APPROVED

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 13, 2015 at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room 4, Henrico, Virginia.

BOARD MEMBERS PRESENT
Christopher P. Vincent, FSL, President, Chair
Connie B. Steele, FSL, Vice-President
J. Paul Welch, FSL, Secretary-Treasurer
Eric V. Wray, II, FSL
Robert Oman, FSL
Louis R. Jones, FSL
R. Thomas Slusser, Jr., FSL
Ibrahim A. Moiz, Esq., Citizen Member

BOARD MEMBER ABSENT
Junius H. Williams, Jr., Citizen Member

DHP STAFF PRESENT FOR ALL OR PART OF THE MEETING
Lisa R. Hahn, Executive Director
Lynne Helmick, Deputy Executive Director, Discipline
Missy Currier, Deputy Executive Director, Licensing
Jaime Hoyle, Chief Deputy Director
Elaine Yeatts, Senior Policy Analyst

BOARD COUNSEL
Erin Barrett, Assistant Attorney General

QUORUM
With 8 members present a quorum was established.

GUESTS PRESENT
Janet Rainey, Director & State Registrar, Vital Records
Paul Harris, Regulatory Support Services, Inc.
Karen McPherson, Virginia Morticians Association (VMA)
Abbey Shepperson, VFDA

CALL TO ORDER

Chris Vincent, President, called the meeting of the Virginia Board of Funeral Directors and Embalmers to order at 10:10 a.m. Mr. Vincent gave welcome to Ibrahim Moiz as the newest member nominated to the board. Mr. Vincent asked that the board members extend their condolences to the loss of Junius Williams Mother.

ORDERING OF AGENDA

The Agenda was re-ordered in order to accommodate the tight time frame that Janet Rainey from Vital Records would have to meet with the board. Ms. Yeatts also included the addition of the adoption of final regulations for human remains. Upon a motion by Eric Wray and properly seconded by Bob Oman, the board accepted the agenda as amended. The motion passed unanimously.

ACCEPTANCE OF MINUTES

Upon a motion by Louis Jones and properly seconded by Tommy Slusser, the Board voted to accept the following Meeting Minutes:

- Board Meeting – August 20, 2014
- Public Hearing – October 7, 2014
- Exam Committee Meeting – December 10, 2014

The motion passed unanimously.

PUBLIC COMMENT PERIOD

There was no public comment.

AGENCY CHIEF DEPUTY DIRECTORS REPORT – Jaime Hoyle

Ms. Hoyle shared that DHP had outsourced their Human Resource Department to the Department of Human Resource Management (DHRM) in an effort to streamline HR functions while realizing a significant cost savings to the Agency.

Ms. Hoyle spoke about the Governor's Task Force addressing the serious epidemic of overdose deaths in Virginia caused by prescriptions drugs and Heroin. She stated that several work groups had been formed and they would reassemble following the outcome of the 2015 General Assembly with a project completion goal of June 30, 2015.

EXECUTIVE DIRECTOR'S REPORT – Lisa R. Hahn

Ms. Hahn also welcomed Ibrahim Moiz to the board and shared that she met with him the week prior to brief him on board procedures.

Expenditure and Revenue Summary

Ms. Hahn stated she would begin her report with the bleak news but was looking forward to seeing positive changes in the budget soon.

FY15 Budget

• Cash Balance as of June 30, 2014	$(242,833)
• YTD FY15 Revenue	$ 24,860
• Less direct & In-Direct expenditure	$262,703
• Cash Balance on Nov. 30, 2014	$(480,676)

Discipline Statistics (as of 01/08/2015)

- 29 open cases
- 20 are in Investigations
- 3 in Probable Cause
- 4 in APD
- 1 Informal
- 1 Formals
- 27 Orders are being monitored for Compliance

2014 Conferences and Hearings Statistics

3 Formal Hearings:

- (1) Denied Reinstatement
- (1) Suspended the right to renew FH license
- (1) Suspended the right to renew FSL license

8 Informal Conferences:

- (1) Violation with no sanction
- (1) Consent Order for Indefinite Suspension
- (1) Consent Order for Indefinite Suspension of right to renew license
- (2) Reprimands with terms
- (3) Cases referred to full Board

2012 - 2014 Calendar Year Statistics

2012:

- 87 cases received
- 94 cases closed
- 14 (15%) of closed cases went to IFC

2013:

- 71 cases received
- 77 cases closed
- 7 (9%) of closed cases went to IFC

2014:

- 67 cases received
- 72 cases closed
- 7 (10%) of closed cases went to IFC

Licensee Statistics (as of 12/22/14)

- Branch Establishments –65
- Continuing Education Providers – 23
- Courtesy Card Holders -74
- Crematories – 104
- Embalmer only – 4
- Funeral Director –51 Funeral Supervisors - 423
- Funeral Establishment – 438
- Funeral Service Licensee's – 1,529
- Funeral Intern – 200
- Surface Transport and Removal Services – 50
- Total – 2,964

Virginia Performs

1st Quarter 2015:

- Licensing Standard less than 30 days – 100%
- Clearance Rate-43% (rec'd 7 – closed 3) During the entire 2014 we had a clearance rate over 100%-700%
- Pending Caseload older than 250 days- 5% (1 case)
- % of cases closed within 250 days- 100%
- Customer Satisfaction – 100% (Q4 FY 2014)

Ms. Hahn interrupted her Executive Director's Report at this time to allow Ms. Rainey from Vital Records to discuss the status of the Electronic Death Registration System (EDRS).

VITAL RECORDS REPORT – Janet Rainey

Ms. Rainey addressed the Board by stating that the EDRS was going well and that they were able to overcome a lot of the initial concerns and issues that occurred following they system release on November 1, 2014. She provided statistics regarding the number of Funeral Service Licensees, Funeral Service Establishments and Doctors who were signed up to use the EDRS. Ms. Rainey explained that with limited staff it was difficult to answer the multitude of calls they received after implementation, but that over time they were able to address most all of the concerns. Ms. Rainey also stated that there were many resourceful links provided on the Vital Records Home Page regarding EDRS that would benefit many users.

Members followed with questions and comments and of particular concern to the board was how to get doctors to participate in the EDRS. Ms. Rainey did state that she is visiting with several hospitals to encourage participation but that she also welcomes any suggestions the board may have.

Ms. Hahn concluded by thanking Ms. Rainey for taking time to meet with the board and she encouraged members to notify Vital Records if they have any issues and to also refer to the information on their website.

BREAK

The board recessed at 11:00 a.m. and reconvened at 11:10 a.m.

EXECUTIVE DIRECTOR'S REPORT CONTINUED– Lisa R. Hahn

Conferences & Presentations

- Lisa Hahn - attended the International Conference of Funeral Service Examining Boards (ICFSEB) August 25-28th, where she continued working with the committee on the Model Practice Act. Ms. Hahn stated she would send the members the final copy once approved.

- Lynne Helmick traveled to Virginia Beach September 11, 2014 to present on Laws and Regulations for the VFDA Traveling Caravan.

Board Business

Ms. Hahn shared the following with the board;

- Share Point – the board portal Pilot program has been discontinued as the process was not an effective and efficient way of sharing electronic information with board members. Our IT department will continue to find alternative solutions.

- The Examination Committee met on December 10th; Eric Wray, Committee Chair would report later.
- Fee Increase –
  - Effective tomorrow – January 14th;
  - Information has been posted on the website.
  - Share letter and ask for any changes
- Renewals – Due March 31st. First of the two shortfall fees will be assessed. We anticipate that we may receive some unhappy callers.

Ebola Virus Disease (EVD) Strategy Meeting

- Ms. Hahn shared that she attended two meetings with the Office of Chief Medical Examiners and several stakeholders to discuss the following strategies for Ebola Preparedness.

  First meeting held at OCME on October 15, 2014:

  - Managing Decedent Remains & Questions and Answers.
  - Compiled information which was immediately posted on the Board's website.

  Second Meeting held at DHP on October 29, 2014:

  - Discussed the potential issues that could arise within the funeral profession when handling human remains in the event of an Ebola Outbreak.
  - Associations agreed to survey their membership to see if they could interest volunteers in receiving training.
  - OCME provided Ms. Hahn with a list of individuals who could conduct HAZMAT training, a list of recommended personal protective equipment for remains containment and decontamination and approx cost of items, cost of heat sealed body bag and radioactive marker company source. She shared this information with the associations.
  - Soon after the meeting, we learned that MCV and UVA had been designated as the primary hospitals in the state to treat Ebola patients. If death occurs, they would also prepare and package body for disposition.

- Ms. Hahn shared she had met with the Board of Medicine and VFDA regarding how DHP can assist with the Electronic Death Registration System (EDRS)

Governor's Task Force on Drug and Heroin Abuse

Ms. Hahn referred back to Jaime Hoyle's Report on the Governor's Task Force on Drug and Heroin Abuse and reiterated that this task was of high importance to the Governor, his Administrators as well as Dr. Brown, Agency Director. Ms. Hahn suggested that one way in which the funeral profession could assist this effort would be to inform families to make sure

they properly dispose of the remaining prescription drugs of the deceased family member. Adding this to their checklist could aid in curbing this epidemic.

Staff Notes

- If you have a change of address, email address, cell phone number, please remember to contact us so that we have the most current information on file.
- Licensing Staff – We welcome our newest staff member Heather Wright. Heather is the new Program Manager for the Board of Long Term Care Administrators.

Staff Recognition

Ms. Hahn gave special thanks to Kathy Petersen for all of her extra time and hard work coordinating the 2014 Angel Tree project as well as her efforts with Feedmore. Kathy was also elected as Chair of the Department's Social Planning Committee.

Ms. Hahn mentioned that Lynne Helmick has taken over as the Compliance Case Manager for all three boards and that she has done a great job at making the transition go smoothly.

Ms. Hahn thanked Missy Currier for covering the Long Term Care Board while the recruitment and selection process was underway to fill the vacant position. Ms. Currier continued to perform the duties of her own position while providing this additional job. A special thanks to Vicki Saxby and Laura Mueller for their extra efforts during this timeframe.

2015 Board Meeting Calendar

- January 13th
- April 14th
- July 14th
- October 2nd

NEW BUSINESS

Regulatory Actions – Elaine Yeatts

Ms. Yeatts stated that no comment was received on the proposed text for replacement of emergency regulations which expired. Upon a motion by Bob Oman and properly seconded by Eric Wray, the board voted to adopt the proposed text to 18VAC65-20-436 Standards for registered crematories or funeral establishments relating to cremation. The motion carried unanimously.

2015 Legislation – Elaine Yeatts

Ms. Yeatts briefed the board on several bills being introduced into the 2015 Session of the General Assembly which included 13 DHP Bills.

Consideration of Guidance Documents – Elaine Yeatts

Ms. Yeatts began her report by stating that the board received a Petition for Rulemaking that would require an amendment to the Code of Virginia. Ms. Yeatts stated she responded to the Petitioner that the request would require amending the Code which the board did not have the authority to do. Ms. Yeatts also told the Petitioner that she would ask the board if they would be willing to make a change to guidance document 65-8.

Discussion followed with a motion by Bob Oman and properly seconded by Eric Wray, for the board to reaffirm Guidance Document 65-8 as of January 13, 2015. The motion carried unanimously.

- **Guidance Document 65-8 - Sale of Caskets**

  The Board permits casket stores to provide the sale of caskets to the public as long as they are licensed as an establishment or branch of an establishment and abide by the same laws and regulations as a licensee.

  The Code of Virginia (§54.1-2800) defines "Practice of funeral services" as "engaging in the care and disposition of the human dead, the preparation of the human dead for the funeral service, burial or cremation, the making of arrangements for the funeral service or for the financing of the funeral service and the selling or making of financial arrangements for the sale of funeral supplies to the public."

Ms. Hahn stated that the board had received complaints of crematories or funeral establishments conducting funeral business with unlicensed companies. Ms. Hahn asked the board if they wish to approve the Guidance Document 65-4 in an effort to remind funeral establishments that it is their responsibility to ensure they are dealing with a licensed establishment.

Upon a motion by Paul Welch and properly seconded by Eric Wray, the board voted to adopt Guidance Document 65-4. The motion carried unanimously.

- **Guidance Document 65-4 - Aiding and Abetting Unlicensed Practice**

  Virginia Code § 54.1-2806(10) prohibits licensees of the Board of Funeral Directors and Embalmers ("Board") from "[a]iding or abetting an unlicensed person to practice within the funeral service profession[.]" All licensees of the Board are responsible for adhering to the laws and regulations governing the funeral service profession in Virginia.

If a licensee of the Board contracts to provide funeral services of any kind with another funeral director, funeral home, or entity providing funeral services, where the other contracting party is not licensed to practice within the funeral service profession, the licensee of the Board is in violation of Virginia Code § 54.1-2806(10) and may face disciplinary action. Specifically, the contracting party must be licensed in the state in which arrangements are or will be made.
Before entering into a business arrangement with another funeral director, funeral home, or entity providing funeral services, the Board recommends that Virginia licensed funeral service professionals verify the licensure status of the other party in the state in which arrangements are or will be made. Virginia licenses can be verified through the Department of Health Professions' license look-up feature, available at www.dhp.virginia.gov. Many other states have online license verification for funeral service professionals as well. As an alternative, a licensee may simply request that a potential contracting party provide the licensee with a copy of the contracting party's valid license.

The burden of ensuring that a licensee is compliant with the laws and regulations governing the practice of funeral services in Virginia rests solely with the licensee. Therefore, the Board recommends that licensees verify the licensure status of all parties with which they contract to provide funeral services.

Phoenix II-3 – Lynne Helmick

Ms. Helmick reported that a funeral establishment contacted her regarding the Phoenix II-3 cremation retort which has a secondary reduction chamber. Ms. Helmick stated that the retort maintains separation of the bodies and ashes, is more fuel efficient and emits less air particulates. She explained that the board would be required to change the regulation in order for the system to be used as intended.

Following discussion, a motion was made by Eric Wray and properly seconded by Bob Oman to amend 18VAC65-20-436 (B) (3) the regulation as follows:

18VAC65-20-436. Standards for registered crematories or funeral establishments relating to cremation.

B. Standards for cremation. The following standards shall be required for every crematory:
3. A crematory shall not cremate the human remains of more than one person simultaneously in the same ~~retort~~ chamber, unless the crematory has received specific written authorization to do so from the person signing the cremation authorization form.

The motion carried unanimously.

Examination Committee Report – Eric Wray II, Committee Chair

Mr. Wray reported that on December 10th the committee met for almost the entire day to review and re-reference each and every item in the data bank. He stated that Patsy Steele from PES participated in the review and that the examination was in good shape and he thanked the members for their hard work.

ADJOURNMENT:

Upon a motion by Eric Wray and properly seconded by Paul Welch, the board concluded the meeting at 12:10 p.m.

Christopher P. Vincent, Jr., President

Lisa R. Hahn, Executive Director

4/14/15
Date

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