

**VIRGINIA BOARD OF FUNERAL DIRECTORS AND EMBALMERS  
BYLAWS**

**ARTICLE I: GENERAL**

Members shall attend all scheduled meetings of the Board and committee to which they serve. In the event of two consecutive unexcused absences at any meeting of the Board or its committees, the President shall make a recommendation about the Board member's continued service to the Director of the Department of Health Professions for referral to the Secretary of Health and Human Resources and Secretary of the Commonwealth.

**ARTICLE II: OFFICERS OF THE BOARD**

A. Election of Officers.

1. The organizational year for the Board shall be from July 1<sup>st</sup> through June 30<sup>th</sup>. During the last quarter of the organizational year, the Board shall elect from its members a President, Vice-President and Secretary-Treasurer. The term of office shall be one year; an officer may be re-elected in that same position for a second consecutive term. Nominations for office shall be selected by open ballot, and election shall require a majority of the members present.
2. A vacancy occurring in any office shall be filled during the next meeting of the Board.

B. Duties of Officers.

1. The President presides at all meetings and formal administrative hearings in accordance with parliamentary rules and the Administrative Process Act, and requires adherence of it on the part of the board members. The President shall appoint all committees and committee chairpersons unless otherwise ordered by the Board.
2. The Vice-President shall act as President in the absence of the President.
3. The Secretary-Treasurer shall perform those duties necessary and shall preside in the absence of the President and the Vice-President.
3. In the absence of the President, Vice-President and Secretary-Treasurer, the President shall appoint another board member to preside at the meeting and/or formal administrative hearing.

C. The Executive Director shall be the custodian of all Board records and all papers of value. She/He shall preserve a correct list of all applicants and licensees. She/He shall manage the correspondence of the Board and shall perform all such other duties as naturally pertain to this position.

**ARTICLE III: MEETINGS.**

A. For purposes of these Bylaws, the Board schedules full board meetings to take place during each quarter, with the right to change the date or cancel any board meeting, with the exception that a minimum of one meeting shall take place annually. Board members shall attend all board meetings in person,

unless prevented by illness or similar unavoidable cause. A majority of the members of the Board shall constitute a quorum for the transaction of business. The current edition of Robert's Rules of Order, revised, shall apply unless overruled by these bylaws or when otherwise agreed.

B. The order of the business shall be as follows:

1. Call to order with statement made for the record of how many and which board members are present and that it constitutes a quorum.
2. Approval of minutes.
3. The Executive Director and the President shall collaborate on the remainder of the agenda.

#### **ARTICLE IV: COMMITTEES**

A. Standing Committees:

1. Special Conference Committee.

The committee shall hold informal conferences with the right to change the date or cancel any meeting. The President may designate another board member as an alternate on this committee in the event one of the standing committee members becomes ill or is unable to attend a scheduled conference date. Further, should the caseload increase to the level that additional special conference committees are needed, the President may appoint additional committees.

2. Examination Committee.

The committee shall consist of three board members, two funeral service licensees and one citizen member. The committee shall meet as required for the purpose of writing new items for the jurisprudence examination to maintain the integrity, defensibility and current status of the examination for the purpose of licensure.

3. Credentials Committee.

The committee shall consist of two board members. The members of the committee shall review non-routine licensure applications to determine the credentials of the applicant and the applicability of the statutes and regulations.

4. Legislative/Regulatory Committee.

The committee shall consist of at least three Board members. The committee is responsible for the development of proposals for new regulations or amendments to existing; the recommendation on response to a petition for rulemaking; the development of proposals for legislative initiatives of the Board; the drafting of Board responses to public comment as required in conjunction with rulemaking; conducting the required review of all existing regulations as required by the Board's Public Participation Guidelines and any Executive Order of the Governor, and other required tasks related to regulations.

5. Continuing Education Committee.

The committee shall consist of at least two board members who review requests from licensees who shall meet as required to review applications for approval of continuing funeral service education programs and other matters related to continuing education. The Board delegates the approval of continuing funeral service programs to the committee.

#### B. Ad Hoc Committees

There may be Ad Hoc Committees consisting of at least two persons who are knowledgeable in the particular area of practice or education under consideration by the Board. The committee shall review matters as requested by the Board and advise or make recommendations for consideration by the Board.

### **ARTICLE V: GENERAL DELEGATION OF AUTHORITY**

1. The Board delegates to Board staff the authority to issue and renew licenses, registrations and certificates where minimum qualifications have been met.
2. The Board delegates to the Executive Director the authority to reinstate licenses, registrations and certificates when the reinstatement is due to the lapse of the license, registration or certificate and not due to previous Board disciplinary action unless specified in the Board order.
3. The Board delegates to Board staff the authority to develop and approve any and all forms used in the daily operations of the Board business, to include, but not limited to, licensure applications, renewal forms and documents.
4. The Board delegates to the Executive Director the authority to sign as entered any Order or Board-approved Consent Order resulting from the disciplinary process.
5. The Board delegates to the Executive Director, who may consult with a special conference committee member, the authority to provide guidance to the agency's Enforcement Division in situations wherein a complaint is of questionable jurisdiction and an investigation may not be necessary.
6. The Board delegates to the Executive Director, who shall consult with a member of a special conference committee, the authority to review information regarding alleged violations of law or regulations and determine whether probable cause exists to proceed with possible disciplinary action.
7. The Board delegates to the President, the authority to represent the Board in instances where Board "consultation" or "review" may be requested where a vote of the Board is not required and a meeting is not feasible.
8. The Board delegates to the Executive Director the selection of the agency subordinate who is deemed appropriately qualified to conduct a proceeding based on the qualifications of the subordinate and the type of case being convened.
9. The Board delegates to the Department of Health Professions' inspectors the authority to issue a Compliance Notice upon completion of an inspection, and the Board delegates to the Executive Director the authority to issue letters regarding reported deficiencies to the facilities or licensees.

10. The Board delegates to the Executive Director the review and approval of hardship waiver applications. Should the Executive Director receive a non-routine application regarding the waiver provision, the application may be reviewed for approval by the Credentials Committee.

11. The Board delegates to the Executive Director, the authority to approve applications with criminal convictions in accordance with Guidance Document 65-3.

#### **ARTICLE VI. AMENDMENTS**

A board member or staff personnel may propose amendments to these Bylaws by presenting the amendment in writing to all Board members prior to any regularly scheduled meeting of the Board. Such proposed amendment shall be adopted upon favorable vote of at least two-thirds of the Board members present at said meeting.