

**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, September 15, 2009 at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 201, 2<sup>nd</sup> Floor, Conference Room #3, Henrico, Virginia.

**CALL TO ORDER**

Mr. Minter, President, called the meeting the Virginia Board of Funeral Directors and Embalmers to order at 9:07 a.m.

**BOARD MEMBERS PRESENT**

Randolph T. Minter, FSP, President  
Michael Leonard, FSP, Vice President  
Billie Watson-Hughes, FSP  
Blair Nelsen, FSP  
Willard. D. Tharp, FSP  
Barry Murphy, FSP  
Walter Ball, Citizen Member

**BOARD MEMBERS ABSENT**

Robert B. Burger, Jr., FSP, Secretary  
Rev. Yvonne Jones Bibbs, Citizen Member

**DHP STAFF PRESENT**

Lisa R. Hahn, Executive Director  
Sandra W. Ryals, DHP Agency Director  
Elaine J. Yeatts, Senior Policy Analyst  
Anne Artis, Operations Manager  
Jeanette Meade, Licensing Administrative Assistant

**BOARD COUNSEL**

Amy Marschean, Senior Assistant Attorney General

**QUORUM**

With 7 members present a quorum was established.

## **GUESTS PRESENT**

Steve Wooddell, Metropolitan Funeral Service  
Michael Nicodemus, CANA & Hollomon-Brown Funeral Home  
William Burrell, Richmond Funeral Directors Association  
Barry D. Robinson, Virginia Mortician Association  
Meredyth Partridge, Regulatory Support Services, Inc.  
Bo Keeney, Independent Funeral Homes of Virginia  
Lacy Whittaker, Virginia Funeral Directors Association  
Keith Whitt, Virginia Funeral Directors Association  
Bob Oman, Virginia Funeral Directors Association  
David Anderson, Virginia Funeral Directors Association

## **ORDERING OF AGENDA**

Upon a motion by Mr. Leonard to accept the amended agenda and properly seconded by Ms. Hughes. The vote carried unanimously.

## **ACCEPTANCE OF MINUTES**

Upon a motion by Ms. Hughes to accept the amended minutes and properly seconded by Mr. Tharp. The vote carried unanimously.

## **PUBLIC COMMENT PERIOD**

There were no public comments.

## **AGENCY DIRECTOR'S REPORT - SANDRA WHITLEY RYALS**

Sandra Ryals, Director of the Department of Health Professions was pleased to inform the Board on the Virginia Performs-Key Performance Measures were met in our agency with a clearance rate of 100% during the fourth quarter of this fiscal year 2009. She expressed that the staff in our board office as well as throughout the agency has worked hard on managing the age of pending case load to be closed within the 250 business days. The percent of cases resolved within 250 business days increased to 92% during the most recent quarter, exceeding the goal for a second consecutive quarter. She also indicated that the boards are achieving a 100% goal on licensing within 30 days of receipt of a completed application.

## **EXECUTIVE DIRECTOR'S REPORT**

### **Expenditure and Revenue Summary**

Ms. Hahn stated that the cash balance as of June 30, 2008, was \$(26,017). The revenue received for FY 09 was \$540,665, less the direct and allocated expenditures totaled \$494,850, and ending cash balance as of June 30, 2009 was \$19,797. Ms. Hahn indicated

that the Finance Division will be conducting a fiscal analysis of the department's expenditures and revenues once the calendar 2009 has ended and they will advise accordingly.

### **Licensee Statistics**

Ms. Hahn reported that there are 1,465 Funeral Service Providers, 140 Funeral Interns, 494 Funeral Establishments, 5 Embalmers, 84 Funeral Directors, 15 Branch Establishments, 80 Crematories, 26 Continuing Education Providers, 92 Courtesy Card Holders and 51 Surface Transportation and Removal Services.

### **Discipline Statistics**

Ms. Hahn stated we have 45 open cases (case load down from 22 in March); 30 cases are in the Enforcement Division at the Investigative stage; 9 cases are in the Probable Cause stage; 3 cases are in the Administrative Proceedings Division stage; 1 case is at the Informal stage and 2 cases are at the Compliance stage.

### **Virginia Performs**

Ms. Hahn reported for the fourth quarter ending March 30, 2009, that we have achieved a 100% rating for issuing licenses in less than 30 days and we achieved a 100% rating for patient care cases closed within 250 days. We did not have any customer satisfaction survey returned this cycle.

### **Miscellaneous Board Business**

Ms. Hahn included an FTC opinion on the Funeral Rule regarding providing prices by telephone to anyone who calls seeing such information. The letter was sent to Mr. Duffey, President of Everest Funeral Package, LLC from Craig Tregillus, FTC.

Ms. Hahn reviewed her organizational structure and acknowledged the recent staff changes for the Funeral Board. She indicated that Ms. Meade is your licensing specialist and she has been instrumental in improving our licensing processes. Ms. Artis remains the licensing manager and ensures that our licenses for all the boards are done in a timely and accurately. Ms. Hahn stated she was pleased with her entire staffs' performances in handling their individual boards, backing each other up and working together as a team.

Ms. Hahn thanked Blair Nelsen, FSP, for taking time out of his busy day to allow the Funeral Directors and Embalmers staff visit and tour his funeral home and crematory. He gave us an overview of the operations and provided the staff a chance for questions and answers.

Ms. Hahn developed a proclamation to Meg Mountcastle and asked the Board to make a motion of adopting the resolution. Upon a motion made by Mr. Tharp to accept the

adoption of the resolution for Meg Mountcastle, it was properly seconded by Ms. Hughes. The vote carried unanimously.

### **Calendar**

Ms. Hahn discussed with the Board that they will need to have at least 4 board meetings a year. We discussed beginning our meetings in January 2010.

Ms. Hahn will work with Mr. Minter, President, to set the 2010 calendar.

### **NEW BUSINESS**

#### **Adoption of Exempt Action to correct agency's address and telephone numbers**

- Upon a motion by Mr. Tharp to adopt an exempt action to change the Board's address and phone number in Regulations for Preneed Funeral Planning (Chapter 30) and properly seconded by Ms. Hughes. The vote carried unanimously.

#### **Adoption of Exempt Regulation**

- Upon a motion by Ms. Hughes to adopt an exempt action to eliminate conflicts with electronic submission of renewals and applications in Chapters 20 and 40, and properly seconded by Mr. Tharp. The vote carried unanimously.

#### **Legislative Proposals – Draft Legislation**

##### **§54.1-2818.1. Prerequisites for Cremation**

- Upon a motion by Mr. Tharp to amend and reenact Section 54.1-2818.1 pertaining to prerequisites for cremation for the visual identification properly seconded by Mr. Nelsen. The vote carried unanimously.

#### **Issuance of Courtesy Cards**

##### **§54.1-2801. Exemptions**

- Upon a motion by Mr. Tharp to amend and reenact §54.1-2801, pertaining to issuance of courtesy cards to licensees of other states, it was properly seconded by Mr. Nelsen. The vote carried unanimously.

#### **Discussion regarding Refunds on Irrevocable Trusts**

- Mr. Tharp offered to contact the various funding companies and it was suggested that he contact the Department of Social Services for their guidelines with regards to the this matter. Therefore, this matter was tabled and it will be reviewed at another board meeting.

**Recommendation from the Adhoc Committee regarding Refrigeration, Storage and Transportation to issue a NOIRA**

- Upon a motion by Mr. Leonard to adopt a Notice of Intended Regulatory Action to amend regulations adding requirements for the proper handling of dead human remains in accordance with recommendations of the Ad Hoc Committee, with the exception that subsection B of a new section 611 would set out requirements for storage of unembalmed remains, it was properly seconded by Mr. Nelsen. The vote carried unanimously.

**Discussion regarding Manager of Record for Crematory**

- Can it be the same manager as the MOR for the Funeral Establishment
- If stand alone crematory, is a licensed FSP/MOR required
  
- Upon a motion by Mr. Leonard to adopt a fast-track action to specify that the manager of a crematory does not have to be a licensed funeral service provider, the manager of record of a funeral establishment can be the same for the crematory at the same site, and that managers and operators must be recertified at least every five years. Also create a definition for a crematory manager of record, seconded by Mr. Tharp. The vote carried unanimously.

**Discussion regarding Manufacturer Cremation Certification Training**

- Approval Process
- One time training or repeated training required after a specified duration
- Upon a motion by Mr. Leonard was to withhold approval of any additional certifications for crematories until such certification programs can be reviewed for comparability with requirements of CANA and ICCFA certification programs. Also included in the motion was that managers and operators must be recertified at least every five years. This motion was properly seconded by Mr. Tharp. The vote carried unanimously.

**ADJOURNMENT:**

With no further business before the Board, the meeting adjourned at 11:30 a.m.

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Randolph T. Minter, President

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Lisa R. Hahn, Executive Director

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Date

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Date