

~~APPROVED~~

BOARD OF FUNERAL DIRECTORS AND EMBALMERS MINUTES OF GENERAL BOARD MEETING

Tuesday, September 10, 2002
6606 West Broad Street
Richmond, Virginia 23230-1717
Conference Room 1

Department of Health Professions

- CALL TO ORDER:** A meeting of the Virginia Board of Funeral Directors and Embalmers was called to order at 9:21 a.m.
- PRESIDING:** Paul C. Whitten
- MEMBERS PRESENT:** Bobby Gardner, Sr.
Robert "Bob" Oman
Jack Miller
Pratt P. Stelly
J. Michael Williams
Joseph Jenkins, Jr.
Alane C. Miles
- MEMBERS ABSENT:** Charles M. Bristow, Jr.
- STAFF PRESENT:** Elizabeth Young, Executive Director
Vickie Hutson-McCloud, Administrative Assistant
- COUNSEL PRESENT:** Howard Casway, Assistant Attorney General
- GUESTS:** Robert Nebiker, Director of DHP
Gail Jaspen, Chief Deputy Director of DHP
Mark Monson, Deputy Director of Administration, DHP
David Partridge, RSS, Inc.
Winston S. Purvis
Rusty Spencer
Joseph Jenkins, III, Virginia Morticians Association
- QUORUM:** With 8 members of the Board present, a quorum was established.
- ORDERING OF AGENDA:** On a properly seconded motion by Mr. Oman, the Board approved the agenda. On a properly seconded motion by Mr. Gardner, the Board approved the agenda with the additions.
- ACCEPTANCE OF MINUTES:** On a properly seconded motion by Mr. Oman, the Board voted to approve the minutes of the Board Meeting on July 16, 2002 as amended.

PUBLIC COMMENT: None.

NEW BUSINESS: **Newsletter:**

Ms. Young advised the Board that the drafted Newsletter was being held pending the approval to publish in the Virginia Registrar the proposed Continuing Competency Regulations.

Board Response to HJR 579 Survey:

Ms. Young provided the Board with a copy of Jay O'Brien's, Chairman, House of Delegates, Richmond; letter dated August 15, 2002. Mr. O'Brien advised Ms. Young that the House Joint Resolution 159, passed by the 2002 General Assembly, established in a Joint Subcommittee to study the operations, practices, duties and funding of the Commonwealth's agencies, boards, commissions, councils, and other governmental entities. Mr. O'Brien provided a survey. Ms. Young provided the completed survey to the Board for review.

Case Standards:

Ms. Young advised the Board of the agency's adjudication procedures for case standards. Ms. Young stated that she has instituted new procedures for the review of disciplinary cases in the probable cause stage: (1) one day review and preparation by staff; (2) ten to fourteen day review of case by SCC; and (3) one day preparation of case received by SCC to APD for adjudication or closure by Board staff.

Regulatory/Legislative Committee:

- Proposed General Regulations:

Ms. Young provided the Board with copies of the proposed general regulations for review and approval. On a properly seconded motion by Ms. Pratt, the Board voted to adopt the following revisions to the proposed general regulations:

18 VAC 65-20-10. Definitions.

“Branch or chapel” means a secondary location or other facility where the practice of funeral services occurs, which is owned and operated by a main funeral service establishment.

18 VAC 65-20-170. Requirements for an establishment license.

E. Requirements for identifying a branch or chapel.

3. All public informational materials or advertisements relating to services provided at or by a branch or chapel, either in print or electronic format, shall state that the facility is a branch or chapel and identify the name of the main establishment.

F. If the preparation of dead human bodies may require that a body be transported between a main establishment, branch, or chapel and another such facility or other facility, the following are required:

1. A statement shall be given to the next kin or designee, disclosing that the body may be transported for services for which a preparation room is necessary; and
2. A branch or chapel shall maintain on file and make available for inspection a written plan, detailing the method and approximate time required for transporting a dead human body to another location for purpose of embalming or in the event there is a need for services for which a preparation room is necessary.

Final Version of 2003 Legislative Proposal:

Ms. Young and Ms. Jaspen advised the Board that the 2003 Legislative proposal has been submitted to the Department of Planning Budget and the Secretary's office.

Status of Continuing Competency Regulations:

On a properly seconded motion by Ms. Pratt, the Board voted to approve the proposed the following proposed continuing competency regulations as amended:

18 VAC 65-20-151. Continued competency requirements for renewal of an active license.

B. After March 31, 2004, the funeral service licenses, funeral directors or funeral embalmers shall be required to have completed a minimum of five hours of continuing education offered by a board-approved sponsor for each annual licensure renewal in courses that emphasize the ethics, standards of practice, pre-need contracts and funding or laws and regulations governing the profession of funeral service in Virginia.

18 VAC 65-20-152. Continuing education providers.

3. Board-recognized national, regional, state, and local associations as follows unless disqualified by action of the Board:
 - a. National Funeral Directors Associations and state chapters;
 - b. National Funeral Directors and Morticians Association and state chapters;
 - c. Association of Independent Funeral Homes of Virginia;
 - d. Cremation Association of North America;
 - e. American Board of Funeral Service Education;
 - f. International Conference of Funeral Service Examining Boards;
and
 - g. Other Board-approved national, regional, state and local associations or organizations.

A roll call vote was requested to approve amendments:

Mr. Gardner: YES
Mr. Williams: YES
Ms. Miles: YES
Mr. Miller: YES
Mr. Jenkins: YES
Mr. Oman: NO
Mr. Whitten: YES
Ms. Stelly: YES

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

Ms. Young provided the Board with a report of the initial and renewal applications of waiver of full-time manager requirements. Ms. Young advised that there have been no sufficient changes noted.

Executive Director's Report:

Ms. Young advised that the Board currently has 84 open disciplinary cases. Ms. Young provided the Board with a Licensee Count Report, current Board Calendar, and the Cash Balance Report as of June 30, 2002.

The Board voted to offer as a cost savings measure to the Department for it to only send newsletters to funeral service establishments, instead of all licensees and place the newsletter on its website.

ADJOURNMENT

With all business concluded, the Committee adjourned at 12:46 p.m.

Paul C. Whitten, President

Elizabeth Young, Executive Director

Date

Date