

**BOARD OF FUNERAL DIRECTORS AND EMBALMERS
GENERAL BOARD MEETING
RETREAT**

Tuesday, October 5, 2004

Department of Health Professions

6602 W. Broad Street, 5th Floor, Conference Room 1

Richmond , VA 23230

MEMBERS PRESENT:

J. Michael Williams
Billie Watson Hughes
Barry Murphy
Pratt Stelly
Randy Minter
Joseph Jenkins, Jr.

STAFF PRESENT:

Jack Kotvas, Assistant Attorney General
Elizabeth Young Tisdale, Executive Director
Elaine Yeatts, Senior Policy Analyst and Facilitator
Jeanette Meade, Administrative Assistant

SPEAKERS

Frank Walton, Norfolk State University
Richard Sikon, John Tyler Community College
Rhonda Keyes Pleasants, JTCC
Liz Carter, Ph.D., Executive Director, Board of Veterinary
Medicine
Elizabeth ("Scotti") Scott Russell, Executive Director, Board
of Pharmacy

PARTICIPANTS

Susan Motley, VFDA
Larry Spiaggio, VFDA
D.D. Watson, VMA
Joyce Tucker, VMA
Joseph Jenkins III., VMA
Blair Nelsen, IFDV
Bruce Keeney, IFDV
Keith Dressler, DHP
Marta Ishmael, DHP
Lynn Helmick, DHP
Lisa Oliphant, DHP
Jennifer Challis, DHP
Susan Beasecker, DHP
Ann Tiller, DHP
Faye Lemon, DHP
Sammy Johnson, DHP
Shannon Roberson, DHP

RETREAT:

The retreat began at 9:10 a.m. Elaine Yeatts gave an overview of the planned program for the retreat. She stated this retreat was planned to make recommendations to the Board for revisions to the education requirements, the resident trainee program and dual licensure. Following Ms. Yeatts' introduction, J. Michael Williams, President of the Board provided welcome remarks to the participants. Lastly, Ms. Young discussed the 1999 retreat, its impact, and the need to set goals to be reviewed by the Board at its December 7, 2004 meeting.

Educational Requirements and the Resident Trainee

Frank Walton, Program Director of the Funeral Service Program at Norfolk State University reviewed its current curriculum. He provided an outline of a proposed program in the event the Board pursues dual licensure again.

Rick Sikon, Program Director of the Funeral Service Program at John Tyler Community College, discussed his program and provided statistics on the pass/fail rates of his students and the national examination. He also stated that a new curriculum for dual licensure may affect his accreditation with the American Board of Funeral Service Education.

After a lengthy discussion with all participants, the group provided the following recommendations to the Board:

- Include cremation requirements for resident trainee program
- Have licensees complete a manpower survey for the March 31, 2005 renewal cycle: hours worked, job within profession, salary range
- Revise resident trainee program to 12 months
- Revise requirements for supervisors, i.e. length of licensure
- Revise the resident trainee reporting form
- Examine requirement for education prior to resident trainee program
- Examine other states' program
- Collaborate education requirements with resident trainee program

Dual Licensure

Barry Murphy, Board Member and Ms. Young provided an overview of the findings of the Task Force on Dual Licensure meetings. The following are the pros and cons for reestablishment of dual licensure:

PROS:

- Increased cremations = dual license may be a major step in responding to increased need
- Consumers dictating market
- Funeral Industry needs to be proactive instead of reactive
- More competitive = dual license may allow profession to become more competitive within the changing funeral service market
- Market cannot justify continuing to require full service licensee for crematories and casket stores
- To combat unlicensed activity: paraprofessional

Participants added that the dual licensure enhances second career applicants.

CONS:

- Dilutes professionalism
- Possible danger to public, if licensure is without education or testing, i.e. funeral director assistant, prior to 1972
- May create market shortage of embalmers
- May require mortuary schools to change curriculum

Participants added that even with cremation, some restorative procedures are needed for a viewing. Also, there appears to be a lot of confusion regarding the appropriate nomenclature for a new occupation.

The participants provided the following recommendations to the Board:

- Drop the issue
- Develop a “white paper” to identify the issues and pros and cons

Questions from Inspectors

In lieu of the yearly meeting with the Inspectors, they were invited to participate in the retreat this year. A number of questions were posed by them to the group:

From Lynn Helmick, Senior Inspector, Tidewater Region

1. 18 VAC 65-20-580 (8) of the general regulations states that the prep room is to have disinfectants and antiseptic solutions. Could a list of approved or appropriate disinfectants and antiseptics be developed? Are there different kinds used for different purposes? Is generic antiseptic soap allowed? Is bleach inappropriate?

Participant recommendations to the Board: Disinfectants are used to sanitize instruments and are stored on the floor of the prep room. Antiseptics are used for handwashing and personal hygiene. Most disinfectants are commercial and generic brands are acceptable. Bleach may be used for disinfecting, but cannot be mixed with formaldehyde. The two chemicals together become combustible.

2. 18 VAC 65-20-580 (1) of the general regulations state that the prep room must have a ventilation system which operates and is appropriate to the size of the room. How can an inspector tell if a ventilation system is appropriate to the size of the room?

Participants' recommendations to the Board: Refer to Guidance Document dated January 17, 2001.

3. What is the best practice regarding funeral homes using "capital funding" companies and disclosures to the family of what that is and the costs associated with the use of the company?

Participants' recommendations to the Board: The FTC requires that all fees shall be disclosed to the consumer upfront during the arrangement. Most firms use a separate disclosure form when using a capital funding company.

4. Is there any new thinking on what constitutes a full-time manager? Is a manager who works four 10 hour days from Friday through Monday in compliance?

Ms. Young states that the Board continues to debate and seek legal advice on the support. The Board proposed to amend its regulations and statute to address the current needs of the position. Also, the Board needed to define the term – “full time”.

Other inspector questions:

5. Maintenance of embalming reports?

Ms. Young reminded the inspectors of the guidance document direction: Appendix IV., 3. If the embalming occurs within another state, the embalming record is not required to be maintained by the receiving Virginia funeral service establishment., Appendix IV., and 4. The embalming record form shall be maintained at the funeral service establishment where the embalming occurs.

6. Inclusion of highest priced casket in calculations of high price range for direct cremation?

Ms. Young reiterated the guidance document direction: Appendix I. – VII. – An alternative container or highest price casket that’s acceptable for cremation.

7. Preneed list and removal of name when transformed to “at need”

Participants recommended to the Board: when the preneed buyer becomes the decedent, the name is either removed from the chronological listing or a line is struck through the name.

8. Disposal of biohazard waste?

The inspectors reminded the participants that anything that has body fluids is considered biohazard waste. The Board needs to identify what is really biohazard waste. And also, the participants reiterated the need for a waste disposal contract by funeral homes.

Continuing Education

Ms. Young led a brief discussion regarding the current continuing education regulations and stated that the Board will fully examine its regulations after the first renewal audit in March of 2005.

The participants recommended that the Board consider:

- Stop approval of sponsors
- Approve courses
- Send reminder information to licensees about selling and promoting prohibition in law

Manager of Record

Scotti Russell, Executive Director of the Board of Pharmacy discussed the duties and responsibilities of the pharmacist in charge ("the PIC"). Ms. Russell states the pharmacist in charge (PIC), the owner, and/or the pharmacist on duty may be held accountable in a disciplinary case. A PIC is determined based on the number of hours fully engaged in the practice; whoever is in charge of the security of the drugs, and who has an overarching responsibility. The term fully engaged is defined on a case by case basis by the Board. If the PIC is out for 30 consecutive days, owner needs to change PIC. If the facility will be without a PIC for 14 or more days, the Board takes the permit.

Dr. Elizabeth "Liz" Carter, Executive Director of the Board of Veterinary Medicine discussed the duties and responsibilities of the veterinary in charge ("the VIC"). VIC must be on-site monthly; he/she must notify the Board within five days of a change/departure of VIC.

The participants recommend to the Board that it establish a workgroup to develop amendments to the regulations and laws, specifically guidelines.

With all business concluded, the Board Retreat was adjourned at 4:15 p.m.

**Virginia Board of Funeral Directors and Embalmers
Retreat
October 5, 2004**

J. Michael Williams, President

Elizabeth Young, Executive Director

Date

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