Meeting of April 28, 2004.

On a properly seconded motion by Rev. Miles, the Board approved the minutes of the Special Conference Committee meeting May 26, 2004.

On a properly seconded motion by Ms. Hughes, the Board approved the minutes of the Board meeting of June 1, 2004.

On a properly seconded motion by Mr. Jenkins, the Board approved the minutes of the Special Confwrence Committee meeting of June 29, 2004.

On properly seconded motion by Mr. Jenkins, the Board approved the minutes of the Public Hearing of July 1, 2004.

On a properly seconded motion by Mr. Tharp, the Board approved the minutes of Special Conference Committee meeting of July 1, 2004.

On a properly seconded motion by Mr. Tharp, the Board approved the minutes with amendments of the Task Force Committee on Dual Licensure meeting of July 13, 2004.

On a properly seconded motion by Mr. Tharp, the Board approved the minutes of the Examination Committee meeting of July 29, 2004.

Public Comment

Ms. Young entered letters from Regulatory Support

Services and Norfolk State University regarding the continuing education regulations. Ms. Meredyth Partridge of Regulatory Support Services discussed perceived problems with some of the programs approved by the Board. She urged the Board to fully examine the actual hours of approval and to share the information with licensees.

NEW BUSINESS

Introduction of New Board Members

J. Michael Williams, President of the Board officially welcomed Mr. Robert Burger, Jr. and Mr. Randy Minter to the Board.

Examination Committee

At 9:35 a.m., Billie Watson Hughes, move that the Board of Funeral Directors and Embalmers convene in a Closed Meeting pursuant to Section 2.2-3711(A) (7) of the Code of Virginia for consultation with and the provision of legal advice by the Assistant Attorney General in the matter of the current examination contract with Experior, Inc.

Additionally, I move that Board staff, Elizabeth Young, Jeanette Meade, and Donna Shropshire, along with Andy Parker of Experior Inc. attend the closed meeting because their presence in the closed meeting is deemed necessary, and their presence will aid the Board in its consideration of this matter, which was unanimous.

All of those who certify, to the best of your knowledge that the members of the Board of Funeral Directors and Embalmers heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such, public business matters as were identified in the motion by which the closed meeting was convened, say "Aye" which was unanimous. The time is 10:30 a.m.

On a properly seconded motion by Ms. Hughes, the Board voted to continue its current examination contract with Experior Inc. until December 31, 2005. The Board requested the following from Experior, Inc.: for it to provide computer based testing (CBT) as soon as possible for applicants, for Experior to absorb the test development

costs for CBT and for the applicants not to pay additional costs for CBT.

Evacuation Procedures

Ms. Young read the agency's, Emergency Evacuation procedures.

Election of Officer for Vice President

With a properly seconded motion by Mr. Murphy, Billie Watson Hughes was nominated for Vice-President of the Board. With a properly seconded motion by Mr. Jenkins, Rev. Alane Miles was also, nominated for Vice-President of the Board. After a secret ballot, Mrs. Hughes received the majority of the votes and was elected Vice-President of the Board.

Federal Trade Commission

Jack Kotvas, Assistant Attorney General stated that the 30 day public comment period for the Board's consent order with the FTC began September 13 or September 14, 2004. At the end of the comment period, Mr. Kotvas explained that the Board is responsible to send a copy of the consent order to all licensees, placed on the Board's website, and included in the Board's newsletter.

Interpretation of Need for FSL presence at funeral related activities

The Executive Director was instructed to draft a guidance document with direction from Board counsel. The draft guidance document will be presented to the Board at its December 2004 meeting.

OSHA Training Requirement for Surface Transportation and Removal Firms

Ms. Young expressed concerns regarding her inability to obtain information about OSHA training. Members of the Board informed Ms. Young that the training is conducted only upon request to one of the regional offices. The Board requested that Ms. Young included a listing of regional offices with each of the application for registration.

Ad Hoc Committee on Death Certificates of the Board

Of Medicine

J. Michael Williams, President of the Board expressed positive feedback regarding the Board of Medicine's interest in addressing physicians' lack of responsiveness in completing death certificates. He and Ms. Young are members of the committee and its next meeting is scheduled for September 24, 2004 at 2:00 p.m.

Continuing Education Committee

Ms. Young asked the Board to consider amending its continuing education regulations to approve programs instead of providers. The Board expressed concerns that it is the licensee's responsibility to attest to the actual hours of completion of programs. The Board asked that the 2005 renewals require licensees attest to the actual hours of completion. With a properly seconded motion by Ms. Stelly, the Board voted that it will write a letter to licensees informing them of the attestation and the letter be included in the FTC correspondence.

The Board received a letter from the North Carolina Board Of Funeral Service asking the Board to establish a reciprocal agreement with them as it relates to continuing education. On a properly seconded motion by Mr. Tharp, the Board directed staff to reply by stating that it is considering any amendments to current continuing education procedures and must examine current process after the first renewal audit in March of 2005.

Board of Health Professions meeting of July 15, 2004

Mr. Jenkins, Board representative to the Board of Health Professions referred comments to Elaine Yeatts, Sr. Policy Analyst. Ms. Yeatts provided information about possible licensure of assisted living directors.

Cemetery Board

The Board directed staff to extend an invitation to the Cemetery Board for a joint meeting. Topic areas are past disciplinary actions and the current memorandum of understanding.

OLD BUSINESS

Legislative/ Regulatory Committee

The Board reviewed a letter from the Virginia Morticians Association asking for the Board to consider carry over of continuing education units from one year to the next.

On a properly seconded motion by Mr. Murphy, the Board voted to defer any regulatory action at this time until the completion of then continuing education renewal cycle in March 2005.

Elaine Yeatts, Sr. Policy Analyst for DHP reviewed the emergency delegation regulations. Also, Ms. Yeatts stated, the notice of intended regulation to amend the regulations regarding the manager of record will be submitted after the Board's retreat.

Barry Murphy, Board member provided a summary of the actions of the Task Force Committee on Dual Licensure.

Mr. Murphy stated that the committee is examining upgrading licensure procedures. Ms Young stated, the topic will be discussed at the Board retreat on October 5, 2004.

Report of the Initial and Renewal Applications of Waiver of full-time manager requirements

Ms. Young provided her quarterly report for the Board's review.

EXECUTIVE DIRECTOR'S REPORT

Ms. Young provided her quarterly report:

There are a total of 2500 licensees.

The current disciplinary case load is 44.

Ms. Hughes asked questions about the training object code of the budget. The Board asked Ms. Young to examine revising the budget to add monies to the training object code.

**Virginia Board of Funeral Directors and Embalmers
General Board Meeting
September 7, 2004**

ADJOURNMENT

With all business concluded, the Committee adjourned at 1:40 p.m.

J. Michael Williams, Chair

Elizabeth Young, Executive Director

Date

Date