

The Virginia Board of Funeral Directors and Embalmers convened for a full board meeting on Friday, April 15, 2022, at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room #2, Henrico, Virginia.

BOARD MEMBERS PRESENT:

Kenneth Scott Hickey, M.D., Citizen Member, President
Jason Graves, FSL, Vice-President
Joseph Michael Williams, FSL, Secretary-Treasurer
Lacyn Barton, FSL
Muhammad Hanif, Citizen Member
Mia F. Mimms, FSL, J.D.
Blair H. Nelsen, FSL
R. Thomas Slusser, Jr., FSL
Joseph Frank Walton, FSL

BOARD MEMBERS ABSENT:

None

DHP STAFF PRESENT FOR ALL OR PART OF THE MEETING:

David Brown, D.C., Director, DHP
Erin Barrett, Senior Policy Analyst
Lynne Helmick, Inspections Compliance Specialist
Sarah Georgen, Licensing and Operations Manager
Kelley Palmatier, Deputy Executive Director
James Rutkowski, Assistant Attorney General, Board Counsel
Corie Tillman Wolf, Executive Director
Heather Wright, Program Manager

OTHER GUESTS PRESENT

Paul Harris, Regulatory Support Services
Sam Rhue, FSL, John Tyler Community College
Barry Robinson, Virginia Morticians' Association
Ben Tranham, Hancock, Daniel, & Johnson, P.C.

**participant indicates attendance to count toward continuing education requirements*

CALL TO ORDER

Dr. Hickey called the meeting to order at 10:00 a.m. and asked the Board members and staff to introduce themselves.

With nine board members present at the meeting, a quorum was established.

Dr. Hickey read the mission of the Board, which is also the mission of the Department of Health Professions.

Dr. Hickey provided reminders to the Board members and audience regarding microphones, computer agenda materials, breaks, sign-in sheets, and attendance for continuing education requirements.

Ms. Tillman Wolf then read the emergency egress instructions.

APPROVAL OF MINUTES

Dr. Hickey opened the floor to any edits or corrections regarding the draft minutes for the Board meeting, and Public Hearing held on February 11, 2022. With no edits or corrections, the minutes were approved as presented.

ORDERING OF THE AGENDA

Ms. Tillman Wolf requested to change the order of the agenda to allow the Committee and Board Member Reports to come before the Legislative and Regulatory Report.

Upon a **MOTION** by Ms. Barton, properly seconded by Mr. Williams, the Board voted to accept the agenda as amended. The motion carried (9-0).

PUBLIC COMMENT

Mr. Robinson, Virginia Morticians' Association thanked Mr. Walton for volunteering to provide a presentation to the organization in July 2022. He requested clarification on the use of hybrid meetings of the Board.

Mr. Rhue, John Tyler Community College, thanked the Board for reviewing the educational requirements of the Associates Degree in Funeral Directing program through John Tyler Community College.

Ms. Tillman Wolf clarified electronic meetings cannot currently be offered.

AGENCY REPORT

Dr. Brown informed the Board that Dr. Allison-Bryan had retired in March 2022 and commended her hard work with DHP.

Dr. Brown stated that the metrics of COVID are improving statewide and nationally.

Dr. Brown stated that on April 4, 2022, DHP employees returned to the office and will allow up to three days a week for teleworking, which was at supervisors' discretion. Dr. Brown stated that guidance from the

Department of Human Resource Management (DHRM) might be provided in the future regarding teleworking procedures.

Dr. Brown reported on possible virtual or phone access to Board meetings in the future, but at the current time, virtual meetings were not available.

He also provided an update on the audio system. He stated that the estimated time frame was summer 2022, but the updates have not occurred due to vendor backlogs.

Dr. Brown stated that he is waiting to hear from the Governor’s Office regarding the appointment of his position with DHP.

With no questions, Dr. Brown concluded his report.

STAFF REPORTS

Executive Director’s Report – Corie E. Tillman Wolf, J.D., Executive Director

COVID Data

Ms. Tillman Wolf provided an overview of the COVID Data statistics as of April 14, 2022, as provided by the Virginia Department of Health (VDH).

Board Updates

Ms. Tillman Wolf provided information to the Board members regarding completion of the 2022 license renewals. She also provided information regarding the updates to the Funeral Internship Regulations that became effective March 3, 2022, and the preparation for scheduling the Alkaline Hydrolysis Workgroup as required by Senate Bill 129 enacted by the 2022 General Assembly.

Ms. Tillman Wolf provided an update on the number of applications received for individual funeral director and embalmer licenses since implementing the Board’s Emergency Regulations, which became effective on January 5, 2021. She reported that as of April 14, 2022, the Board had received the following:

	Applications Received
Funeral Director	17
Funeral Director Intern	27
Embalmer	1
Embalmer Intern	2
Funeral Service Intern	130
Funeral Service Licensee	81

International Conference

Ms. Tillman Wolf reported on the International Conference's 2022 Annual Meeting in Houston, Texas, from February 22-25, 2022. She said that Ms. Barton served as the voting delegate; Mr. Nelsen presided over the meeting as President of the Conference Board of Directors; and Kelley Palmatier, Deputy Executive Director, also attended.

Budget

Expenditure and Revenue Summary as of December 31, 2021

Ms. Tillman Wolf presented the Expenditure and Revenue Summary as of December 31, 2021.

Cash Balance as of June 30, 2021	\$848,630
YTD FY22 Revenue	\$ 51,430
Less: FY22 Direct & Allocated Expenditures	\$351,092
Cash Balance as of December 31, 2021	\$548,968

2022 Board Meeting Dates

Ms. Tillman Wolf announced the remaining 2022 Board meeting dates.

- July 15, 2022
- October 21, 2022

Ms. Tillman Wolf thanked members for all they do to support the Board.

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

Discipline Report – Kelley Palmatier, J.D., Deputy Executive Director

As of April 8, 2022, Ms. Palmatier reported the following disciplinary statistics:

- 55 Patient Care Cases
 - 1 at Informal
 - 4 at Formal
 - 19 at Enforcement
 - 28 at Probable Cause
 - 3 at APD
- 26 Non Patient Care Cases
 - 1 at Informal
 - 3 at Formal
 - 7 at Enforcement
 - 14 at Probable Cause

- 1 at APD
- 21 at Compliance

Ms. Palmatier reported the following Total Cases Received and Closed:

- Q2 2020 – 35/21
- Q3 2020 – 17/30
- Q4 2020 – 16/13
- Q1 2021 – 15/18
- Q2 2021 – 12/12
- Q3 2021 – 20/22
- Q4 2021 – 22/10
- Q1 2022 – 19/18
- Q2 2022 – 19/12

Percentage of all cases closed in 365 days

	Q1-21	Q2-21	Q3-21	Q4-21	Q1-22	Q2-22
FDE	75.8%	87%	51.4%	69.2%	40.0%	76.0%
Agency	70.1%	64%	71.1%	68.8%	66.0%	70.7%

With no questions, Ms. Palmatier concluded her report.

Licensure Report – Sarah Georgen, Licensing and Operations Manager

Ms. Georgen provided information regarding the 2022 renewals for the Board regarding notices and reminders. She reported an increase in establishment email addresses based on the Board staff’s initiative to collect this information.

Ms. Georgen presented licensure statistics that included the following information:

Licensure Renewals – All Licenses as of March 31, 2022

License	Renewed	Not Renewed	Renewed %
Funeral Service Licensees	1,421	113	92.63%
Funeral Director	28	5	84.85%
Embalmer Only	2	2	100.00%
Funeral Service Interns	156	45	77.61%
Funeral Directing Interns	8	2	80.00%
Funeral Establishments	388	24	94.17%
Branch Establishments	73	6	92.41%
Crematories	104	4	96.30%

Courtesy Card Holders	106	14	88.33%
Surface Transport & Removal Svc.	34	18	65.38%

Licensure Statistics – All Licenses

License	February 9, 2022	April 7, 2022	Difference (+/-)
Funeral Service Licensees	1,566	1,481	-85
Funeral Director	35	34	-1
Embalmer Only	3	3	0
Supervisors	576	543	-33
Funeral Service Interns	252	215	-37
Funeral Directing Interns	15	17	2
Embalmer Interns	0	0	0
Funeral Establishments	422	410	-12
Branch Establishments	86	79	7
Crematories	123	123	0
CE Providers	11	11	0
Courtesy Card Holders	123	110	-13
Surface Transport & Removal Svc.	57	42	-15
Total (*not incl. supervisors)	2,693	2,525	-168

Ms. Georgen answered questions from the Board.

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

Inspections Report – Lynne Helmick, Inspections Compliance Specialist

Routine Inspections Completed – October 12, 2021, to April 7, 2022

Type	In-Person	Virtual
Main Establishments	45	6

Branch Establishments	9	0
Crematories	9	1

Main and Branch Establishment Deficiencies

Ms. Helmick reported on the main and branch establishment deficiencies, which included:

- 43 establishments with deficiencies
- 28 establishments with deficiencies regarding the General Price List
- 54 total deficiencies

Ms. Helmick reported that there were more individual General Price List deficiencies than reflected in those numbers, but that some inspectors will cite several non-compliances under one deficiency.

Ms. Helmick reported that most of the General Price List deficiencies were related to direct cremation and immediate burial.

She also reported ten deficiencies related to embalming reports or permission to embalm.

Ms. Helmick reported on the Crematory deficiencies, which included five crematory deficiencies due to missing information on the required forms and the lack of refrigeration logs.

Ms. Helmick reported that there had been no issues related to COVID during this period.

With no questions, Ms. Helmick concluded her report.

BOARD COUNSEL REPORT – Jim Rutkowski, Assistant Attorney General

Mr. Rutkowski stated that the Attorney General’s office is searching for a permanent replacement for Ms. Barrett. He said that he, or other staff from the Attorney General’s office, would attend any necessary Board meetings until Ms. Barrett’s position was filled.

Mr. Rutkowski provided an update on a pending court case involving the Board.

COMMITTEE AND BOARD MEMBER REPORTS

Board of Health Professions Report – Kenneth Scott Hickey, MD

Dr. Hickey noted that the most current minutes from the Board of Health Professions’ dated March 29, 2022, were provided to the Board members.

Report from the International Conference – Blair Nelsen, FSL

Mr. Nelsen reported on the Conference Strategy Refresh Workshop meeting, which occurred on April 12-13, 2022. He provided information related to the upcoming changes related to the examinations provided by the International Conference.

Mr. Nelsen answered questions from the Board Members.

With no further questions, Mr. Nelsen concluded his report.

Report from the International Conference Annual Meeting – Lacyn Barton, FSL and Blair Nelsen, FSL

Ms. Barton provided a report regarding the International Conference 118th Annual Meeting in Houston, Texas, from February 22-25, 2022. She thanked the Board for the opportunity to attend the Board Member Training before the Annual Meeting. She congratulated Mr. Nelsen on his past presidency.

Mr. Nelsen provided a brief report and stated that the International Conference was able to fund one delegate from all jurisdictions to attend the meeting.

Mr. Nelsen announced that the 119th Annual Meeting will occur from March 1-2, 2023, in Chandler, Arizona. He encouraged Board Members to express any interest in attending the meeting to Ms. Tillman Wolf.

BREAK

The Board took a break at 11:03 a.m. and returned at 11:14 a.m.

LEGISLATION AND REGULATORY ACTIONS – Erin Barrett, Senior Policy Analyst

Report on Status of Regulations

Ms. Barrett provided a report on the status of the Board's pending regulations.

With no questions, Ms. Barrett concluded her report.

Legislative Report

Ms. Barrett provided a report on legislation from the 2022 General Assembly.

With no questions, Ms. Barrett concluded her report.

BOARD DISCUSSION AND ACTIONS

Adoption of Final Regulations for the Licensure of Funeral Directors and Embalmers (18VAC65, Chapters 20, 30, 40)

Ms. Barrett provided an overview of the final, permanent regulations for licensure of individual funeral directors and embalmers, which were adopted by the Board as Emergency Regulations.

Upon a **MOTION** by Mr. Walton, properly seconded by Mr. Williams, the Board voted to adopt the final regulations for licensure of funeral directors and embalmers for Chapters 20, 30, and 40 as presented. The motion carried (9-0)

Upon a **MOTION** by Mr. Nelsen, properly seconded by Mr. Williams, the Board voted to request a six month extension of emergency regulations set to expire on July 4, 2022, as presented. The motion carried (9-0).

Consideration of Legislative Proposal for 2023 – Amendments to Virginia Code §54.1-2817 – Funeral Service Interns

Ms. Barrett provided an overview of the Board’s previous legislative proposal regarding the timeframe for completion of a funeral internship. The proposal was updated to address the language regarding criminal convictions for intern applicants.

Upon a **MOTION** by Mr. Walton, properly seconded by Mr. Graves, the Board voted to advance the legislative proposal for consideration for inclusion in the Governor's legislative package for the 2023 General Assembly Session as presented. The motion carried (9-0).

Consideration of Amendments to Preneed Regulations (HB 1269 – 2022 Acts of Assembly, Ch. 18) (18VAC65-30-10 et seq.)

Ms. Barrett provided an overview of a proposed exempt action to conform the Board’s preneed regulations to the statutory language in § 54.1-2820 of the *Code*, which recently became effective as a result of HB 1269.

Upon a **MOTION** by Ms. Barton, properly seconded by Ms. Mimms, the Board voted to adopt the exempt changes to 18VAC65-30-220 as presented. The motion carried (9-0).

Ms. Tillman Wolf requested input from the Board regarding a question received from the Virginia Funeral Directors’ Association about the impact of the change of valuation language on potential charges from funeral licensees regarding guarantees of services through a preneed contract. Ms. Tillman Wolf further discussed the potential impact on the Board’s preneed regulations and Appendix I regarding the GPL.

Upon a **MOTION** by Mr. Nelsen, properly seconded by Mr. Slusser, the Board voted to refer these questions to the Legislative Regulatory Committee for further discussion and request that the Committee report back to the Board by January 2023. The motion carried (9-0).

Ms. Tillman Wolf stated that she will try to engage a preneed insurance provider to attend the meeting in an advisory capacity.

Approval of Funeral Director Program – John Tyler Community College Associates Degree in Funeral Directing

Ms. Tillman Wolf provided an overview of information received from Mr. Sam Rhue, Program Director at John Tyler Community College, regarding its recently approved Associate's Degree in Funeral Directing. She provided an overview of the Board's current requirements for funeral directing education.

Upon a **MOTION** by Mr. Graves, properly seconded by Mr. Williams, the Board voted to approve the Associate's Degree in Funeral Directing program through John Tyler Community College as a funeral directing program and as meeting the educational requirements for licensure of funeral directors established by the Board in the current Emergency Regulations under 18VAC65-20-231 as presented. The motion carried (8-0-1). Mr. Walton abstained from the vote.

BOARD MEMBER RECOGNITION

Dr. Hickey recognized Mr. R. Thomas Slusser, Jr., for his dedication to the Board of Funeral Directors and Embalmers. Mr. Slusser provided brief remarks on his experience on the Board.

NEXT MEETING

The next meeting date is July 15, 2022.

ADJOURNMENT

With all business concluded, the meeting adjourned at 12:08 p.m.



Corie Tillman Wolf, J.D., Executive Director

September 19, 2022

Date