

APPROVED

**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, April 24, 2012 at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room #2, Henrico, Virginia.

BOARD MEMBERS PRESENT

Robert B. Burger, Jr., FSP, President
Blair Nelsen, FSP, Vice-President
Junius Williams, Citizen Member, Secretary-Treasurer
Randolph T. Minter, FSP
Michael J. Leonard, FSP
Walter Ball, Citizen Member
Robert Oman, FSP
Christopher P. Vincent, FSP
Eric V. Wray, II, FSP

DHP STAFF PRESENT FOR ALL OR PART OF THE MEETING

Lisa R. Hahn, Executive Director
Lynne Helmick, Deputy Executive Director
Missy Currier, Board Operations Manager
Kathy Petersen, Discipline Manager

BOARD COUNSEL

Erin Barrett, Assistant Attorney General

QUORUM

With 9 members present a quorum was established.

GUESTS PRESENT

Barry D. Robinson, Virginia Morticians Association
Meredyth Partridge, Regulatory Support Services, Inc.
Paul Harris, Regulatory Support Services, Inc.
Bo Keeney, Independent Funeral Homes of Virginia
Bruce Keeney, Independent Funeral Homes of Virginia

CALL TO ORDER

Mr. Burger, President, called the meeting of the Virginia Board of Funeral Directors and Embalmers to order at 10:45 a.m. by welcoming everyone and asking the members and the guests in the audience to introduce themselves.

ORDERING OF AGENDA

The agenda was amended and accepted by removing **Tab 4** - a guidance document regarding practicing on an expired license.

ACCEPTANCE OF MINUTES

Upon a motion by Mr. Oman and properly seconded by Mr. Wray, the Board voted to accept the following Meeting Minutes:

- Board Meeting – January 17, 2012
- (2) Formal Hearings – January 17, 2012
- Possible Summary Suspension – January 17, 2012
- Formal Hearing – January 18, 2012
- Formal Hearing – March 8, 2012

The motion carried unanimously.

INFORMAL CONFERENCES HELD

Mr. Burger shared that informal conferences were held on the following days and that the minutes are located on the board's website and regulatory Townhall.

- January 17, 2012
- January 17, 2012
- January 18, 2012

PUBLIC COMMENT PERIOD

There was no public comment.

EXECUTIVE DIRECTOR'S REPORT

Expenditure and Revenue Summary

Ms. Hahn stated that the beginning cash balance as of June 30, 2011 was \$26,516, revenue received for FY 12 was \$215,920 less the direct and allocated expenditures of \$436,461 leaving a cash balance as of February 29, 2012 of \$(194,025).

Licensee Statistics

Ms. Hahn referred the members to the conference room screen with updated statistics.

Discipline Statistics

Ms. Hahn stated the board has 38 open cases; 17 of the 38 cases are in the Enforcement Division at the Investigative stage; 6 cases are in the Probable Cause stage, 10 cases at the APD level; 5 cases are in the informal stage; and no cases were in the formal stage. Ms. Hahn added that 5 compliance inspections have been ordered and that 13 funeral board compliance cases are being monitored.

Virginia Performs – 3rd Quarter ending March 31, 2012

Ms. Hahn gave the following Virginia Performs results: 100% rating for issuing licenses in less than 30 days; a 100% rating for patient care cases closed within 250 days; customer satisfaction was at 100%; the clearance rate was at 700% and the percent of cases closed within 250 days was at 71%. She concluded her report by stating that she contributes great results to her outstanding staff.

Scanning Pilot Project

Ms. Hahn shared with the board that after one year of implementing a scanning pilot program, her boards have recognized an overall cost savings of \$ 16,796.00 or 86% in copying costs. She specified that of her three boards, the Board of Long Term Care Administrators realized the largest savings because those cases are typically voluminous and include many medical reports. Ms. Hahn concluded her report by recognizing Ms. Petersen who was instrumental in assisting with the implementation of the program.

Presentations

Ms. Hahn reported that the following Presentations had been given since January:

- VFDA Townhall – January 30th in Richmond, Lisa R. Hahn
- VFDA Traveling Caravan's - February 21st and March 22nd - Lynne Helmick
- VFDA Traveling Caravan – March 8th in Fredericksburg - Billie Hughes
- VFDA Job Fair @ John Tyler Comm. College – March 19th - Vicki Saxby
- IFHV – March 23rd in Richmond – Lynne Helmick

Ms. Hahn recognized staff member Vicky Saxby for doing a great job at the job fair.

Board Member Recognition

Ms. Hahn shared that the day's meeting could potentially be Bob Burger's and Randy Minter's last official meeting. She boasted that they had both filled two terms, worked in every capacity, and did an amazing amount of work for the Commonwealth of Virginia. They have both shown a lot of appreciation of the staff and have been delightful to work with. She thanked them for their hard work and dedication while on the board. She stated that the entire staff and board will sorely miss them.

Regulatory News

Ms. Hahn reminded the board that they had approved regulations for a fee increase during the October 22, 2010 board meeting. She reported that the regulations have remained unapproved at the Secretary's office for 485 days. She indicated that she would go into further detail under New Business.

Ms. Hahn briefed on the status of the following regulations relating to:

- The identification of human remains – remain at the Governor's Office
- Fast-Track regarding termination of irrevocable trusts – remain at Governor's Office

Calendar

Ms. Hahn announced the scheduled dates for the next meetings in 2012; July 17th, and October 16th.

NEW BUSINESS

Final Report of the 2012 General Assembly Session

Ms. Hahn briefly reviewed the status of bills submitted before the 2012 General Assembly that may directly or indirectly affect the Agency: HB 195; HB 265, HB 272, HB 337, HB 378, HB 379, HB 439, HB 937, HB 938, & SB 433.

Regulations for a Fee Increase

Ms. Hahn began her report by stating that she was just notified that the Secretary's office had rejected the Board's proposed regulations related to a fee increase as presented. She explained that they were opposed to the incremental two step proposal. Ms. Hahn suggested that the board resubmit the proposed regulations but strike out the 2014 incremental increase.

Upon a motion by Mr. Minter and properly seconded by Mr. Leonard, the board voted to accept the staff recommendation to strike the July 1, 2014 incremental fee increase from the original proposal the board accepted during their October 22, 2010 meeting. The motion carried unanimously.

Legislative/Regulatory Committee Oral Report – Junius Williams, Chair

A motion was made by Mr. Williams and properly seconded by Mr. Nelsen, that the Board allow staff to edit the following legislation to address and re-define "structural damage" and in addition to add that verbal authorization as being acceptable notification provided it is followed up in writing or to include this language in regulation if deemed more appropriate.

1) Consideration of an Emergency Provision § 54.1-2810. - Draft

If a licensed funeral establishment incurs structural damage that prevents normal business operations, a request may be made to the board for permission to operate temporarily out of another licensed funeral establishment. The request must be submitted in writing to the board no later than 30 days from the time of damage and must include the circumstances of the emergency, a completion date of the repair, and the arrangements that have been agreed upon by both establishments involved. The provision will not be considered for building renovations.

The motion carried unanimously.

2) 2013 Session Draft Legislation

A motion was made by Mr. Williams and properly seconded by Mr. Leonard, that the Board approve the 2013 Draft Legislation which primarily consisted of removing old language for cleanup and adding the following to § 54.1-2806. Refusal, suspension or revocation of license:

(27) Incompetence to practice his profession with safety to his clients and the public;

The motion carried unanimously.

REGULATORY

3) Consistency of Time Requirements in the Regulations

A motion was made by Mr. Williams and properly seconded by Mr. Vincent that the Board accept the following changes in the regulations in order to establish consistency with time requirements:

1. New funeral establishment and crematory application time requirements
 - a. **18VAC65-20-170 (C)** At least ~~45~~ **30** days prior to opening an establishment, an owner or licensed manager seeking an establishment license shall submit simultaneously a completed application, any additional documentation as may be required by the board to determine eligibility, and the applicable fee. An incomplete package will be returned to the licensee. A license shall not be issued until an inspection of the establishment has been completed and approved.
2. Retention of records
 - b. **18VAC65-30-60 (B)** Preneed contracts and reporting documents shall be retained on the premises of the establishment for ~~one year~~ **three years** after the death of the contract beneficiary.

The motion carried unanimously.

Mr. Williams concluded his report by stating that the Committee had discussed other topics but they had no additional recommendations at this time.

The Board recessed at 11:39 a.m. and reconvened at 11:49 a.m.

Conflict with FTC Rule and Appendix I – Lynne Helmick

Ms. Helmick led discussion regarding a possible conflict between Appendix 1 of the GPL and FTC requirements. She stated that FTC requires that if you offer two alternative containers for direct cremation that there should be two separate prices listed on the GPL. Following discussion, the members decided to table the matter for the next meeting in July.

Petition for Reconsideration of Board Order

The Board received a Motion to Reconsider from Kiplin Jordan regarding Board Orders entered on October 9, 2007. Upon a motion by Mr. Leonard and properly seconded by Mr. Wray, the board denied the request of Kiplin Jordan to modify previously issued Board Orders and Consent Orders signed by Mr. Jordan on October 8, 2007. The motion carried unanimously.

Mr. Nelsen recused himself from the decision on this matter.

Election of Officers

Upon a motion by Mr. Minter and properly seconded by Mr. Wray, the board nominated the election of Blair Nelsen as Board President effective July 1, 2012. The motion carried unanimously.

Upon a motion by Mr. Leonard and properly seconded by Mr. Nelsen, the board nominated the election of Junius Williams as Board Vice-President effective July 1, 2012. The motion carried unanimously.

Upon a motion by Mr. Nelsen and properly seconded by Mr. Burger, the board nominated the election of Christopher P. Vincent as Board Secretary-Treasurer effective July 1, 2012. The motion carried unanimously.

Board Member Comments

Mr. Burger thanked everyone for making his tenure while on the board successful and he gave a special thank you to Ms. Hahn and her staff for helping to make his job go smoothly and for keeping the members so organized.

Mr. Minter mentioned how important his appointment to the board was and how appreciative he was to all the staff that helped to make his experience so wonderful. He expressed his gratitude to Ms. Hahn and all her staff for their hard work and willingness to help the members carry out their duties.

ADJOURNMENT:

With no further business before the Board, the meeting adjourned at 12:12 p.m.

Robert B. Burger, Jr., President

Lisa R. Hahn, Executive Director

Date

Date