

**UNAPPROVED**  
**VIRGINIA BOARD OF FUNERAL DIRECTORS AND EMBALMERS**  
**MEETING MINUTES**

The Virginia Board of Funeral Directors and Embalmers convened for a board meeting on Tuesday, December 2, 2008 at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 201, 2<sup>nd</sup> Floor, Conference Room #2, Richmond, Virginia.

**The following Board members were present:**

Willard D. Tharp, FSL  
Walter S. Ball  
Billie Watson Hughes, FSL  
Michael Leonard, FSL  
Randolph T. Minter, FSL  
Barry Murphy, FSL  
Blair Nelsen, FSL  
Robert B. Burger, Jr., FSL

**DHP staff present for all or part of the meeting included:**

Lisa R. Hahn, Executive Director  
Elaine Yeatts, Senior Policy Analyst  
Annie B. Artis, Licensure Operations Manager

**Representative from the Office of the Attorney General was present for the meeting:**

Amy Marschean, Senior Assistant Attorney General

**Guests Present:**

Bo Kenney, Association of Independent Funeral Homes of Virginia (IFHV)  
Meredyth Partridge, Regulatory Support Services, Inc. (RSS)  
David Bashline, Regulatory Support Services, Inc. (RSS)

**CALLED TO ORDER**

Mr. Tharp, President, called the Board meeting to order at 9:14 a.m.

## **ORDERING OF AGENDA**

Upon a motion by Ms. Hughes and seconded by Mr. Burger, the Board voted to re-order the agenda to include a status report regarding Kip Jordan and staffing change under the executive director's report.

The members voting yes were Mr. Ball, Mr. Burger, Ms. Hughes, Mr. Leonard, Mr. Minter, Mr. Murphy, Mr. Nelsen and Mr. Tharp. There were no negative votes.

The vote passed unanimously.

Rev. Bibbs had not arrived.

## **ACCEPTANCE OF MINUTES**

Upon a motion by Mr. Ball and properly seconded by Ms. Hughes, the Board voted to accept the minutes of the September 9, 2008 public hearing.

The members voting yes were Mr. Ball, Mr. Burger, Ms. Hughes, Mr. Leonard, Mr. Minter, Mr. Murphy, Mr. Nelsen and Mr. Tharp. There were no negative votes.

The vote passed unanimously.

Rev. Bibbs had not arrived.

Upon a motion by Mr. Minter and properly seconded by Mr. Leonard, the Board voted to accept the amended minutes of the board meeting of September 9, 2008.

The members voting yes were Mr. Ball, Mr. Burger, Ms. Hughes, Mr. Leonard, Mr. Minter, Mr. Murphy, Mr. Nelsen and Mr. Tharp. There were no negative votes.

The vote passed unanimously.

Rev. Bibbs had not arrived.

## **PUBLIC COMMENT PERIOD**

Ms. Partridge shared a recent encounter with a former funeral service provider.

## **AGENCY DIRECTOR'S REPORT – Sandra Whitley Ryals**

Ms. Ryals reported on the key performance measures for the first quarter of 2009 to include the clearance rate, age of pending caseloads and the time of disposition in regard to patient care cases. She stated the agency's goal is to achieve 100% by the end of FY

2009 and to maintain this rate through the end of 2010. She stated as long as there is a backlog of cases, the agency must clear more cases than are received. Ms. Ryals stated that in the first quarter of 2009, the clearance rate was 75%, the pending caseload older than 250 business days was 0% and the percent closed within 250 business days was 100%. She further stated in the first quarter of 2009, (July, August and September, 2008) the board received 4 cases; closed 3 cases; there were no cases pending over 250 days and there were 3 cases closed within 250 days. Additionally, Ms. Ryals reported that the customer satisfaction rating was at 89% and application processed within 30 days was met with 100%.

Ms. Ryals thanked Ms. Hahn, the board members and staff for their collaborative efforts in clearing up the backlog of cases. Mr. Tharp also thanked Ms. Ryals, Ms. Hahn and staff for making great strides and effort in clearing up the backlog of cases.

## **EXECUTIVE DIRECTOR'S REPORT**

### **Licensee Statistics**

Ms. Hahn reported there are currently 1,465 funeral service licensees, 5 embalmers, 153 interns, 503 establishments, 16 branch establishments, 77 crematories, 34 continuing education providers; 107 courtesy card holders and 52 surface transportation and removal services. The board members asked that the licensee statistics be included under the executive director's report as part of the agenda package.

### **Discipline Statistics**

Ms. Hahn reported that we currently have 21 open cases; 14 are in investigations; 2 are in probable cause and 1 case is in administrative proceedings. She stated the board currently has 4 informal cases scheduled. Ms. Hahn further stated the board received 16 cases and closed 20 cases.

### **Budget**

Ms. Hahn stated there is no new budget information to report since the September board meeting. She stated our finance division is currently working hard on all budgets for each board within the department. She further stated Ms. Ryals will give a report to all boards in the beginning of 2009. Ms. Ryals stated that the budget information may not be available for dissemination until the Spring of 2009.

### **2009 Board Calendar**

Ms. Hahn stated the upcoming meetings are scheduled for May 26, 2009 and September 8, 2009. She stated a meeting was originally scheduled for January 13, 2009; however, since a meeting was held today, that meeting has been cancelled.

## **New Business**

### **Status of Kip Jordan Case**

Ms. Hahn stated Henrico Commonwealth Attorney's office plan to come before the January Grand Jury on 8-10 felony counts against Kip Jordan.

### **Staffing Change**

Ms. Hahn informed the board that ShaRon Clanton is no longer with Funeral Directors and Embalmers; she has returned to the Board of Nursing. She stated that she is currently in the process of re-advertising the position.

### **Access Website for Pertinent Information**

Ms. Hahn asked that board members encourage their colleagues and those licensed in the funeral industry to take advantage of on-line license renewal. She further stated that they may also use the website to access other pertinent information such as forms and applications, minutes, and meetings. Ms. Hahn also stated that a list of frequently asked questions is also posted on the website to assist licensees.

Ms. Hahn reported that she was interviewed by Rick Yarbrough from Fox News in regard to the Crematory Regulations.

Ms. Hughes informed the board that she will meet with the Maryland Board of Funeral Directors and Embalmers to discuss preneed regulations on December 4, 2008.

Ms. Hahn stated Bernard Henderson, Deputy Secretary of the Commonwealth was contacted by a constituent who had concerns regarding courtesy card privileges in Maryland not being extended to Virginia licensees in the same manner that Virginia extends to its courtesy card holders.

### **Break**

The board recessed for a break at 10:28 a.m.

Rev. Bibbs arrived at 10:30 a.m.

The board reconvened at 10:45 a.m.

## **Meeting with Chief Medical Examiner and VDOH Vital Records**

Mr. Tharp informed the board that he and Ms. Hahn met with Ms. Rainey, Registrar of Vital Statistics and Dr. Bush, Medical Examiner to discuss death certificates. He stated Ms. Rainey will be appointing funeral directors in the State of Virginia as Deputy Registrars; to assist in the signing of Out-of-State Transit Permits. Mr. Tharp reported; however, at the time of the meeting no such appointments had been made. He stated Dr. Bush suggested that funeral service providers provide the section of the law that pertains to the signing of death certificates to the doctors that are not signing the death certificates.

## **Regulatory Action – Final Regulations for 18VAC 65-20 – Requirements for Crematories - Elaine Yeatts**

### **Adopt Responses to Comment on Proposed Regulations**

Ms. Yeatts recommended that the Board review the summary of comments in regard to the proposed regulations for crematories and make necessary changes prior to adopting the final proposed regulations.

There was discussion in regard to further clarify 18VAC65-20-436(A) – Authorization to Cremate.

Upon a motion by Mr. Nelsen and properly seconded by Mr. Burger, the Board voted to add “In the event visual identification of the body is not made, a crematory shall observe a 24 hour waiting period prior to cremation.” to the end of the paragraph.

The members voting yes were Mr. Ball, Ms. Bibbs, Mr. Burger, Ms. Hughes, Mr. Leonard, Mr. Minter, Mr. Murphy, Mr. Nelsen and Mr. Tharp. There were no negative votes.

The vote passed unanimously.

There was discussion in regard to 18VAC65-20-436(5) a crematory that is unable to immediately cremate human remains.

Upon a motion by Mr. Murphy and seconded by Mr. Minter, the Board voted to remove the word ~~immediately~~ and replace it with within 24 hours.

The members voting yes were Mr. Ball, Ms. Bibbs, Mr. Leonard, Mr. Minter, Mr. Murphy, Mr. Nelsen and Mr. Tharp.

The members opposed were Mr. Burger and Ms. Hughes.

The vote passed by a majority of 7 to 2.

There was discussion in regard to 18VAC65-20-436(C)(2) – Handling of Human Remains.

Upon a motion by Ms. Hughes and properly seconded by Mr. Minter, the Board voted to add the following language to the end of (C)(2).

If cremated remains are placed in a biodegradable container, a biodegradable bag shall be used. If placed in a container designed for scattering, the cremated remains may be placed directly into the container if the next-of-kin so authorizes in writing.

The members voting yes were Mr. Ball, Ms. Bibbs, Mr. Burger, Ms. Hughes, Mr. Leonard, Mr. Minter, Mr. Murphy, Mr. Nelsen and Mr. Tharp.

The vote passed unanimously.

### **Adopt Final Regulations**

Upon a motion by Mr. Nelsen and properly seconded by Mr. Murphy, the Board voted to adopt the final proposed Cremation regulations as amended.

The members voting yes were Mr. Ball, Ms. Bibbs, Mr. Burger, Ms. Hughes, Mr. Leonard, Mr. Minter, Mr. Murphy, Mr. Nelsen and Mr. Tharp.

The vote passed unanimously.

### **Legislative Report**

Ms. Yeatts reported that the only legislation is House Bill #1593 which has been proposed to amend the Code of Virginia by adding a section relating to the recovery of excess perpetual care trust fund deposits by cemetery companies.

### **ADJOURNMENT**

There being no further business before the Board, the meeting adjourned at 12:35 p.m.

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Willard D. Tharp, FSP, Chair

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Lisa R. Hahn, Executive Director

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DATE

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DATE