UNAPPROVED

VIRGINIA BOARD OF FUNERAL DIRECTORS AND EMBALMERS BOARD MEETING MINUTES

The Virginia Board of Funeral Directors and Embalmers convened for a board meeting on Tuesday, January 14, 2014 at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room #2, Henrico, Virginia.

BOARD MEMBERS PRESENT
Junius H. Williams, Jr., Citizen Member, President
Christopher P. Vincent, FSL, Vice-President
Blair H. Nelsen, FSL
Walter Ball, Citizen Member
Robert Oman, FSL
J. Paul Welch, FSL
Connie B. Steele, FSL
Louis R. Jones, FSL

BOARD MEMBERS ABSENT
Eric V. Wray, II, FSL, Secretary-Treasurer

DHP STAFF PRESENT FOR ALL OR PART OF THE MEETING
Lisa R. Hahn, Executive Director
Lynne Helmick, Deputy Executive Director
Missy Currier, Board Operations Manager
Annie Artis, Licensing Manager

BOARD COUNSEL
Erin Barrett, Assistant Attorney General

QUORUM
With 8 members present a quorum was established.

GUESTS PRESENT
Paul Harris, Regulatory Support Services, Inc.
Karen McPherson, Virginia Morticians Association (VMA)
Lacy Whittaker, Virginia Funeral Directors Association (VFDA)
Rick Sikon, OCME, VSAP
Bob Burger, Former Board Member
Randy Minter, Former Board Member
Mike Leonard, Former Board Member

CALL TO ORDER
Junius Williams, President, called the meeting of the Virginia Board of Funeral Directors and Embalmers to order at 10:10 a.m. Mr. Williams gave welcome to Connie Steele and Louis Jones as the newest members to the board.

ORDERING OF AGENDA

The agenda was accepted as written.

ACCEPTANCE OF MINUTES

Upon a motion by Bob Oman and properly seconded by Chris Vincent, the Board voted to accept the following Meeting Minutes:

- Surface Transportation –Adhoc Committee Meeting – October 29, 2013
- Board Meeting - October 29, 2013
- Formal Hearing – October 29, 2013

The motion carried. Louis R. Jones abstained from the vote.

PUBLIC COMMENT PERIOD

There was no public comment.

EXECUTIVE DIRECTOR'S REPORT – Lisa R. Hahn

Expenditure and Revenue Summary

Ms. Hahn provided the following financial update:

FY14

FY14 beginning with the cash balance as of June 30, 2013 of $(172,121); revenue received YTD FY 14 was $26,125; less the direct and In-Direct expenditures of $282,639; leaving the cash balance as of November 30, 2013 of $(428,636).

Ms. Hahn concluded that she takes her job seriously and prides herself with being fiscally responsible however, allocated expenditures associated with adjudicating cases, and those that are beyond her control, and the fact that the fee increase has remained unsigned for almost 4 years has put the board and will keep the board in the red until the regulations are approved for a fee increase. She explained that even with the fee increase that this financial situation will take the board years to recover.

Discipline Statistics

Ms. Hahn provided statistics as of January 8, 2014; 35 open cases; 22 in the Enforcement Division at the Investigative stage; 3 cases in the Probable Cause stage, 5 cases at the APD level; 4 cases in the informal stage; and 1 case at the formal stage and would be heard following the

board meeting. Ms. Hahn added that 23 funeral board Orders are being monitored for compliance by Missy Currier.

Licensee Statistics

Ms. Hahn reported that as of January 8th there were; 1,514 Funeral Service Licensees, 181 Funeral Interns, 447 Funeral Establishments, 5 Embalmers, 58 Funeral Directors, 392 Funeral Service Supervisors, 62 Branch Establishments, 101 Crematories, 22 Continuing Education Providers, 73 Courtesy Card Holders and 52 Surface Transportation and Removal Services.

Virginia Performs

1st Quarter 2014:

- Licensing Standard less than 30 days – 100%
- Customer Satisfaction (Goal is 95%) – 100%
- Clearance Rate-90% (rec'd 10 – closed 9)
- Pending Caseload older than 250 days- 5% (1 patient care case)
- % of cases closed within 250 days- 100%

2nd Quarter 2014:

- Licensing Standard less than 30 days – 100%
- Customer Satisfaction (Goal is 95%) – 100%
- Clearance Rate-120% (rec'd 10 – closed 9)
- Pending Caseload older than 250 days-6% (1 patient care case)
- % of cases closed within 250 days- 67%

Presentations

- Lynne and Lisa will both present at the VFDA Winter Summit meeting in January at the Richmond Omni Hotel
- Lynne Helmick –VFDA Traveling Caravan's via live webinars:
  - 1/15
  - 2/20
  - 3/13

- 3/27 Vicki Saxby and Lynne Helmick at John Tyler Community College – Job Fair

BOARD BUSINESS

Ms. Hahn shared the following with the board;

- Following the October 29th meeting, the Surface Transportation & Removal Services application has been updated to include the scope of practice.
- In December, she attended the International Conference of Funeral Service Boards (ICFSEB) as a newly elected member of the Model Practice Act Committee. The committee did a lot of work and completed a draft copy of the Model Practice Act.
- She will be attending the next meeting in Orlando, FL on February 26 & 27th and has been asked to speak on the Model Practice Act.
- Ms. Hahn was pleased to welcome the newest members to the board:
  - Connie B. Steel, Serenity Funeral Home
  - Louis R. Jones, Hollomon-Brown Funeral Home
- Ms. Hahn gave thanks to Bob Burger, Randy Minter and Mike Leonard for decades of excellent years of service to the board! They will be sorely missed.

Calendar

Ms. Hahn shared the 2014 meeting calendar:

- April 8
- July 15
- October 7

NEW BUSINESS

Legislative/Regulatory Reports – Lisa R. Hahn

Status of Regulatory Actions:

Ms. Hahn reported on the status of the following Regulatory Actions:

Chapter	Action / Stage Information
Regulations of the Board of Funeral Directors and Embalmers [18 VAC 65 - 20]	Fee increase [Action 3236] Proposed - *At Governor's Office for 4 days.*
Regulations of the Board of Funeral Directors and Embalmers [18 VAC 65 - 20]	Identification of human remains [Action 3340] Proposed - *At Secretary's Office for 206 days. Emergency Regulations expired on 9/30/13.*

2014 Draft Legislation

Ms. Hahn reviewed the report of the 2014 Session of the General Assembly and provided a handout to the members.

Mr. Nelsen also pointed out that HB924 and HB729 were just submitted into the General Assembly.

Virtual Funeral Homes – Chris Vincent

Mr. Vincent reported that the committee met prior to the board meeting and will plan on meeting again sometime in March to continue working on Virtual Funeral Homes. He stated that the committee agreed that the board should be proactive in developing definitions and regulations to keep ahead of the age of the internet.

Cremation Certificate Meeting Update – Chris Vincent

Mr. Vincent briefed the board on a meeting he attended with Lisa Hahn, Lynne Helmick, Dr. Gormley, Chief Medical Examiner, and Rick Sikon, Director of the Virginia State Anatomical Program regarding the following cremation certificate policies:

1. Cadavers need appropriate cremation authorization.
    a. If the cadaver is a Virginia Donor, they will have cremation authorization from the State Anatomic Program.
    b. If the person died in Virginia and has donated their body to an out-of-state anatomic material vendor, they need Virginia cremation authorization.
    c. If the cadaver comes from out of state the cremation procedures for the state in which they died must be followed.
        i. Importation of cadavers must be authorized by the Commissioner and that authorization includes attestation that appropriate cremation procedures for the state of origin are followed.
        ii. Some out-of-state vendors retrieve cadavers after use for cremation in their own state.
        iii. Those vendors that request cremation by the user in Virginia must provide appropriate documentation that cremation has been properly authorized in the state of origin.
2. Detached body parts may be cremated without further authorization.
    a. Surgical specimens do not require authorization for cremation.
    b. Detached body parts used for education or scientific study do not require additional authorization for cremation..
        i. If the parts are from Virginia donors, cremation of the cadaver has already been authorized.
        ii. If the parts are from out-of-state vendors and the Commissioner has authorized importation, no additional authorization is required since the vendor has attested that proper cremation procedures are followed for the state or origin.

Ms. Hahn added that the meeting was very productive and suggested that Rick Sikon attend a future board meeting to explain the certificate policy with the board.

Certified Copy of Death Certificate for Cremation Certificate – Blair Nelsen

Mr. Nelsen reported that Dr. Gormley recognizes the difficulty funeral directors face trying to comply with death certificates being signed within 72 hours. Dr. Gormley indicated that they do not need to have a filed or certified copy for the cremation certificate. The medical examiner will need only an unofficial copy of the death certificate provided for the cremation certification. The pertinent data elements are the name, date of death, and cause of death. This information is used by the District Offices for supervisory review of the cremation certificates.

The cremation documentation is a different issue from filing the death certificate with the health department.

Letter to Dr. Reynolds-Cane from Senator Alexander – Lisa R. Hahn

Ms. Hahn shared letters between Senator Kenneth Alexander and Dr. Reynolds-Cane.

Senator Kenneth Alexander requested that the Board of Funeral Directors and Embalmers complete a comprehensive study on creating a "limited funeral director only" license that would allow a licensee to provide funeral directing services without engaging in embalming. Dr. Reynolds-Cane response was that she would submit the request for the study to be conducted by the Board of Health Professions.

Randolph Lane Update – Erin Barrett, Assistant Attorney General, Board Counsel

Ms. Barrett reported that Mr. Lane appealed his case to the Middlesex Circuit Court in December. Mr. Lane was under a time clock to file his opening brief and that it appeared that he may have missed his deadline for filing. Ms. Barrett concluded that the appeal may go away on procedural issues.

Meeting Cancellation

Ms. Hahn thanked everyone for attending the meeting and stated that the Legislative/Regulatory meeting scheduled for 2:30 had been cancelled due to a scheduling conflict.

ADJOURNMENT:

With no further business before the Board, the meeting adjourned at 11:08 a.m.

_____	_____
Junius H. Williams, Jr., President	Lisa R. Hahn, Executive Director
_____	_____
Date	Date