

**APPROVED MINUTES
VIRGINIA BOARD OF FUNERAL DIRECTORS AND EMBALMERS
MEETING MINUTES**

The Virginia Board of Funeral Directors and Embalmers convened for a Board meeting on Tuesday, January 16, 2018 at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room #2, Henrico, Virginia 23233.

BOARD MEMBERS PRESENT

Larry T. Omps, FSL, President
Joseph Frank Walton, FSL, Vice President
Mia F. Mimms, FSL, JD, Secretary-Treasurer
Connie B. Steele, FSL
R. Thomas Slusser, Jr., FSL
Blair H. Nelsen, FSL
Louis R. Jones, FSL

BOARD MEMBERS ABSENT

Ibrahim A. Moiz, Esq., Citizen Member
Junius H. Williams, Jr., Citizen Member

STAFF PRESENT FOR ALL OR PART OF MEETING

Corie Tillman Wolf, Executive Director
Lynne Helmick, Deputy Executive Director
David E. Brown, DC, Agency Director
Sarah Georgen, Licensing and Operations Manager
Heather Wright, Program Manager, FDE/LTCA Boards
Erin Barrett, Assistant Attorney General, Board Counsel

GUESTS PRESENT

Neal Kauder, President, VisualResearch
Barry Robinson, Virginia Morticians Association
Paul Harris, Regulatory Support Services
Lacy Whittaker, Virginia Funeral Directors' Association

CALLED TO ORDER

Larry T. Omps, FSL, President, called the Board meeting to order at 10:01 a.m.

Board members and staff introduced themselves. With 7 Board members present, a quorum was established.

Mr. Ombs provided reminders to the Board members and audience regarding microphones, sign in sheets, computer agenda materials, and breaks.

Ms. Tillman Wolf then read the emergency egress instructions.

Public Hearing

A public hearing was convened at 10:05 a.m. to receive public comments on proposed changes to the General Regulations Governing Funeral Directors and Embalmers for clarification of permission to embalm and refrigeration of human remains. Mr. Ombs called for comment.

Public comment was provided by Barry Robinson, President of the Virginia Morticians Association (VMA). Mr. Robinson stated that he concurred with the wording of the proposed regulations, but requested clarification as to when the new regulations would go into effect.

Ms. Tillman Wolf stated that the new regulations would go into effect once it is published in the Register and following the 30-day final adoption period. She stated that the public will be notified once a date has been determined.

The public hearing was adjourned at 10:05 a.m.

Public Hearing

A public hearing was convened at 10:06 a.m. to receive public comments on proposed changes to the General Regulations Governing Funeral Directors and Embalmers for consideration of continuing education (CE) for attendance of board meetings.

Public comment was provided by Barry Robinson, President of the Virginia Morticians Association (VMA). Mr. Robinson requested clarification as to if a person appears before the board for an informal conference or formal hearing as a respondent or a witness, if they would be awarded continuing education for attendance. Ms. Barrett responded stating that the individual would attend due to being a respondent or a witness under subpoena, therefore it would not count as continuing education.

The public hearing was adjourned at 10:09 a.m.

ACCEPTANCE OF MINUTES

Upon a motion by Mr. Jones, and properly seconded by Ms. Steele, the Board voted to accept the following meeting minutes:

- Minutes of Board Meeting – October 10, 2017
- Examination Committee Meeting – October 10, 2017
- Ad Hoc Committee on Funeral Internships – December 7, 2017

The motion passed unanimously.

ORDERING OF AGENDA'

Upon a motion by Mr. Slusser, and properly seconded by Ms. Steele, the Board voted to accept the agenda as written. The motion passed unanimously.

PUBLIC COMMENT PERIOD

There was no public comment.

AGENCY DIRECTOR'S REPORT- David Brown, DHP Director

Mr. Omps congratulated Dr. Brown on his reappointment as the Department of Health Professions (DHP) Director. Dr. Brown thanked Mr. Omps for his words and said that he was happy to be reappointed by the Governor for another four years.

Dr. Brown stated that he was aware of an issue throughout DHP regarding the lack of continuity for agency leadership when a new director is appointed by the Governor. He stated that due to this concern, the role of Chief Operating Officer was created to include activities of coordination and support for the boards, which allows the position to become familiar with the business of DHP and any board issues. He announced that Lisa Hahn had been hired into the position and would no longer serve as DHP's Deputy Director.

Dr. Brown announced that Barbara Allison-Bryan, MD has been appointed by the Governor to the open position of DHP's Deputy Director. Ms. Allison-Bryan's start date is expected to be March 1, 2018.

Dr. Brown reported that DHP has leased additional space on the first floor of the Perimeter Center for overflow of current departments. He reported that the move is expected in the beginning of 2018.

Dr. Brown announced that the agency will release training videos for Board Members which will include training on confidentiality, Sanctioning Reference Points, probable cause, conflict of interest, and chairing Board meetings and hearings. The first video on probable cause will be released soon.

STAFF REPORTS

Executive Director's Report - Corie Tillman Wolf, Executive Director

Corie Tillman Wolf, Executive Director, began her report by introducing a new staff member, Sarah Georgen, Licensing and Operations Manager.

Ms. Tillman Wolf announced the new DHP logo to be launched in January 2018. Ms. Tillman Wolf also announced that Lisa Hahn is the new Chief Operating Officer for DHP.

Ms. Tillman Wolf presented the Expenditure and Revenue Summary as of November 30, 2017.

Cash Balance as of June 30, 2017	\$ 380,747
FY18 Revenue	32,530
Less Direct & In-Direct Expenditures	<u>242,744</u>
Cash Balance November 30, 2017	\$ 170,533

Ms. Tillman Wolf provided the following updates:

- Examinations
 - The Board is now receiving electronic transmission of scores – both National Exam and State Laws, Rules, and Regulations (LRR) Exam scores. This has greatly enhanced the Board’s ability to process applications, as official scores were previously received as hard copies by mail.
 - The updated/revised State LRR Exam has been launched effective January 1, 2018.
 - The State LRR Exam Fee increased to \$170 on January 1, 2018.
- Model Internship Ad Hoc Committee – Mr. Nelsen participates on the Conference’s internship committee and may be able to provide additional information.
- Annual Meeting – February 28-March 1, 2018 in New Orleans, LA – Mr. Omph, Mr. Nelsen, and Ms. Tillman Wolf plan to attend.

Ms. Tillman Wolf presented licensure statistics that included the following information:

Licensure Statistics – All Licenses

Licensure	Q2 FY 2018	Q1 FY 2018	Change +/-
Funeral Service Licensees	1554	1538	16
Funeral Director	39	39	--
Embalmer Only	2	2	--
Supervisors	525	522	3
Interns	197	195	2
Establishments	434	430	4
Branch Establishments	76	77	1
Crematories	114	113	1
CE Providers	18	16	2
Courtesy Card Holders	100	99	1

Surface Transport & Removal Svc.	45	45	--
Total (*not incl. supervisors)	2579	2554	25

Licenses/Registrations Issued January 1 – December 31, 2017

License Type	Number
Funeral Service Licensees	53
Supervisors	32
Interns	71
Establishments	4
Branch Establishments	2
Crematories	3
CE Providers	1
Courtesy Card Holders	15
Surface Transport & Removal Svc.	6

Ms. Tillman Wolf provided the following statistics regarding the Virginia Performs – Customer Satisfaction Survey Results:

- Q3 17 – 88.9%
- Q4 17 – 100%
- Q1 18 – 100%
- Q2 18 – N/A

Ms. Tillman Wolf provided the following statistics regarding the 2017 Funeral Inspection Program:

- Total of 205 inspections conducted (main, branch, crematory)
 - 96.9% crematories with no deficiencies
 - 63.6% branches with no deficiencies
 - 43.4% main establishments with no deficiencies

Ms. Tillman Wolf explained that the term deficiencies for purposes of the report means violations found by the inspectors.

Ms. Tillman Wolf reported the following most common deficiencies:

- Incorrect prices or price ranges on GPL

- Required disclosures not included on/incorrect on GPL
- Charges not reflected on GPL (e.g. charge for receiving remains)
- Not having price lists for caskets or outer burial containers
- Lack of chronological or alphabetical listing of preneeds
- Incomplete information on preneed listing
- Required casket warranty, disclosures not on itemized statement
- Incomplete Embalming Reports (e.g. missing dates, full names, name/license number of embalmer, signature of intern embalming supervisor)
- Preparation room deficiencies (e.g. cracks in floor, separated seams in wall paneling, lack of eye wash station)

Ms. Tillman Wolf provided the following 2018 planning updates:

- Applications – Staff will be looking at updates to current forms and will begin process for online submission of applications.
- Funeral Internships
 - Finalized reporting forms will be posted for use.
 - Board staff will disseminate information to interns and supervisors.
 - Board staff will develop FAQ's for interns and supervisors about the process and requirements.
- Sanctioning Reference Points worksheets will be finalized and implemented.
- Guidance Documents – Board staff will review and bring to the Board for updates as needed.

Ms. Tillman Wolf had the following reminders and staff notes:

- Requests for Presentations - Please contact Board staff if you receive a request for a presentation (e.g. Laws & Regulations or Preneed).
- Conflict of Interest Reporting is due February 1, 2018.
- Mileage Reimbursement has increased to \$0.545/mile as of January 1, 2018.

Ms. Tillman Wolf reminded Board members to let staff know if there are changes in contact information. She thanked the Board members for their hard work and dedication.

The Board meeting dates for 2018 are:

- April 17, 2018 - 10:00 a.m.
- July 12, 2018 - 10:00 a.m.
- October 16, 2018 - 10:00 a.m.

Mr. Slusser requested information on whether 43% no deficiencies was low for inspections. Ms. Tillman Wolf responded stating it was low compared to previous years, however, there was an increase in the number of inspections in 2017, so that may have impacted the overall rates.

Mr. Omph requested information on the tracking of expiration of licenses. Ms. Tillman Wolf responded that this information would be available following the next renewal period. Mr. Omph requested that this information be included in the licensing report in April 2018.

Mr. Omph confirmed with the board that the July 12, 2018 board meeting would occur on a Thursday, rather than a Tuesday.

With no further questions, Ms. Tillman Wolf concluded her report.

Discipline Report – Lynne H. Helmick, Deputy Executive Director

Lynne Helmick, Deputy Executive Director, reported on the current number of open cases, discipline statistics, and Key Performance Measures.

- **40 Open Cases**
 - 5 in APD
 - 16 in Investigation
 - 18 in Probable Cause
 - 1 formal reinstatement
 - 3 informal conferences

10 licensees are in Compliance Monitoring.

Virginia Performs (Q1 2018):

- The Clearance Rate was 67%. The Board received 3 cases and closed 2 cases.
- The Pending Caseload over 250 days was at 8% (1 case).
- The percentage of cases closed within 250 days was 100%. Two cases were within 250 days.

Virginia Performs (Q2 2018):

- The Clearance Rate was 0%. The Board received 4 cases and closed 0 cases.
- The Pending Caseload over 250 days was at 13% (2 cases).
- The percentage of cases closed within 250 days was 0%. Zero cases were within 250 days.

Ms. Helmick provided a summary of the total cases received and closed since Q1 2016. She also provided a summary of all case information including the percentage of all cases closed in 250 days and the average dates to close a case.

Ms. Helmick provided a summary of the categories of cases processed by the Board in Q1 and Q2 2018.

With no further questions, Ms. Helmick concluded her report.

COMMITTEE AND BOARD MEMBER REPORTS

Board of Health Professions Report – Junius Williams, Jr.

Mr. Omph announced that Mr. Williams was unable to attend the meeting and requested the board members to review the minutes from the Board of Health Professions meeting found in the agenda packet.

Examination Committee – Frank Walton, FSL

Mr. Walton stated the Committee met on October 10, 2017. The Committee continued work and revised/wrote questions with more funeral related questions. The new questions and revisions have been included effective January 1, 2018.

Ad Hoc Committee on Funeral Internships – Blair Nelsen, FSL

Mr. Nelsen reported that the Committee met on December 7, 2017. He reported that the NOIRA for changes to the intern regulations was on hold at the Governor's Office pending the reconsideration of the fee. The Ad Hoc Committee requested the Board to amend the NOIRA to amend subsection A of 18VAC65-40-280 to require that the supervisor apply with each internship and, consequently, be required to pay the current fee with each application.

Upon a **MOTION** by Mr. Nelson, and properly seconded by Mr. Slusser, the Board voted to withdraw the NOIRA adopted at the July board meeting and adopt the draft NOIRA document included in the agenda package. The motion passed unanimously.

Mr. Nelsen apprised the board on the internship forms presented in the agenda packet for consideration. Upon a **MOTION** by Mr. Nelsen, and properly seconded by Mr. Slusser, the Board voted to accept the forms as presented. The motion passed unanimously.

Mr. Nelsen stated that the discussion of a proposed supervisor training program required additional research and more information would be provided at the next board meeting.

LEGISLATIVE AND REGULATORY ACTIONS – Corie Tillman Wolf

Report of 2018 General Assembly

Ms. Yeatts provided a brief overview of the 2018 General Assembly bills that could affect the Board.

Ms. Yeatts requested discussion in regards to Senate Bill 831 relating to the practice of funeral services and the sale of certain items. Mr. Nelsen requested clarification as to whether the wording would cause unlicensed practice. Ms. Barrett noted that previous clauses of the Code would clarify this and did not appear to be cause for concern.

BREAK

Mr. Omph called for a break at 11:03 a.m. The meeting reconvened at 11:16 a.m.

OLD BUSINESS

Update on Sanctioning Reference Points Project

Mr. Kauder provided the board with a presentation of the status of the Sanctioning Reference Points Project and proposed updates to the Sanctioning Reference Points worksheet.

Upon a **MOTION** by Mr. Nelsen, and properly seconded by Ms. Mimms, the Board voted to move forward with the proposed changes to the Sanctioning Reference Points worksheet. The motion passed unanimously.

Mr. Kauder noted that the manual would be presented at the next board meeting for approval, if there are no further changes.

NEW BUSINESS

The next meeting date is April 17, 2018.

ADJOURNMENT

With all business concluded, the meeting was adjourned at 11:36 a.m.



Larry T. Omps, FSL, President

Date

4/17/18



Corie Tillman Wolf, Executive Director

Date

4/17/18