

APPROVED

BOARD OF FUNERAL DIRECTORS AND EMBALMERS MINUTES OF BOARD MEETING

Tuesday, December 12, 2006

Department of Health Professions
6603 West Broad Street, 5th Floor
Richmond, Virginia 23230
Conference Room 1

CALL TO ORDER

A meeting of the Virginia Board of Funeral Directors and Embalmers was called to order at 9:05 a.m.

PRESIDING

Barry Murphy, Chair

MEMBERS PRESENT:

Billie Watson Hughes
Randolph T. Minter
Walter S. Ball
Rev. Yvonne Jones Bibbs
Willard D. Tharp
Blair H. Nelsen
Robert B. Burger, Jr.

COUNSEL:

Jack E. Kotvas, Assistant Attorney General

STAFF PRESENT:

Elizabeth Young, Executive Director
Sandra Ryals, Director
Jeanette Meade, Administrative Assistant
Elaine Yeatts, Senior Policy Analyst

QUORUM:

With eight members present, a quorum was established.

GUESTS PRESENT:

Barry D. Robinson, Virginia Mortuary Association
Bruce Kenney, Independent Funeral Homes of Virginia
Bo Kenney, Independent Funeral Homes of Virginia
David Partridge, Regulatory Support Services, Inc.
Elizabeth Carter, Executive Director,
Boards of Optometry and Veterinary Medicine

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Neal Kauder, President, Visual Research Inc.
Kim Langston, Visual Research Inc.;

ORDERING OF THE AGENDA:

Mr. Tharp made a motion to accept the agenda with the recommended amendments. The motion was seconded by Ms. Hughes. The vote carried unanimously.

PUBLIC COMMENT:

There was an expressed concern about the delay in a disciplinary process from Mr. Jerry Gardner, representative of Elite CME, a continuing education provider. Mr. Kotvas advised that Mr. Gardner could not discuss the continuing education unit hours with Board in the event that an appeal may be made to the full board.

REVIEW OF MINUTES

Mr. Ball made a motion to accept the minutes of the Task Force on Cremation Laws and Regulation meeting of July 19, 2006. The motion was properly seconded by Mr. Tharp. The vote carried unanimously.

Mr. Burger made a motion to accept the minutes of the Board Meeting of September 12, 2006 with amendments. The motion was properly seconded by Mr. Tharp. The vote carried unanimously.

Mr. Minter made a motion to accept the minutes of the Task Force on Inspection Process of October 10, 2006 with amendments. The motion was properly seconded by Mr. Burger. The vote carried unanimously.

WELCOME TO NEWLY APPOINTED DIRECTOR:

Mr. Murphy welcomed Sandra Ryals, Director of the Department of Health Professions, Ms. Ryals stated that she would be there to discuss some changes taking place with the location of the agency. She also made reference to Governor Kaine's Health Commission. She also talked about the agency strategic planning in shortening the time frame in dealing with the disciplinary process for the Department of Health Professions. She commended Ms. Young and her staff in the transition phase of two of the Boards that she will be giving to a new executive and newly hired staff.

Mr. Murphy thanked Mrs. Ryals for taking time to speak with the board on the upcoming changes within the agency.

BOARD ACKNOWLEDGEMENT OF THE DEATH OF JOSEPH JENKINS JR.

Mr. Murphy expressed condolences to the family of former board member Joseph Jenkins Jr. on behalf of the Board. Ms. Hughes was asked to provide words of sympathy at the funeral on December 14, 2006 from the Board. Mr. Murphy will send flowers to the family on behalf of the Board.

NEW BUSINESS

Sanction Reference Study

Dr. Neal Kauder, President of Visual Research, Inc. presented a PowerPoint presentation outlining the sanction reference study. He stated the purpose of the study is to make sanctioning more predictable. Dr. Kauder also stated that the sanction study is an educational tool for new board members as well as a source for staff and attorneys to help predict future case loads. Dr. Kauder stated that the data received was analyzed to determine what types of cases are involved booklet document as he reviewed the power-point presentation. He stated that only the cases that had violations will be reviewed. He did a descriptive analysis and a worksheet that was provided to the board. Dr. Carter stated that worksheets can be used to change sanctioning. The Board stated that they wished to review and would provide their input to the executive director.

INTERPRETATION ISSUES

Charging consumer and funeral homes for doctor's signatures on death certificates

The Board discussed that physicians are charging for the completion of death certificates. Many physicians are withholding signatures for certificates/. 32.-263 (1.) of the Code of Virginia requires physicians to sign death certificates. Mr. Kotvas stated that doctors can charge a fee for signing. Also, he stated that there is a major problem if a doctor refuses to sign due to non-payment of the fee. Mr. Nelsen asked if the Board of Medicine provides any instruction to its physicians.

The Board directed staff to write a letter to the Board of Medicine outlining the Board's position. The Board views the charge as allowable but without restrictions for the funeral service licensee. The Board believes that the funeral service licensee should not be held accountable, but the family should be charged the fee.

Mr. Nelsen made a motion for the Executive Director to draft a letter to the Board of Medicine clarifying the Board's position about the fee charges by physicians to sign death certificates. Further, Mr. Tharp asked that the correspondence include that it may not be the responsibility of the funeral licensee to secure the fees from their client families and that physicians need to be mindful of the physicians' responsibility as outlined in Chapter 32 of the Code of Virginia. The motion was properly seconded by Mr. Tharp. The vote carried unanimously.

Out of-State Burial Permits

The Department of Health is mandating that the out of state burial permits be obtained from the locality of death. Before, local health department were lenient in allowing any local health department to issue the permits. The Board asked Ms. Young to contact Ms. Rainey of Vital Records for a written statement of their policy.

Proposed Burial Laws Legislation for 2007

An attorney in Virginia drafted proposed legislation creating a hierarchy for the authority of the next of kin at the time of death. Mr. Nelsen believed that the proposed legislation was good and would help when a family member objects to the decision of one member of the next of kin. Mr. Tharp shared that maybe a hierarchy is good. Mr. Kotvas stated that there is no perfect way of handling the situation because of all children having the same authority. Mr. Murphy suggested that a definition of burial and cremation needed to be added to the proposal. Also, Ms. Young stated that a definition of funeral service provider is needed.

Task Force on Cremation Laws and Regulations

Mr. Tharp provided an overview for the board. The Task Force Committee recommended along with the proposal in the minutes, to request comment from all funeral homes and crematories about the legislative proposal. Mr. Nelsen expressed the following concerns: definition of crematory, licensure of crematory, registration instead of licensure of crematory, and also possible addition to board of a registered crematory operator. Mr. Tharp reminded Board to add an immunity statute to the proposal legislation. Mr. Tharp made a motion for the Board to amend the draft legislation and submit it as its proposed 2008 legislative package. With a motion seconded by Mr. Burger, the Board voted unanimously.

International Conference

Ms. Hughes stated that after the 2007 convention, the International Conference and the American Board of Funeral Service Education will no longer meet jointly. Their next meeting will be held in Nashville in April 21-22, at the Vanderbilt Marriott. Ms. Hughes reported the International Conference renewed the attorney's contract and Pearson's is the new examination vendor. Also, the organization is examining the licensure of individuals for non-accredited school and credentialing evaluation for foreign education applicants.

Yearly Report to the FTC

Ms. Young provided the yearly report for the Board to review.

BOARD OF HEALTH PROFESSIONS

Ms. Hughes informed the Board that the BHP discussed the on-line renewals, eliminating backlogs for discipline and background checks. She stated that the Board of Health Professions is working within the budget guidelines. Dr. Boehm was elected Chair and Ms. Trigianni was elected Vice-Chair.

CEMETERY BOARD

Ms. Young provided the Minutes of the Public hearing and Board Meeting of October 17, 2006 for the Board to review.

OLD BUSINESS

LEGISLATIVE/REGULATORY COMMITTEE

Ms. Young provided the list of the Final Amendments of the fee increase. The fee increase will become effective January 10, 2007.

Report of the Initial and Renewal Applications of Waiver of Full-Time Manager Requirements

The Board reviewed the quarterly report. Ms. Young stated that renewals of the waiver would be generated by December 15, 2006 for expiration of January 31, 2007.

Executive Director's Report

Licensee Statistics

Ms. Young provided that the total number of licensees is 2512.

Disciplinary Statistics

Budget

Ms. Young discussed the list of expenditures/revenue for the period ending October 30, 2006.

Board Calendar

Ms. Young presented the Board's calendar for the 2007 year.

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ADJOURNMENT:

With no further business, the committee adjourned at 1:27 p.m.

Barry Murphy, Chair

Elizabeth Young, Executive Director

Date

Date