
Call to Order – Jason Graves, FSL, Board President

- Welcome and Introductions
- Mission of the Board
- Emergency Egress Procedures

Approval of Minutes (p. 4-14)

- Board Meeting – April 26, 2023

Ordering of Agenda

Public Comment

The Board will receive public comment at this time. The Board will not receive comment on any pending regulation process for which a public comment period has closed or any pending or closed complaint or disciplinary matter.

Agency Report – Arne Owens, Director

Presentation (p. 16-44)

- 2023 Workforce Report – Funeral Service Provider – **Yetty Shobo, Ph.D., Director, and Barbara Hodgdon, Ph.D., Deputy Director, Healthcare Workforce Data Center**

Staff Reports

- Executive Director’s Report – **Corie E. Tillman Wolf, Executive Director**
- Discipline Report – **Melanie Pagano, Deputy Executive Director**
- Licensing Report – **Sarah Georgen, Licensing and Operations Supervisor**

Board Counsel Report – Brent Saunders, Senior Assistant Attorney General

Committee and Board Member Reports

- Report from the International Conference of Funeral Service Examining Boards – **Lacyn Barton, FSL**

Legislative and Regulatory Report – Matt Novak, Policy and Economic Analyst (p. 46)

- Report on Status of Regulatory Actions
-
-

Board Discussion and Actions – Matt Novak, Corie Tillman Wolf (p. 48-69)

- Adoption of Revisions to Guidance Document
 - 65-3, Guidelines for Processing Applications for Licensure: Examination, Endorsement, and Reinstatement
 - Reaffirmation of Guidance Document
 - 65-4, Aiding and Abetting Unlicensed Practice
 - Repeal of Guidance Document
 - 65-19, Identification of Funeral Service Interns
 - Adoption of Fast-Track Action Related to Requirements for Licensure by Reciprocity or Endorsement (18VAC65-20-350)
 - Adoption of Revisions to the Electronic Meeting Policy (§2.2-3708.3)
-
-

New Business

- Process for Electronic Amendments to Death Certificates – **Jason Graves, FSL**
-
-

Elections

Board Member Recognition

Next Meeting – October 12, 2023

Meeting Adjournment

This information is in **DRAFT** form and is subject to change. The official agenda and packet will be approved by the public body at the meeting and will be available to the public pursuant to the Code of Virginia.

Approval of Minutes

April 26, 2023

The Virginia Board of Funeral Directors and Embalmers convened for a full board meeting on Wednesday, April 26, 2023, at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room #1, Henrico, Virginia.

BOARD MEMBERS PRESENT:

Jason Graves, FSL, President
Joseph Michael Williams, FSL, Vice-President
Lacyn Barton, FSL, Secretary-Treasurer
Muhammad Hanif, Citizen Member
Mia F. Mimms, FSL, J.D.
Blair H. Nelsen, FSL
Joseph Frank Walton, FSL

BOARD MEMBERS NOT PRESENT:

Steve Clemons, CPA, Citizen Member
S. Jonathan Hines, FSL

DHP STAFF PRESENT FOR ALL OR PART OF THE MEETING:

Alesia Baskin, Senior Licensing Program Coordinator
Sarah Georgen, Licensing and Operations Supervisor
Lynne Helmick, Inspections Compliance Specialist
Melanie Pagano, Deputy Executive Director
Matt Novak, Policy and Economic Analyst
Brent Saunders, Senior Assistant Attorney General, Board Counsel
Corie Tillman Wolf, Executive Director
Florence Venable, Discipline Operations Supervisor

OTHER GUESTS PRESENT:

William Baker, Funeral Consumer Alliance of the Virginia Blue Ridge
Paul Harris, Regulatory Support Services, Inc.
Bo Keeney, Association of Independent Funeral Homes of Virginia
Barry Robinson, Virginia Morticians' Association
Richard Sikon, Department of Health, Virginia State Anatomical Program*

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

CALL TO ORDER

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

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

Mr. Graves read the mission of the Board, which is also the mission of the Department of Health Professions.

Mr. Graves reminded the Board members and audience about 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

Mr. Graves opened the floor to any edits or corrections regarding the draft minutes for the Board meeting and Formal Hearings held on October 21, 2022, and a Legislative/Regulatory Committee meeting on March 20, 2023. With no edits or corrections, the minutes were approved as presented.

ORDERING OF THE AGENDA

Mr. Graves opened the floor to any additional items to add to the agenda.

Ms. Tillman Wolf stated that Mr. Owens may be unable to attend the meeting due to an unanticipated conflict. She asked the Board for flexibility in his report if he could attend later in the meeting. She also noted that Matt Novak, Policy and Economic Analyst, would be present to provide the Legislative/Regulatory Report and discuss Board regulatory actions.

Upon a **MOTION** by Ms. Barton, properly seconded by Mr. Walton, the Board voted to accept the agenda as amended. The motion carried (7-0).

PUBLIC COMMENT

Mr. Robinson provided public comment announcing that the Virginia Morticians' Association Annual Conference is scheduled for June 29 – July 1, 2023, in Roanoke, Virginia. He thanked Mr. Walton and Mr. Nelsen for their years of service and commitment to the Board.

STAFF REPORTS

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

Ms. Tillman Wolf welcomed Melanie Pagano as the new Deputy Executive Director and Florence Venable as the new Discipline Operations Supervisor for the Board.

Board Updates

Ms. Tillman Wolf provided board updates, noting the end of the renewal cycle on March 31, 2023. Additionally, she said that Board Members and staff have participated in trainings through provider associations, including the Association of Independent Funeral Homes of Virginia with Ms. Tillman Wolf

and Mr. Sikon, the Virginia Funeral Directors Association with Mr. Walton and Mr. Williams, and the Virginia Morticians’ Association with Mr. Walton.

Ms. Tillman Wolf also stated that, on the horizon for the Board, is a request made during the 2023 General Assembly session from the House Committee on Health, Welfare, and Institutions for the Board to study natural organic reduction or human composting. She announced that, upon receipt of the letter requesting the study, the Board would convene a workgroup to develop recommendations for the General Assembly’s review.

Federal Updates

Ms. Tillman Wolf provided an update on the recent legal action by the Federal Trade Commission (FTC) against the Funeral and Cremation Group of North America, LLC., Legacy Cremation Services, LLC, d/b/a Heritage Cremation Provider.

Ms. Tillman Wolf provided an update related to Funeral Funds available through the Federal Emergency Management Agency (FEMA). FEMA recently issued a memorandum that established the end of the incident period for funeral assistance funds to coincide with the end of the COVID-19 pandemic emergency on May 11, 2023. She reported that FEMA will continue to assist applicants until September 30, 2025.

Licenses for Funeral Directors and Embalmers

Ms. Tillman Wolf provided the licensing data of applications received and licenses/registrations issued as of April 21, 2023, for the following license types:

	Applications Received	Licenses/Registrations Issued*
Funeral Director	29	19
Funeral Director Intern	46	37
Embalmer	2	1
Embalmer Intern	3	2
Funeral Service Intern	231	201
Funeral Service Licensee	157	163*

International Conference Updates

Ms. Tillman Wolf provided information on the International Conference’s 2023 Annual Meeting occurring from March 1-2, 2023, in Chandler, Arizona. She stated that Mr. Graves attended as the Board Voting Delegate, and Lacyn Barton was the Board Alternate. She announced that Ms. Barton had been elected to the Board of Directors. She also said that Mr. Nelsen and herself were in attendance as the Immediate Past President and Board staff, respectively.

She provided a brief reminder about changes to the National Board Examination (NBE), effective January 1, 2023.

2023 Board Meeting Dates

Ms. Tillman Wolf announced the remaining 2023 Board meeting dates.

- July 11, 2023
- October 12, 2023

Discipline Report

As of February 28, 2023, Ms. Tillman Wolf reported the following disciplinary statistics:

- 45 Patient Care Cases
 - 1 at Informal
 - 3 at Formal
 - 1 at Enforcement
 - 40 at Probable Cause
 - 0 at APD
- 35 Non-Patient Care Cases
 - 2 at Informal
 - 0 at Formal
 - 15 at Enforcement
 - 18 at Probable Cause
 - 0 at APD
- 20 at Compliance

Ms. Tillman Wolf reported the following Total Cases Received and Closed:

- | | |
|-------------------|-------------------|
| • Q1 2021 – 15/18 | • Q3 2022 – 24/22 |
| • Q2 2021 – 12/12 | • Q4 2022 – 28/21 |
| • Q3 2021 – 20/22 | • Q1 2023 – 5/23 |
| • Q4 2021 – 22/10 | • Q2 2023 – 10/21 |
| • Q1 2022 – 19/18 | • Q4 2023 – 11/13 |
| • Q2 2022 – 19/12 | |

Ms. Tillman Wolf provided a reminder that applicant or licensee inquiries or questions should be directed to Board staff for a response. She also reminded Board Members to update their contact information with Board staff if anything changes.

Mr. Graves requested further information from Ms. Tillman Wolf on the data regarding Funeral Director-only and Embalmer-only licenses. Ms. Tillman Wolf stated that limited Embalmer-only applications were received since the legislative change to separate licenses. There was insufficient data to provide to the Board on the low interest related to these separate Embalmer licenses. Mr. Nelsen further stated that a number of Funeral Director-only licenses have been issued to applicants who have been unsuccessful in passing the NBE-Sciences portion of the national exam.

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

Licensure Report – Sarah Georgen, Licensing and Operations Manager

Licensure Statistics – All Licenses

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

License	September 30, 2022 (Q1 2023)	March 31, 2023 (Q3 2023)	Difference (+/-)
Funeral Service Licensees	1,555	1,595	+40
Funeral Director	36	45	+9
Embalmer Only	3	3	0
Supervisors	570	600	+30
Funeral Service Interns	242	256	+14
Funeral Directing Interns	22	33	+11
Embalmer Interns	1	2	+1
Funeral Establishments	424	425	+1
Branch Establishments	86	86	0
Crematories	129	133	+4
CE Providers	10	11	+1
Courtesy Card Holders	124	136	+12
Surface Transport & Removal Svc.	52	54	+2
Total (*not incl. supervisors)	2,684	2,779	+95

Ms. Georgen provided information on the trends of licensure for individuals and facilities since Q3 2020.

Laws, Rules, and Regulations (LRR) Examination Scores

Ms. Georgen provided a snapshot of information on the pass/fail rate of the LRR examination for January through September 2022. She noted that the fourth quarter results had yet to be released.

Licensure Renewal Notifications

Ms. Georgen provided information on the 2023 license renewal notifications, including reminders and notices sent to licensees.

Licensure Renewals – All Licenses, as of April 24, 2023

License	Renewed	Not Renewed	Renewed Percentage
Funeral Service Licensees	1456	68	95.54%
Funeral Director	32	5	86.49%
Embalmer Only	3	0	100%
Funeral Service Internship	155	60	72.09%
Funeral Directing Internship	18	4	81.82%
Embalmer Internship	1	1	100%
Funeral Establishments	413	3	99.28%
Branch Establishments	81	2	97.59%
Crematories	120	1	99.17%
Courtesy Card Holders	111	9	92.50%
Surface Transport & Removal Svc.	40	12	76.92%

Ms. Georgen said electronic notifications are often sent to licensees attributable to the “Going Green” initiative, which began in 2021 and provided a snapshot of the percentage of licensees with email addresses on file. She stated that the Board is attempting to raise those percentages through updates in the renewal process and incoming communication to the Board.

2023 Renewals – Continuing Education Providers

Ms. Georgen announced the upcoming renewal of Continuing Education Providers and reminded the Board of their July 1, 2023, expiration date. She said renewal reminders and notices would be sent in May and June.

Customer Satisfaction

Ms. Georgen reported the customer satisfaction statistics for Q2 2022 to Q3 2023.

Ms. Georgen summarized the written comments from the customer satisfaction survey sent to new licensees.

Call Trends

Ms. Georgen provided a brief report on the call trends from 2019 to 2022. She stated that an average of 5,000 calls are received by the Board each year.

On the Horizon

Ms. Georgen provided information on upcoming changes to the Board processes, including automated notifications of applications, new online applications, updated forms and checklists, reinstatement applications, the continuing education audit, and updates to the frequently asked questions.

Updates for Expense Reimbursement Vouchers

Ms. Georgen provided information on changes to the Internal Revenue Service (IRS) Standard Mileage Rate increase effective January 1, 2023. She provided information to the Board Members on using an optional Virginia Department of Accounts Remittance Electronic Data Interchange (REDI) system for pending deposit notifications.

Mr. Nelsen inquired about the data of supervisors included in the licensure statistics. He requested staff to review ways to more accurately reflect that data since inactive supervisors are included in the statistics.

Additionally, Mr. Nelsen reported his attendance at a continuing education course that lacked impactful course content and deficient hour certification. Ms. Tillman Wolf and Ms. Georgen urged licensees to contact the Board with concerns regarding continuing education courses for further investigation.

Lastly, Mr. Nelsen inquired about the Board’s role in following up on establishments that have allowed their license to expire. Ms. Tillman Wolf stated that expired licensees receive additional notices from the Board after the renewal deadline on March 31st, which generally serves to resolve most instances where an establishment license has expired. Discovery of continued practice on an expired license may occur during the inspection process. Further, Ms. Tillman Wolf clarified that the Board does investigate complaints made through the Enforcement Division, including complaints related to an establishment continuing to operate on an expired license.

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

Inspection Report – Lynne Helmick, Inspections Compliance Specialist

Number of Inspections

Type of Facility	Change of Location	New	Routine
Main Establishment	3	7	63
Branch Establishment	1	3	17
Crematory	0	7	31

Ms. Helmick provided statistics on the number of inspections conducted since April 2022, which included 111 inspections.

Number of Routine Inspections with Deficiencies

Main Establishment	Branch Establishment	Crematory
44	11	14

Ms. Helmick provided an overview of the 2022 routine inspections with deficiencies, including issues related to records keeping, General Price Lists, repeat deficiencies, and multiple attempts to correct deficiencies. Ms. Helmick stressed the importance of facilities accurately reflecting information and costs on the General Price List, noting that many deficiencies were miscalculations of the price ranges for the services provided.

With no questions, Ms. Helmick concluded her report.

BREAK

The Board took a break at 10:57 a.m. and returned at 11:05 a.m.

BOARD COUNSEL REPORT – Brent Saunders, Senior Assistant Attorney General

Mr. Saunders provided an update on two pending court cases involving the Board.

With no questions, Mr. Saunders concluded his report.

COMMITTEE AND BOARD MEMBER REPORTS

Legislative/Regulatory Committee – J. Frank Walton, FSL, Committee Chair

Mr. Walton provided a brief report on the Legislative/Regulatory Committee meeting held on March 20, 2023, in which Mr. Graves, Mr. Hanif, and himself were in attendance. He stated that the Committee met due to the Governor’s directive concerning reducing regulations. He stated that the meeting minutes had been included in the agenda packet, and the recommendations would be included later in the agenda for Board action.

With no questions, Mr. Walton concluded his report.

International Conference Annual Meeting Report – Blair Nelsen, FSL, Lacyn Barton, FSL, and Jason Graves, FSL

Ms. Barton thanked the Board for the opportunity to attend the Annual Meeting. She reported on the online reports available for the National Board Examination (NBE) results, discussions related to deregulation in other jurisdictions, and the importance of maintaining the integrity of licenses with regulation changes. She announced that she had been elected to participate on the Board of Directors for District Two.

Mr. Nelsen reported the increased data for nationwide school pass/fail rates available through the International Conference. He stated that this data allows schools to track categories and content areas that may need to be augmented to assist students in preparation for the examination. He commended Mr.

Walton at Tidewater Community College for having high passage rates. Mr. Nelsen stated that it would likely be his last meeting, as his second term on the Board would end in June.

Mr. Graves stated that in addition to participating in the Annual Meeting, he also participated in the Board Member training. He recommended that all Board Members attend this separate training, as it was essential to distinguish between the role of the Board Member and licensee.

Mr. Walton asked for additional information related to the discussions on deregulation of the profession. Ms. Barton clarified that many states were removing redundancy and reviewing the effectiveness of policies and regulations.

Mr. Nelsen additionally commented on the mobility of licensure through other jurisdictions and noted possible changes to licensure for military members and their spouses.

LEGISLATION AND REGULATORY ACTIONS

General Assembly 2023 and Report on Status of Regulations – Matt Novak, Policy and Economic Analyst

Mr. Novak provided an update on pending regulatory actions and the status of bills of interest in the General Assembly. The Board briefly discussed these updates.

Ms. Tillman Wolf provided a general reminder that there is no statutory provision in Virginia to allow for alkaline hydrolysis at this time, as the legislation introduced this year died in the House during the General Assembly session.

Mr. Nelsen commented on the possible revisions to the Funeral Trade Commission (FTC) Funeral Rule pertaining to General Price Lists.

With no further questions or comments, Mr. Novak concluded his report.

BOARD DISCUSSION AND ACTIONS

Mr. Novak provided an overview of the Governor's directive regarding reducing regulations and the Legislative/Regulatory Committee's recommendations.

Initiation of Notice of Intended Regulatory Action (NOIRA) – Board Regulations Governing the Practice of Funeral Services (18VAC65-20-10 et seq.)

Upon a **MOTION** by Ms. Mimms, properly seconded by Ms. Barton, the Board voted to accept the Legislative/Regulatory Committee's recommendations to initiate a NOIRA regarding the Board Regulations Governing the Practice of Funeral Services (18VAC65-20-10 et seq.) as presented. The motion passed unanimously (7-0).

Initiation of Notice of Intended Regulatory Action (NOIRA) – Board Regulations Governing the Practice of Preneed Funeral Planning (18VAC65-30-10 et seq.)

Upon a **MOTION** by Mr. Hanif, properly seconded by Walton, the Board voted to accept the Legislative/Regulatory Committee's recommendations to initiate a NOIRA regarding the Board Regulations Governing the Practice of Preneed Funeral Planning (18VAC65-30-10 et seq.) as presented. The motion passed unanimously (7-0).

Initiation of Notice of Intended Regulatory Action (NOIRA) – Board Regulations for the Funeral Service Internship Program (18VAC65-40-10 et seq.)

Upon a **MOTION** by Ms. Barton, properly seconded by Mr. Hanif, the Board voted to accept the Legislative/Regulatory Committee's recommendations to initiate a NOIRA regarding the Board Regulations for the Funeral Service Internship Program (18VAC65-40-10 et seq.) as presented. The motion passed unanimously (7-0).

Revisions to, Reorganization of, or Readoption of Guidance Documents, 65-18, Guidance on Surface Transportation & Removal Services

Mr. Novak provided an overview of suggested revisions to Guidance Document 65-18.

Upon a **MOTION** by Ms. Mimms, properly seconded by Mr. Walton, the Board voted to adopt the revisions to Guidance Document 65-18, Guidance on Surface Transportation and Removal Services, as presented. The motion passed unanimously (7-0).

Consideration of exempt regulatory changes to Board Regulations Governing the Practice of Funeral Services (18VAC65-20-10 et seq.), Criteria for delegation of information fact-finding proceedings to an agency subordinate

Mr. Novak provided an overview of the suggested revisions to Board Regulations Governing the Practice of Funeral Services (18VAC65-20-15) related to the criteria for delegation of information in fact-finding proceedings to an agency subordinate, which would be pursued as an exempt action, effective July 1, 2023.

Upon a **MOTION** by Mr. Walton, properly seconded by Ms. Barton, the Board voted to amend 18VAC65-20-15 of the Board Regulations Governing the Practice of Funeral Services as presented by exempt action effective July 1, 2023. The motion passed unanimously (7-0).

Response to Question from Licensee – Separate Charges to Guarantee Goods and Services on Preneed Contracts

Ms. Tillman Wolf provided information on a question received from a licensee regarding the separate charges to guarantee goods and services on Preneed Contracts. Ms. Tillman Wolf requested the Board table further discussion of this issue at this time, as a response to the licensee had been drafted for transmittal based upon the guidance of the Legislative/Regulatory Committee.

PRESENTATION AND DISCUSSION – CREMATION ISSUES AND ANATOMICAL DONATIONS

Richard Sikon, MLA, FSL, and Operational Director at the Virginia State Anatomical Program, provided a presentation on identified cremation issues related to anatomical donations.

The Board briefly discussed the presentation and requested clarification on the responsible party for returning cremated remains. Mr. Sikon stated that cremated remains of all donors must be returned to the Virginia State Anatomical Program by the school.

CONTINUING EDUCATION RELATED TO PRENEED FUNERAL CONTRACTS

Mr. Williams expressed his concern regarding the continued competency requirements for the renewal of an active license as it pertains to completing at least one hour of continuing education in preneed funeral arrangements, which must be completed every three years. He disagreed with the minimum hours required in this subject compared to the number of hours required each year to renew. Mr. Nelsen agreed with and echoed Mr. Williams' concern.

The Board did not discuss this topic further.

Mr. Graves stated that he intends to complete the Electronic Death Registration System (EDRS) training for upcoming changes effective July 1, 2023, and encouraged others to complete the training.

BOARD MEMBER RECOGNITION

Mr. Graves recognized Mr. Walton and Mr. Nelsen for their service and dedication to the Board of Funeral Directors and Embalmers from 2015 to 2023. He announced that their second term would expire on June 30, 2023, and provided brief remarks on each of their incumbencies. Mr. Graves also shared comments from R. Thomas Slusser, a previous Board Member. Mr. Graves presented Mr. Walton and Mr. Nelsen with plaques to recognize their service.

NEXT MEETING

The next meeting date is July 11, 2023.

ADJOURNMENT

Mr. Graves announced that the Board would conduct one informal conference following the meeting with Board Members Mimms and Nelsen only.

Mr. Graves called for any objections to adjourn the meeting. Hearing no objections and with all business concluded, the meeting adjourned at 12:02 p.m.

Corie Tillman Wolf, J.D., Executive Director

Date

Presentation

DRAFT

Virginia's Funeral Service Provider Workforce: 2023

Healthcare Workforce Data Center

May 2023

Virginia Department of Health Professions
Healthcare Workforce Data Center
Perimeter Center
9960 Mayland Drive, Suite 300
Henrico, VA 23233
804-597-4213, 804-527-4434 (fax)
E-mail: HWDC@dhp.virginia.gov

Follow us on Tumblr: www.vahwdc.tumblr.com

Get a copy of this report from:

<https://www.dhp.virginia.gov/PublicResources/HealthcareWorkforceDataCenter/ProfessionReports/>

Nearly 1,300 Funeral Service Providers voluntarily participated in this survey. Without their efforts, the work of the center would not be possible. The Department of Health Professions, the Healthcare Workforce Data Center, and the Board of Funeral Directors and Embalmers express our sincerest appreciation for their ongoing cooperation.

Thank You!

Virginia Department of Health Professions

Arne W. Owens, MS
Director

James L. Jenkins, Jr., RN
Chief Deputy Director

Healthcare Workforce Data Center Staff:

Yetty Shobo, PhD
Director

Barbara Hodgdon, PhD
Deputy Director

Rajana Siva, MBA
Data Analyst

Christopher Coyle, BA
Research Assistant

Virginia Board of Funeral Directors and Embalmers

President

Jason Graves, FSL
Chesapeake

Vice-President

Joseph Michael Williams, FSL
Mechanicsville

Secretary-Treasurer

Lacyn Barton, FSL
Sandston

Members

Steven Clemons, MS, CPA
Salem

Muhammad Hanif
Midlothian

S. Jonathan Hines, FSL
Staunton

Mia F. Mimms, FSL, JD
Richmond

Blair Nelsen, FSL
Richmond

Joseph Frank Walton, FSL
Virginia Beach

Executive Director

Corie E. Tillman Wolf, JD

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The Funeral Service Provider Workforce At a Glance:

The Workforce

Licensees:	1,601
Virginia's Workforce:	1,297
FTEs:	1,219

Background

Rural Childhood:	47%
HS Diploma in VA:	72%
Prof. Degree in VA:	54%

Current Employment

Employed in Prof.:	89%
Hold 1 Full-Time Job:	74%
Satisfied?:	97%

Survey Response Rate

All Licensees:	81%
Renewing Practitioners:	87%

Education

Associate:	77%
Baccalaureate:	15%

Job Turnover

Switched Jobs:	3%
Employed Over 2 Yrs.:	77%

Demographics

Female:	33%
Diversity Index:	40%
Median Age:	54

Finances

Median Income: \$60k-\$70k	
Retirement Benefits:	45%
Under 40 w/ Ed. Debt:	45%

Time Allocation

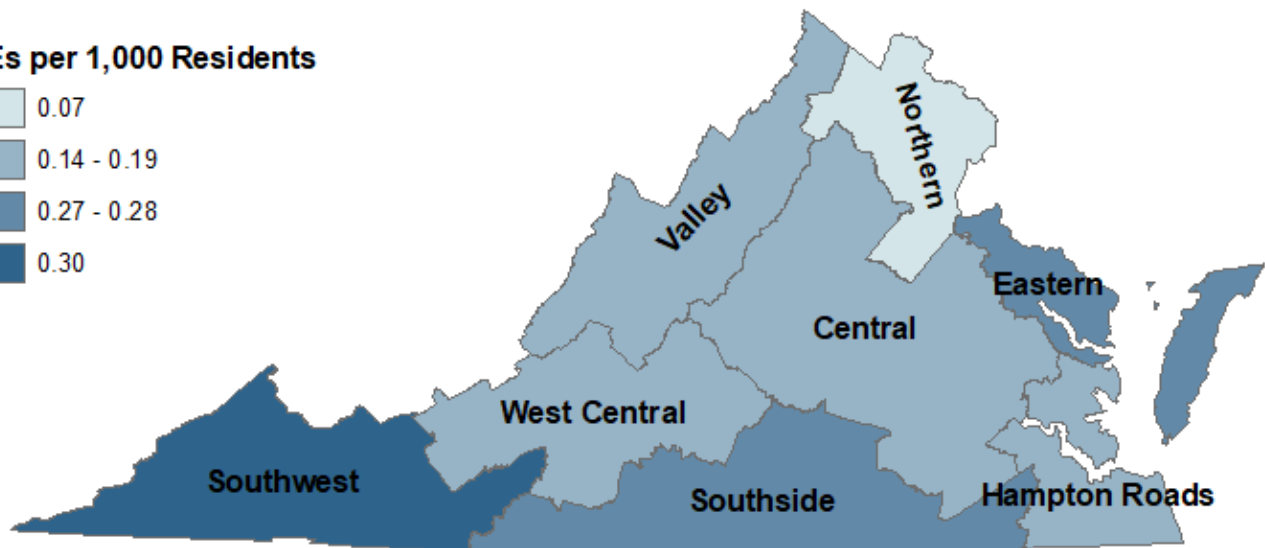
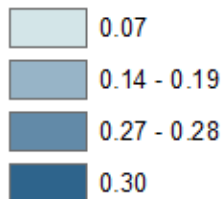
Client Care:	40%-49%
Administration:	40%-49%
Client Care Role:	28%

Source: Va. Healthcare Workforce Data Center

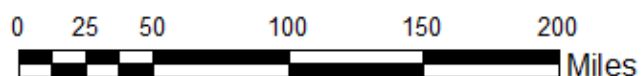
Full-Time Equivalency Units Provided by Funeral Service Providers per 1,000 Residents by Virginia Performs Region

Source: Va Healthcare Work force Data Center

FTEs per 1,000 Residents



Annual Estimates of the Resident Population: July 1, 2021
Source: U.S. Census Bureau, Population Division



This report contains the results of the 2023 Funeral Service Provider (FSP) Workforce Survey. Nearly 1,300 FSPs voluntarily participated in this survey. The Virginia Department of Health Professions' Healthcare Workforce Data Center (HWDC) administers the survey during the license renewal process, which takes place every March for FSPs. These survey respondents represent 81% of the 1,601 FSPs who are licensed in the state and 87% of renewing practitioners.

The HWDC estimates that 1,297 FSPs participated in Virginia's workforce during the survey period, which is defined as those FSPs who worked at least a portion of the year in the state or who live in the state and intend to return to work as a FSP at some point in the future. Over the past year, Virginia's FSP workforce provided 1,219 "full-time equivalency units," which the HWDC defines simply as working 2,000 hours per year.

One-third of all FSPs are female, including 59% of those FSPs who are under the age of 40. In a random encounter between two FSPs, there is a 40% chance that they would be of different races or ethnicities, a measure known as the diversity index. FSPs who are under the age of 40 have an equivalent diversity index of 40%. This makes Virginia's FSP workforce less diverse than the state's population as a whole, which has a comparable diversity index of 58%. Nearly half of all FSPs grew up in a rural area, and 35% of FSPs who grew up in a rural area currently work in a non-metro area of Virginia. In total, 20% of all FSPs currently work in a non-metro area of the state.

Among all FSPs, 89% are currently employed in the profession, 74% hold one full-time job, and 54% work between 40 and 49 hours per week. In addition, 95% of FSPs work in the for-profit sector. With respect to establishment types, 52% of FSPs are employed at a funeral-only establishment, while another 37% of FSPs work at a funeral establishment that also provides crematory services. The median annual income for Virginia's FSPs is between \$60,000 and \$70,000, and 63% receive this income in the form of a salary or commission. In addition, 73% of wage or salaried FSPs receive at least one employer-sponsored benefit, including 57% who have access to health insurance. Overall, 97% of FSPs are satisfied with their current employment situation, including 79% who indicated that they are "very satisfied."

Summary of Trends

In this section, all statistics for the current year are compared to the 2018 FSP workforce. The number of licensed FSPs in Virginia has increased by 2% (1,601 vs. 1,573). In addition, the size of the FSP workforce has increased by 1% (1,297 vs. 1,280), but the number of FTEs provided by this workforce has fallen by 10% (1,219 vs. 1,354). Virginia's renewing FSPs are more likely to respond to this survey (87% vs. 68%).

The percentage of Virginia's FSPs who are female has increased (33% vs. 29%), and this trend has also occurred among FSPs who are under the age of 40 (59% vs. 49%). The diversity index of the FSP workforce has increased slightly (40% vs. 39%) during a time in which the comparable diversity index of Virginia's overall population has also increased (58% vs. 56%). FSPs are less likely to have grown up in a rural area (47% vs. 52%), and FSPs who grew up in a rural area are also less likely to work in a non-metro area of Virginia (35% vs. 40%). In total, the percentage of all FSPs who work in a non-metro area of the state has declined (20% vs. 25%).

FSPs have become more likely to earn an associate degree (77% vs. 75%) as their highest professional degree instead of either a baccalaureate degree (15% vs. 16%) or a high school degree/GED (5% vs. 7%). At the same time, FSPs who are under the age of 40 are more likely to carry education debt (45% vs. 36%), and those FSPs with education debt have seen their median debt amount increase (\$20k-\$30k vs. \$10k-\$20k).

FSPs are more likely to be currently employed in the profession (89% vs. 87%) and work between 40 and 49 hours per week (54% vs. 52%). FSPs are also relatively more likely to work in a funeral establishment combined with a crematory (37% vs. 32%) instead of a funeral-only establishment (52% vs. 56%). The median annual income of FSPs has increased (\$60k-\$70k vs. \$50k-\$60k), and FSPs are relatively more likely to receive this income in the form of an hourly wage (28% vs. 21%) instead of a salary (63% vs. 64%). FSPs are less likely to indicate that they are satisfied with their current work situation (97% vs. 98%), including those FSPs who indicated that they are "very satisfied" (79% vs. 80%).

A Closer Look:

Licensees		
License Status	#	%
Renewing Practitioners	1,451	91%
New Licensees	75	5%
Non-Renewals	75	5%
All Licensees	1,601	100%

Source: Va. Healthcare Workforce Data Center

HWDC surveys tend to achieve very high response rates. Among all renewing FSPs, 87% submitted a survey. These represent 81% of the 1,601 FSPs who held a license at some point in the past year.

Definitions

- 1. The Survey Period:** The survey was conducted in March 2023.
- 2. Target Population:** All FSPs who held a Virginia license at some point between April 2022 and March 2023.
- 3. Survey Population:** The survey was available to those who renewed their licenses online. It was not available to those who did not renew, including some FSPs newly licensed in the past year.

Response Rates			
Statistic	Non Respondents	Respondents	Response Rate
By Age			
Under 35	55	126	70%
35 to 39	26	104	80%
40 to 44	31	126	80%
45 to 49	15	133	90%
50 to 54	20	163	89%
55 to 59	34	165	83%
60 to 64	30	142	83%
65 and Over	97	334	78%
Total	308	1,293	81%
New Licenses			
Issued in Past Year	48	27	36%
Metro Status			
Non-Metro	73	259	78%
Metro	189	790	81%
Not in Virginia	46	244	84%

Source: Va. Healthcare Workforce Data Center

Response Rates	
Completed Surveys	1,293
Response Rate, All Licensees	81%
Response Rate, Renewals	87%

Source: Va. Healthcare Workforce Data Center

At a Glance:

Licensed FSPs

Number: 1,601
 New: 5%
 Not Renewed: 5%

Response Rates

All Licensees: 81%
 Renewing Practitioners: 87%

Source: Va. Healthcare Workforce Data Center

At a Glance:

Workforce

FSP Workforce: 1,297
 FTEs: 1,219

Utilization Ratios

Licenses in VA Workforce: 81%
 Licenses per FTE: 1.31
 Workers per FTE: 1.06

Source: Va. Healthcare Workforce Data Center

Definitions

- 1. Virginia's Workforce:** A licensee with a primary or secondary work site in Virginia at any time in the past year or who indicated intent to return to Virginia's workforce at any point in the future.
- 2. Full-Time Equivalency Unit (FTE):** The HWDC uses 2,000 (40 hours for 50 weeks) as its baseline measure for FTEs.
- 3. Licenses in VA Workforce:** The proportion of licenses in Virginia's Workforce.
- 4. Licenses per FTE:** An indication of the number of licenses needed to create 1 FTE. Higher numbers indicate lower licensee participation.
- 5. Workers per FTE:** An indication of the number of workers in Virginia's workforce needed to create 1 FTE. Higher numbers indicate lower utilization of available workers.

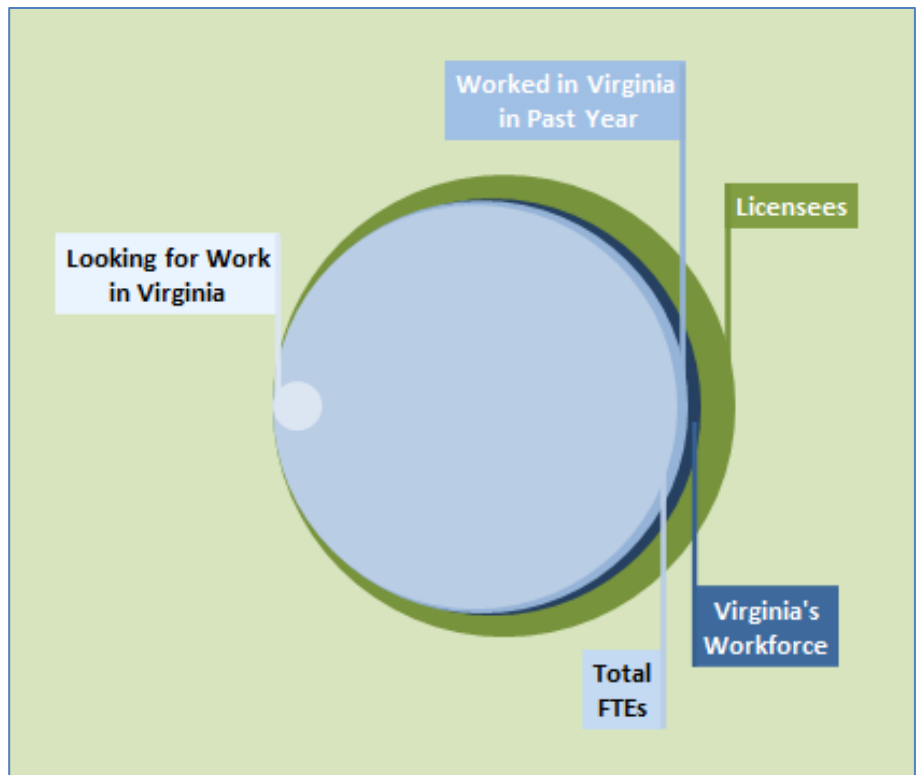
Virginia's FSP Workforce

Status	#	%
Worked in Virginia in Past Year	1,279	99%
Looking for Work in Virginia	18	1%
Virginia's Workforce	1,297	100%
Total FTEs	1,219	
Licenses	1,601	

Source: Va. Healthcare Workforce Data Center

Weighting is used to estimate the figures in this report. Unless otherwise noted, figures refer to the Virginia Workforce only.

For more information on the HWDC's methodology, visit: <https://www.dhp.virginia.gov/PublicResources/HealthcareWorkforceDataCenter/>



Source: Va. Healthcare Workforce Data Center

A Closer Look:

Age & Gender						
Age	Male		Female		Total	
	#	% Male	#	% Female	#	% in Age Group
Under 35	46	37%	80	63%	126	15%
35 to 39	33	47%	37	53%	71	8%
40 to 44	48	57%	36	43%	83	10%
45 to 49	41	60%	27	40%	67	8%
50 to 54	59	63%	34	37%	93	11%
55 to 59	81	80%	21	20%	102	12%
60 to 64	80	79%	21	21%	101	12%
65 and Over	179	86%	29	14%	208	24%
Total	566	67%	284	33%	850	100%

Source: Va. Healthcare Workforce Data Center

Race & Ethnicity					
Race/Ethnicity	Virginia*	Funeral Service Providers		FSPs Under 40	
	%	#	%	#	%
White	60%	650	75%	151	76%
Black	19%	173	20%	20	10%
Asian	7%	0	0%	0	0%
Other Race	0%	3	0%	1	1%
Two or More Races	3%	19	2%	7	4%
Hispanic	10%	27	3%	19	10%
Total	100%	872	100%	198	100%

*Population data in this chart is from the U.S. Census, Annual Estimates of the Resident Population by Sex, Race, and Hispanic Origin for the United States, States, and Counties: July 1, 2021.

Source: Va. Healthcare Workforce Data Center

At a Glance:

Gender
 % Female: 33%
 % Under 40 Female: 59%

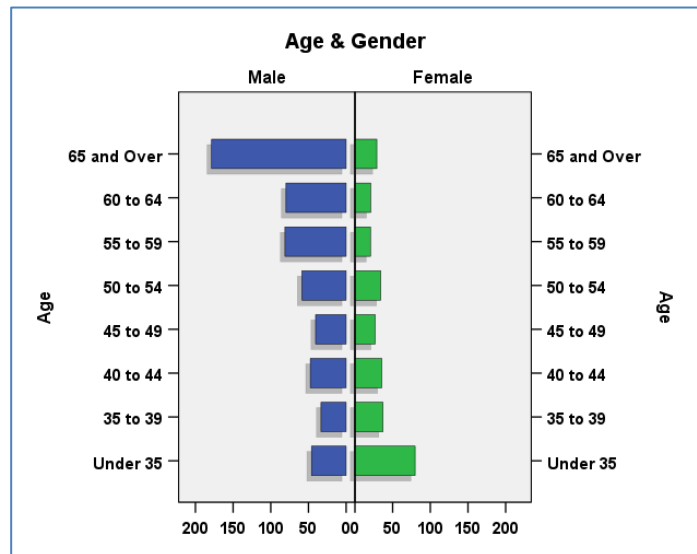
Age
 Median Age: 54
 % Under 40: 23%
 % 55 and Over: 48%

Diversity
 Diversity Index: 40%
 Under 40 Div. Index: 40%

Source: Va. Healthcare Workforce Data Center

In a chance encounter between two FSPs, there is a 40% chance that they would be of different races or ethnicities (a measure known as the diversity index). For Virginia's population as a whole, the comparable number is 58%.

Nearly one-quarter of all FSPs are under the age of 40, and 59% of FSPs who are under the age of 40 are female. In addition, the diversity index among FSPs who are under the age of 40 is 40%.



Source: Va. Healthcare Workforce Data Center

At a Glance:

Childhood

Urban Childhood: 16%
 Rural Childhood: 47%

Virginia Background

HS in Virginia: 72%
 Prof. Edu. in VA: 54%
 HS or Prof. Edu. in VA: 80%

Location Choice

% Rural to Non-Metro: 35%
 % Urban/Suburban to Non-Metro: 7%

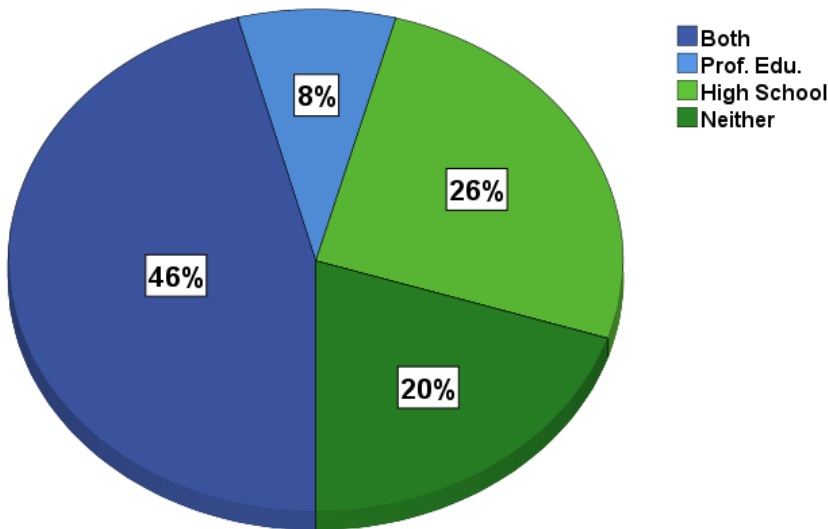
Source: Va. Healthcare Workforce Data Center

A Closer Look:

Primary Location: USDA Rural Urban Continuum		Rural Status of Childhood Location		
Code	Description	Rural	Suburban	Urban
Metro Counties				
1	Metro, 1 Million+	29%	51%	20%
2	Metro, 250,000 to 1 Million	56%	35%	10%
3	Metro, 250,000 or Less	63%	24%	14%
Non-Metro Counties				
4	Urban, Pop. 20,000+, Metro Adjacent	56%	28%	16%
6	Urban, Pop. 2,500-19,999, Metro Adjacent	86%	7%	7%
7	Urban, Pop. 2,500-19,999, Non-Adjacent	93%	5%	3%
8	Rural, Metro Adjacent	80%	10%	10%
9	Rural, Non-Adjacent	94%	0%	6%
Overall		47%	38%	16%

Source: Va. Healthcare Workforce Data Center

Educational Background in Virginia



Source: Va. Healthcare Workforce Data Center

Nearly half of all FSPs grew up in a rural area, and 35% of FSPs who grew up in a rural area currently work in a non-metro area of Virginia. In total, 20% of all FSPs currently work in a non-metro area of the state.

Top Ten States for Funeral Service Provider Recruitment

Rank	All Funeral Service Providers			
	High School	#	Professional School	#
1	Virginia	619	Virginia	460
2	New York	34	Georgia	110
3	Pennsylvania	28	Pennsylvania	53
4	Maryland	21	Ohio	40
5	North Carolina	20	New York	29
6	West Virginia	19	Washington, D.C.	23
7	Florida	13	Indiana	20
8	Tennessee	11	Maryland	19
9	Illinois	10	North Carolina	16
10	California	9	Texas	15

Source: Va. Healthcare Workforce Data Center

Among all FSPs, 72% received their high school degree in Virginia, and 54% also received their initial professional degree in the state.

Among FSPs who obtained their initial license in the past five years, 67% received their high school degree in Virginia, and 59% received their initial professional degree in the state.

Rank	Licensed in the Past Five Years			
	High School	#	Professional School	#
1	Virginia	111	Virginia	98
2	Maryland	7	Pennsylvania	16
3	Pennsylvania	7	Texas	9
4	New York	6	North Carolina	9
5	North Carolina	5	Georgia	8
6	Illinois	4	Washington, D.C.	7
7	California	4	Tennessee	4
8	West Virginia	4	Maryland	4
9	Texas	3	Ohio	3
10	Georgia	2	California	3

Source: Va. Healthcare Workforce Data Center

Nearly one-fifth of Virginia's licensees were not a part of the state's FSP workforce. Four out of every five of these licensees worked at some point in the past year, including 67% who currently work as an FSP.

At a Glance:

Not in VA Workforce

Total:	304
% of Licensees:	19%
Federal/Military:	5%
VA Border State/DC:	29%

Source: Va. Healthcare Workforce Data Center

A Closer Look:

Highest Professional Degree		
Degree	#	%
High School/GED	41	5%
Associate Degree	647	77%
Baccalaureate Degree	128	15%
Master's Degree	22	3%
Doctorate	2	0%
Total	841	100%

Source: Va. Healthcare Workforce Data Center

At a Glance:

Education

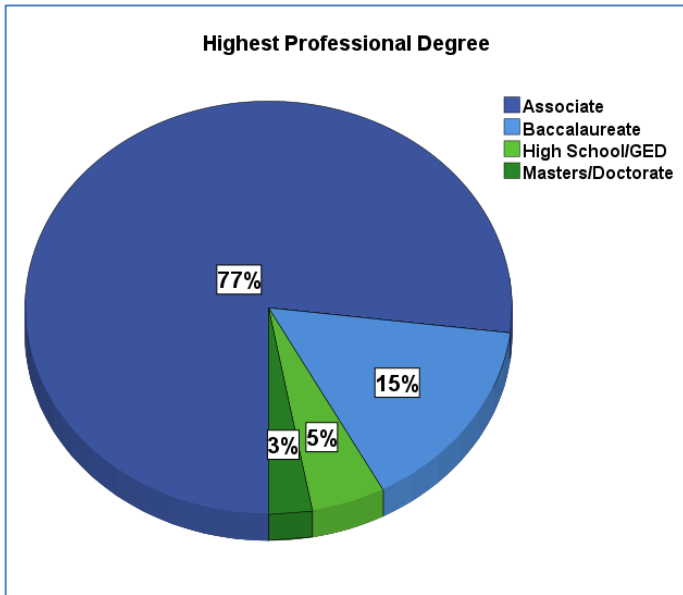
Associate:	77%
Baccalaureate:	15%
High School/GED:	5%

Education Debt

Carry Debt:	22%
Under Age 40 w/ Debt:	45%
Median Debt:	\$20k-\$30k

Source: Va. Healthcare Workforce Data Center

More than one-fifth of all FSPs carry education debt, including 45% of those FSPs who are under the age of 40. For those FSPs with education debt, the median debt amount is between \$20,000 and \$30,000.



Source: Va. Healthcare Workforce Data Center

Education Debt				
Amount Carried	All FSPs		FSPs Under 40	
	#	%	#	%
None	517	78%	87	55%
Less than \$10,000	31	5%	15	10%
\$10,000-\$19,999	32	5%	14	9%
\$20,000-\$29,999	25	4%	15	10%
\$30,000-\$39,999	9	1%	4	3%
\$40,000-\$49,999	14	2%	8	5%
\$50,000-\$59,999	3	0%	0	0%
\$60,000-\$69,999	6	1%	4	3%
\$70,000-\$79,999	7	1%	4	3%
\$80,000-\$89,999	4	1%	1	1%
\$90,000-\$99,999	4	1%	1	1%
\$100,000 or More	14	2%	4	3%
Total	666	100%	157	100%

Source: Va. Healthcare Workforce Data Center

At a Glance:

Employment

Employed in Profession: 89%
 Involuntarily Unemployed: < 1%

Positions Held

1 Full-Time: 74%
 2 or More Positions: 11%

Weekly Hours:

40 to 49: 54%
 60 or More: 11%
 Less than 30: 8%

Source: Va. Healthcare Workforce Data Center

A Closer Look:

Current Work Status		
Status	#	%
Employed, Capacity Unknown	0	0%
Employed in an FSP-Related Capacity	758	89%
Employed, NOT in an FSP-Related Capacity	60	7%
Not Working, Reason Unknown	0	0%
Involuntarily Unemployed	1	< 1%
Voluntarily Unemployed	8	1%
Retired	28	3%
Total	855	100%

Source: Va. Healthcare Workforce Data Center

Among all FSPs, 89% are currently employed in the profession, 74% hold one full-time job, and 54% work between 40 and 49 hours per week.

Current Positions		
Positions	#	%
No Positions	37	4%
One Part-Time Position	83	10%
Two Part-Time Positions	10	1%
One Full-Time Position	616	74%
One Full-Time Position & One Part-Time Position	47	6%
Two Full-Time Positions	15	2%
More than Two Positions	22	3%
Total	830	100%

Source: Va. Healthcare Workforce Data Center

Current Weekly Hours		
Hours	#	%
0 Hours	37	5%
1 to 9 Hours	16	2%
10 to 19 Hours	20	2%
20 to 29 Hours	29	4%
30 to 39 Hours	40	5%
40 to 49 Hours	431	54%
50 to 59 Hours	136	17%
60 to 69 Hours	56	7%
70 to 79 Hours	10	1%
80 or More Hours	26	3%
Total	801	100%

Source: Va. Healthcare Workforce Data Center

A Closer Look:

Annual Income		
Income Level	#	%
Volunteer Work Only	16	3%
Less than \$30,000	65	12%
\$30,000-\$39,999	30	6%
\$40,000-\$49,999	31	6%
\$50,000-\$59,999	72	13%
\$60,000-\$69,999	83	15%
\$70,000-\$79,999	62	11%
\$80,000-\$89,999	57	10%
\$90,000-\$99,999	31	6%
\$100,000-\$109,999	28	5%
\$110,000-\$119,999	22	4%
\$120,000 or More	56	10%
Total	553	100%

Source: Va. Healthcare Workforce Data Center

At a Glance:

Earnings
Median Income: \$60k-\$70k

Benefits
(Wage/Salary Employees)
Health Insurance: 57%
Retirement: 45%

Satisfaction
Satisfied: 97%
Very Satisfied: 79%

Source: Va. Healthcare Workforce Data Center

Job Satisfaction		
Level	#	%
Very Satisfied	651	79%
Somewhat Satisfied	153	18%
Somewhat Dissatisfied	21	3%
Very Dissatisfied	3	0%
Total	828	100%

Source: Va. Healthcare Workforce Data Center

The typical FSP earns between \$60,000 and \$70,000 per year. In addition, 73% of all wage and salaried FSPs receive at least one employer-sponsored benefit, including 57% who have access to health insurance.

Employer-Sponsored Benefits			
Benefit	#	%	% of Wage/Salary Employees
Paid Vacation	473	62%	66%
Health Insurance	402	53%	57%
Paid Sick Leave	400	53%	57%
Retirement	326	43%	45%
Dental Insurance	314	41%	45%
Group Life Insurance	262	35%	38%
Signing/Retention Bonus	43	6%	8%
At Least One Benefit	520	69%	73%

*From any employer at time of survey.

Source: Va. Healthcare Workforce Data Center

A Closer Look:

Employment Instability in the Past Year		
In the Past Year, Did You . . . ?	#	%
Experience Involuntary Unemployment?	6	< 1%
Experience Voluntary Unemployment?	35	3%
Work Part-Time or Temporary Positions, but Would Have Preferred a Full-Time/Permanent Position?	20	2%
Work Two or More Positions at the Same Time?	134	10%
Switch Employers or Practices?	34	3%
Experience at Least One?	210	16%

Source: Va. Healthcare Workforce Data Center

Less than 1% of Virginia's FSPs experienced involuntary unemployment at some point in the past year. By comparison, Virginia's average monthly unemployment rate was 2.9% during the same time period.¹

Location Tenure				
Tenure	Primary		Secondary	
	#	%	#	%
Not Currently Working at This Location	27	3%	22	13%
Less than 6 Months	22	3%	11	6%
6 Months to 1 Year	39	5%	20	12%
1 to 2 Years	96	12%	15	9%
3 to 5 Years	148	19%	27	16%
6 to 10 Years	124	16%	21	12%
More than 10 Years	337	42%	55	32%
Subtotal	793	100%	172	100%
Did Not Have Location	31		1,102	
Item Missing	472		23	
Total	1,297		1,297	

Source: Va. Healthcare Workforce Data Center

More than three out of every five FSPs are salaried employees at their primary work location, while 28% receive an hourly wage.

At a Glance:

Unemployment Experience

Involuntarily Unemployed: < 1%
Underemployed: 2%

Turnover & Tenure

Switched Jobs: 3%
New Location: 12%
Over 2 Years: 77%
Over 2 Yrs., 2nd Location: 60%

Employment Type

Salary/Commission: 63%
Hourly Wage: 28%

Source: Va. Healthcare Workforce Data Center

More than three out of every four FSPs have worked at their primary work location for more than two years.

Employment Type		
Primary Work Site	#	%
Salary/Commission	332	63%
Hourly Wage	145	28%
By Contract	19	4%
Business/Practice Income	22	4%
Unpaid	5	1%
Subtotal	523	100%
Did Not Have Location	31	
Item Missing	742	

Source: Va. Healthcare Workforce Data Center

¹ As reported by the U.S. Bureau of Labor Statistics. Over the past year, the non-seasonally adjusted monthly unemployment rate fluctuated between a low of 2.4% and a high of 3.3%. At the time of publication, the unemployment rate from March 2023 was still preliminary.

At a Glance:

Concentration

Top Region:	21%
Top 3 Regions:	59%
Lowest Region:	3%

Locations

2 or More (Past Year):	24%
2 or More (Now*):	19%

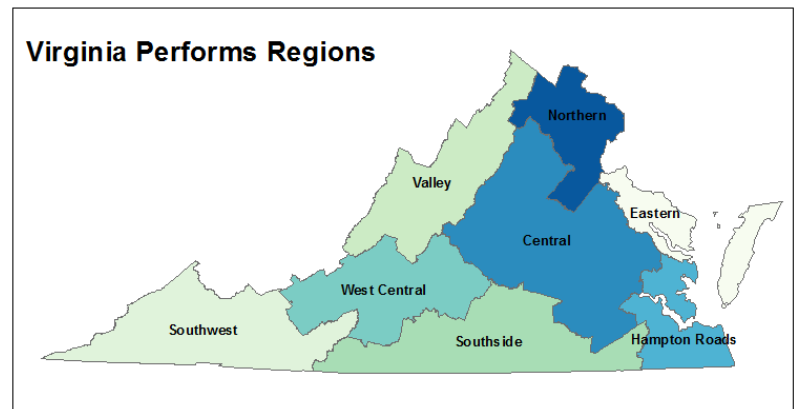
Source: Va. Healthcare Workforce Data Center

Nearly three out of every five FSPs work in Central Virginia, Hampton Roads, or Northern Virginia.

A Closer Look:

Regional Distribution of Work Locations				
Virginia Performs Region	Primary Location		Secondary Location	
	#	%	#	%
Central	167	21%	42	23%
Eastern	24	3%	8	4%
Hampton Roads	158	20%	41	22%
Northern	138	17%	28	15%
Southside	68	9%	17	9%
Southwest	70	9%	11	6%
Valley	54	7%	7	4%
West Central	104	13%	21	11%
Virginia Border State/D.C.	5	1%	1	1%
Other U.S. State	3	0%	10	5%
Outside of the U.S.	0	0%	0	0%
Total	791	100%	186	100%
Item Missing	475		9	

Source: Va. Healthcare Workforce Data Center



Source: Va. Healthcare Workforce Data Center

Nearly one out of every five FSPs currently have multiple work locations, while 24% have had multiple work locations over the past year.

Number of Work Locations				
Locations	Work Locations in Past Year		Work Locations Now*	
	#	%	#	%
0	18	2%	37	5%
1	599	74%	617	77%
2	117	15%	87	11%
3	53	7%	49	6%
4	10	1%	8	1%
5	5	1%	4	0%
6 or More	6	1%	5	1%
Total	807	100%	807	100%

*At the time of survey completion, March 2023.
Source: Va. Healthcare Workforce Data Center

A Closer Look:

Sector	Location Sector			
	Primary Location		Secondary Location	
	#	%	#	%
For-Profit	706	95%	141	93%
Non-Profit	13	2%	4	3%
State/Local Government	16	2%	5	3%
Veterans Administration	1	0%	1	1%
U.S. Military	3	0%	1	1%
Other Federal Government	7	1%	0	0%
Total	746	100%	152	100%
Did Not Have Location	31		1,102	
Item Missing	520		43	

Source: Va. Healthcare Workforce Data Center

At a Glance: (Primary Locations)

Sector

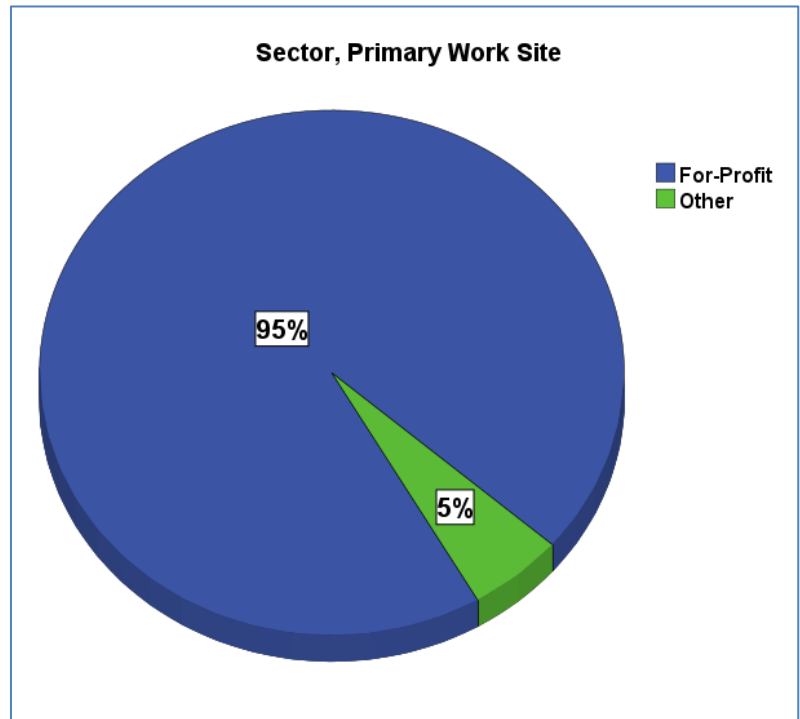
For-Profit:	95%
Federal:	1%

Top Establishments

Funeral-Only Establishment:	52%
Funeral Establishment w/ Crematory:	37%

Source: Va. Healthcare Workforce Data Center

Nearly all FSPs work in the private sector, including 95% who work in the for-profit sector.



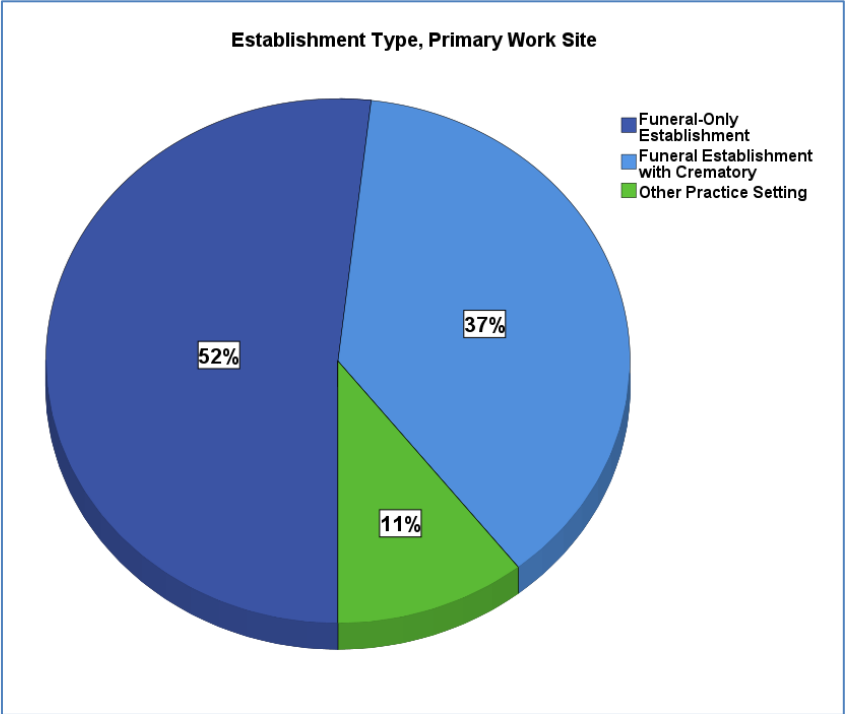
Source: Va. Healthcare Workforce Data Center

Location Type				
Establishment Type	Primary Location		Secondary Location	
	#	%	#	%
Funeral Establishment	374	52%	97	64%
Funeral Establishment Combined with Crematory	271	37%	31	21%
Funeral Establishment Combined with Surface Transport and Removal	10	1%	0	0%
Crematory (Only)	4	1%	0	0%
Surface Transport and Removal (Only)	3	0%	0	0%
Academic Institution	2	0%	4	3%
Other Practice Setting	59	8%	19	13%
Total	723	100%	151	100%
Did Not Have a Location	31		1,102	

More than half of all FSPs work at a funeral-only establishment as their primary work location. Another 37% work at an establishment that combines funeral and crematory services.

Source: Va. Healthcare Workforce Data Center

Among those FSPs who also have a secondary work location, 64% work at a funeral-only establishment, while another 21% work at an establishment that combines funeral and crematory services.



Source: Va. Healthcare Workforce Data Center

At a Glance: (Primary Locations)

Languages Offered

Spanish:	11%
Arabic:	0%
Chinese:	0%

Means of Communication

Other Staff Members:	55%
Respondent:	17%
Virtual Translation:	14%

Source: Va. Healthcare Workforce Data Center

A Closer Look:

Languages Offered		
Language	#	% of Workforce
Spanish	140	11%
Arabic	6	0%
Chinese	5	0%
Hindi	5	0%
Vietnamese	5	0%
Tagalog/Filipino	4	0%
Korean	3	0%
Amharic, Somali, or Other Afro-Asiatic Languages	1	0%
French	1	0%
Pashto	1	0%
Urdu	1	0%
Others	13	1%
At Least One Language	148	11%

Source: Va. Healthcare Workforce Data Center

More than one out of every ten FSPs are employed at a primary work location that offers Spanish language services for clients.

Means of Language Communication

Provision	#	% of Workforce with Language Services
Other Staff Member is Proficient	81	55%
Respondent is Proficient	25	17%
Virtual Translation Services	21	14%
Onsite Translation Services	16	11%
Other	19	13%

Source: Va. Healthcare Workforce Data Center

More than half of all FSPs who are employed at a primary work location that offers language services for clients provide it by means of a staff member who is proficient.

At a Glance: (Primary Locations)

Typical Time Allocation

Client Care: 40%-49%
Administration: 40%-49%

Roles

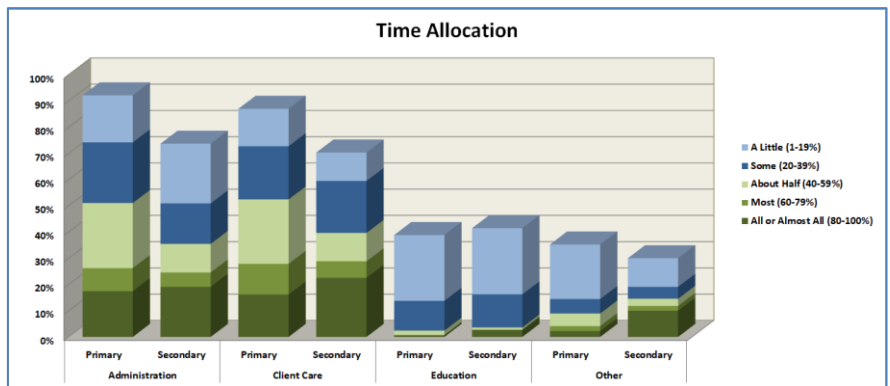
Client Care: 28%
Administration: 26%
Education: 1%

Client Care FSPs

Median Admin. Time: 10%-19%
Avg. Admin. Time: 10%-19%

Source: Va. Healthcare Workforce Data Center

A Closer Look:



Source: Va. Healthcare Workforce Data Center

FSPs spend most of their time attending to clients and performing administrative tasks. In fact, 54% of FSPs fill either a client care role or an administrative role, defined as spending 60% or more of their time in one of those activities.

Time Allocation								
Time Spent	Admin.		Client Care		Education		Other	
	Pri. Site	Sec. Site	Pri. Site	Sec. Site	Pri. Site	Sec. Site	Pri. Site	Sec. Site
All or Almost All (80-100%)	17%	19%	16%	22%	1%	3%	2%	10%
Most (60-79%)	9%	5%	12%	6%	0%	0%	2%	2%
About Half (40-59%)	25%	11%	25%	11%	2%	1%	5%	3%
Some (20-39%)	23%	15%	20%	20%	11%	13%	6%	4%
A Little (1-19%)	18%	22%	14%	11%	25%	25%	21%	11%
None (0%)	8%	26%	13%	29%	61%	58%	65%	69%

Source: Va. Healthcare Workforce Data Center

A Closer Look:

Retirement Expectations				
Expected Retirement Age	All FSPs		FSPs 50 and Over	
	#	%	#	%
Under Age 50	23	4%	-	-
50 to 54	16	3%	4	1%
55 to 59	30	5%	6	2%
60 to 64	87	14%	37	11%
65 to 69	186	31%	103	29%
70 to 74	85	14%	70	20%
75 to 79	32	5%	28	8%
80 or Over	16	3%	14	4%
I Do Not Intend to Retire	131	22%	88	25%
Total	607	100%	350	100%

Source: Va. Healthcare Workforce Data Center

At a Glance:

Retirement Expectations

All FSPs

Under 65: 26%
Under 60: 11%

FSPs 50 and Over

Under 65: 13%
Under 60: 3%

Time Until Retirement

Within 2 Years: 10%
Within 10 Years: 28%
Half the Workforce: By 2048

Source: Va. Healthcare Workforce Data Center

More than one-quarter of all FSPs expect to retire before the age of 65. Among FSPs who are age 50 and over, 13% expect to retire by the age of 65.

Within the next two years, 5% of FSPs expect to increase practice hours, and 4% also expect to pursue additional educational opportunities.

Future Plans

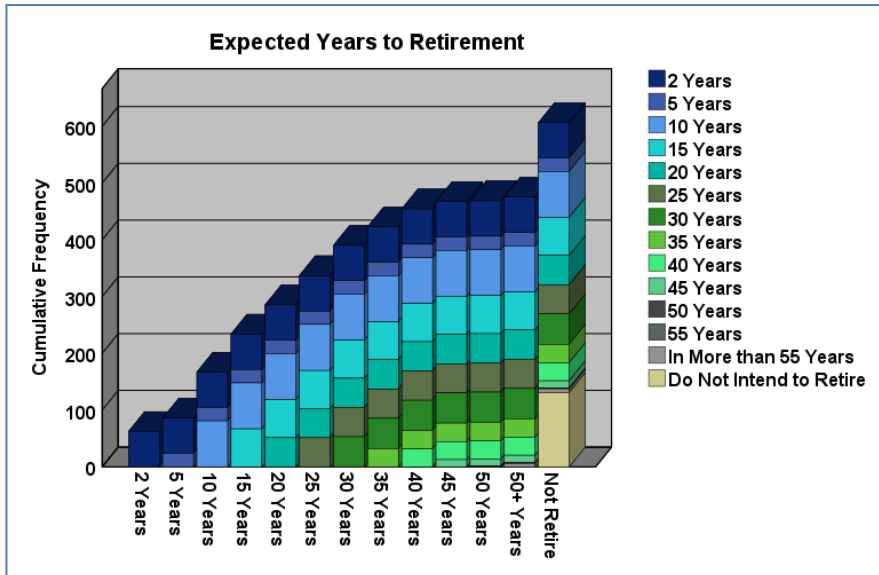
Two-Year Plans:	#	%
Decrease Participation		
Leave Profession	17	1%
Leave Virginia	19	1%
Decrease Practice Hours	96	7%
Decrease Teaching Hours	4	0%
Increase Participation		
Increase Practice Hours	66	5%
Increase Teaching Hours	26	2%
Pursue Additional Education	48	4%
Return to the Workforce	5	0%

Source: Va. Healthcare Workforce Data Center

By comparing retirement expectation to age, we can estimate the maximum years to retirement for FSPs. While only 10% of FSPs expect to retire in the next two years, 28% expect to retire within the next decade. More than half of the current FSP workforce expect to retire by 2048.

Time to Retirement			
Expect to Retire Within . . .	#	%	Cumulative %
2 Years	62	10%	10%
5 Years	24	4%	14%
10 Years	81	13%	28%
15 Years	67	11%	39%
20 Years	51	8%	47%
25 Years	52	9%	56%
30 Years	53	9%	64%
35 Years	33	5%	70%
40 Years	32	5%	75%
45 Years	13	2%	77%
50 Years	1	0%	77%
55 Years	0	0%	77%
In More than 55 Years	6	1%	78%
Do Not Intend to Retire	131	22%	100%
Total	607	100%	

Source: Va. Healthcare Workforce Data Center



Source: Va. Healthcare Workforce Data Center

Using these estimates, retirement will begin to reach over 10% of the current workforce every five years by 2033. Retirement will peak at 13% of the current workforce around the same time before declining to under 10% again around 2043.

At a Glance:

FTEs

Total: 1,219
 FTEs/1,000 Residents²: 0.141
 Average: 0.96

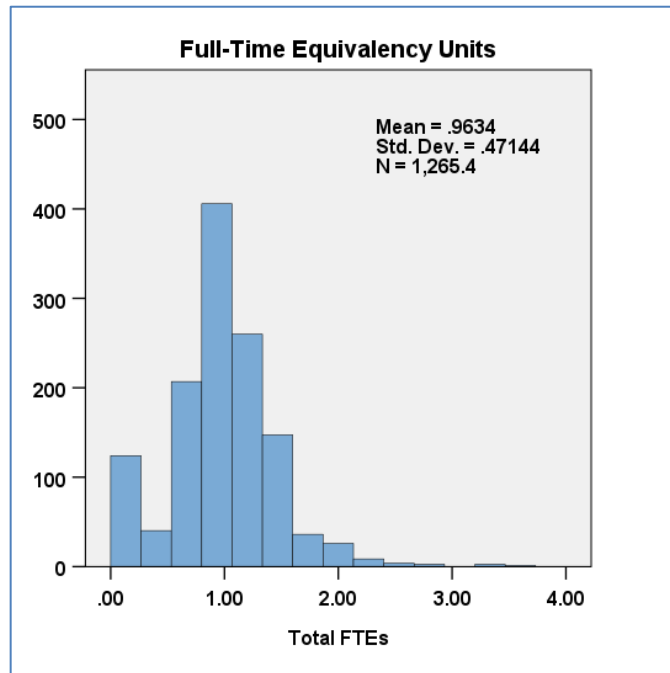
Age & Gender Effect

Age, *Partial Eta*²: Small
 Gender, *Partial Eta*²: Negligible

*Partial Eta*² Explained:
*Partial Eta*² is a statistical
 measure of effect size.

Source: Va. Healthcare Workforce Data Center

A Closer Look:

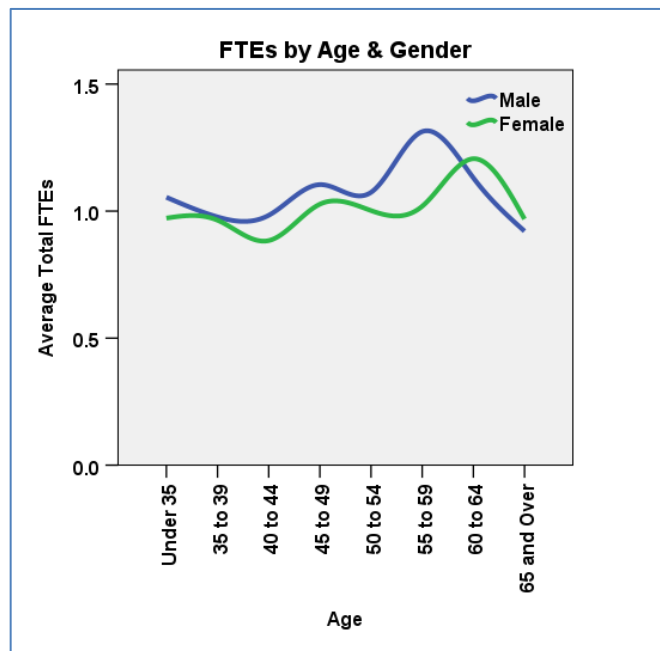


Source: Va. Healthcare Workforce Data Center

The typical FSP provided 0.92 FTEs during the past year, or approximately 37 hours per week for 50 weeks. Statistical tests did not verify that FTEs vary by either age or gender.³

Full-Time Equivalency Units		
Age	Average	Median
Under 35	0.98	1.03
35 to 39	0.94	0.88
40 to 44	0.64	0.51
45 to 49	0.99	0.88
50 to 54	0.98	0.88
55 to 59	1.33	1.48
60 to 64	1.07	0.99
65 and Over	0.84	0.67
Gender		
Male	1.06	1.09
Female	0.99	1.05

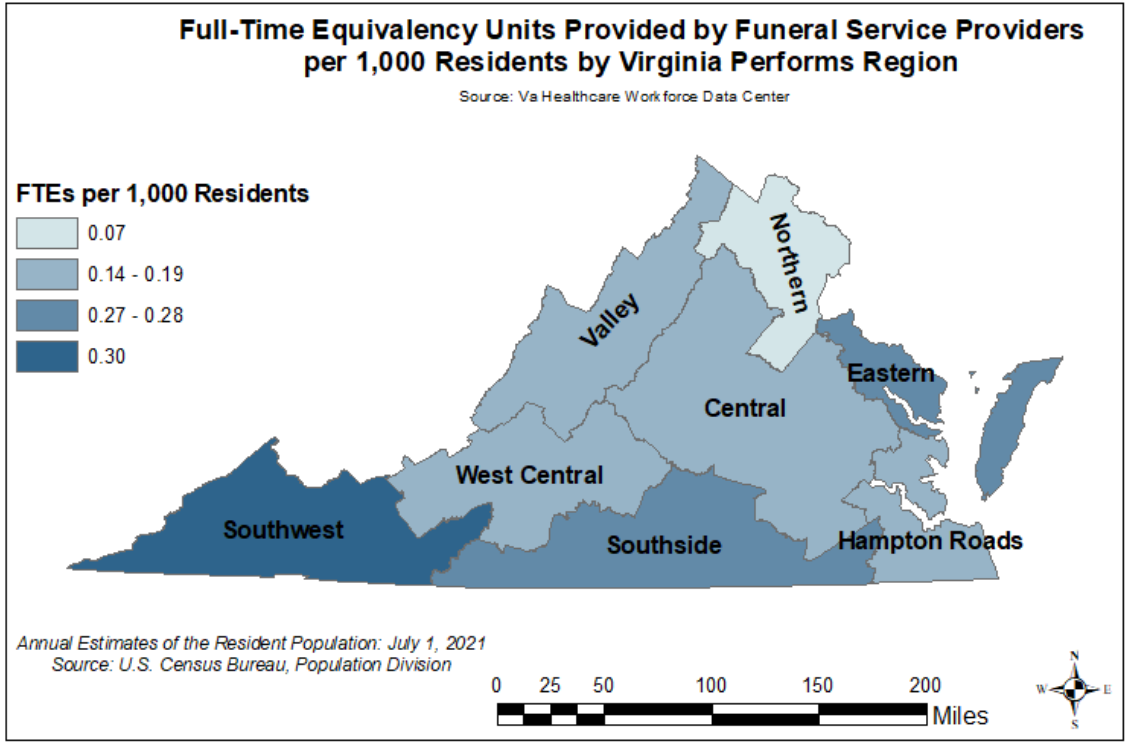
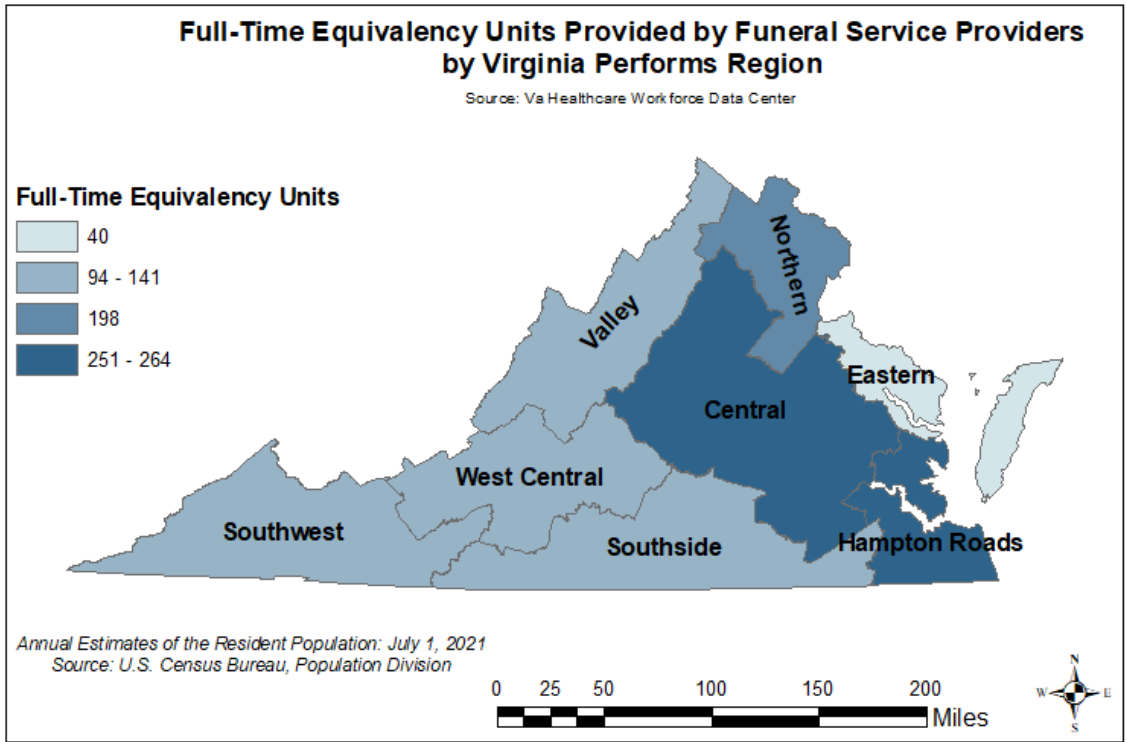
Source: Va. Healthcare Workforce Data Center

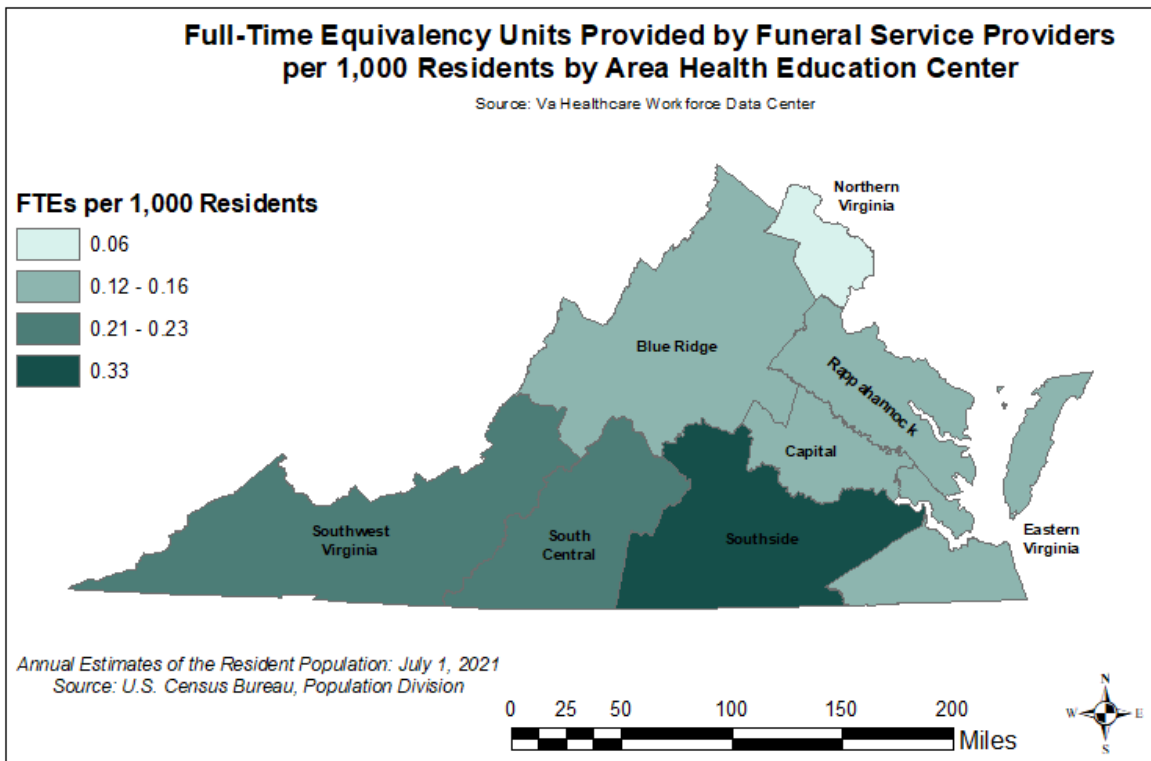
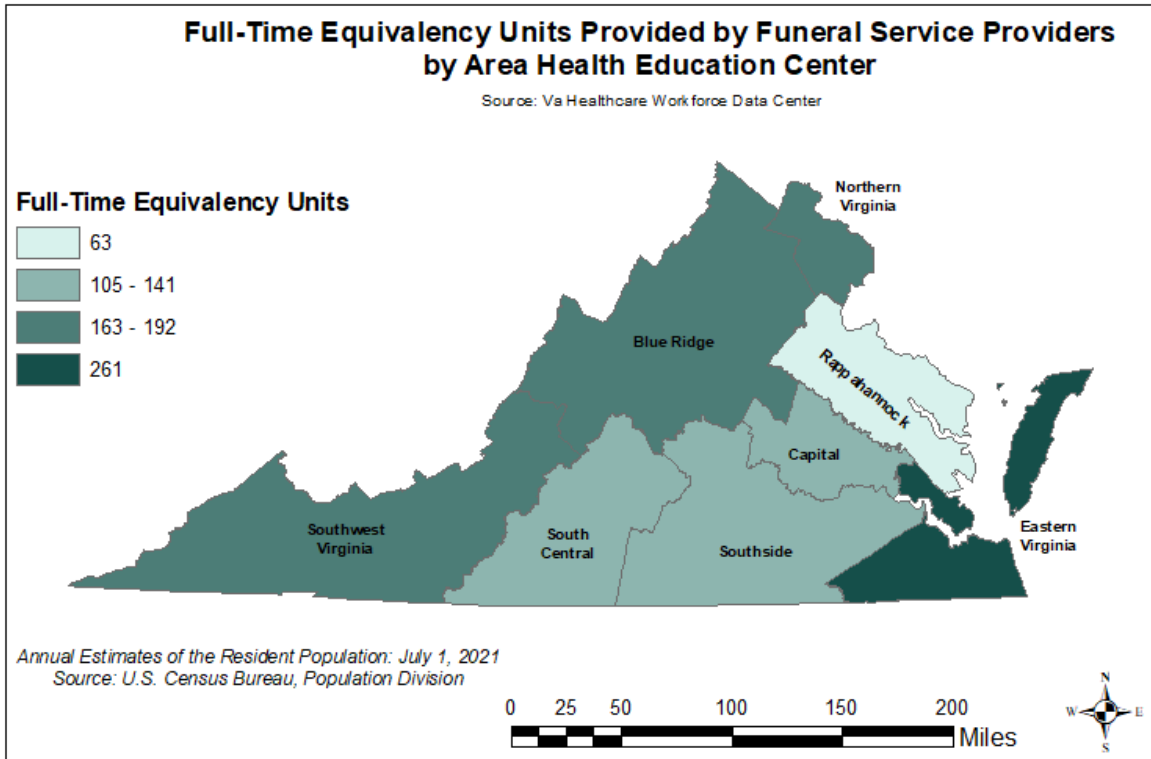


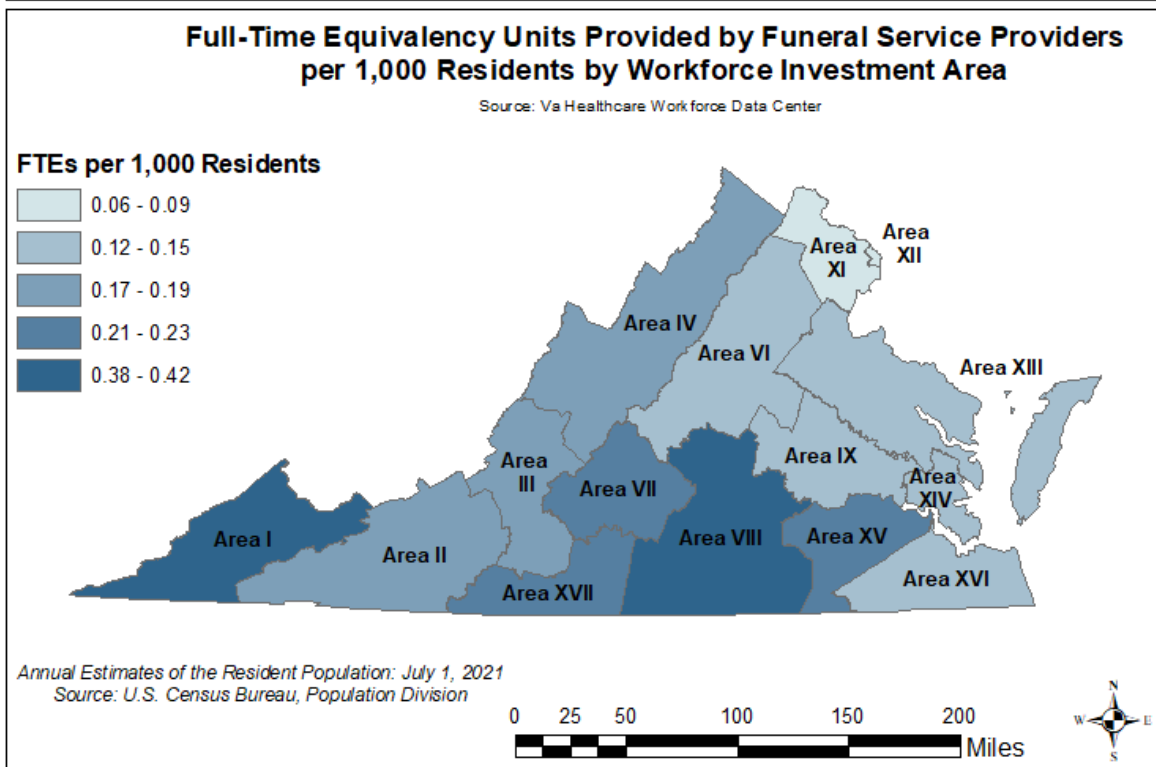
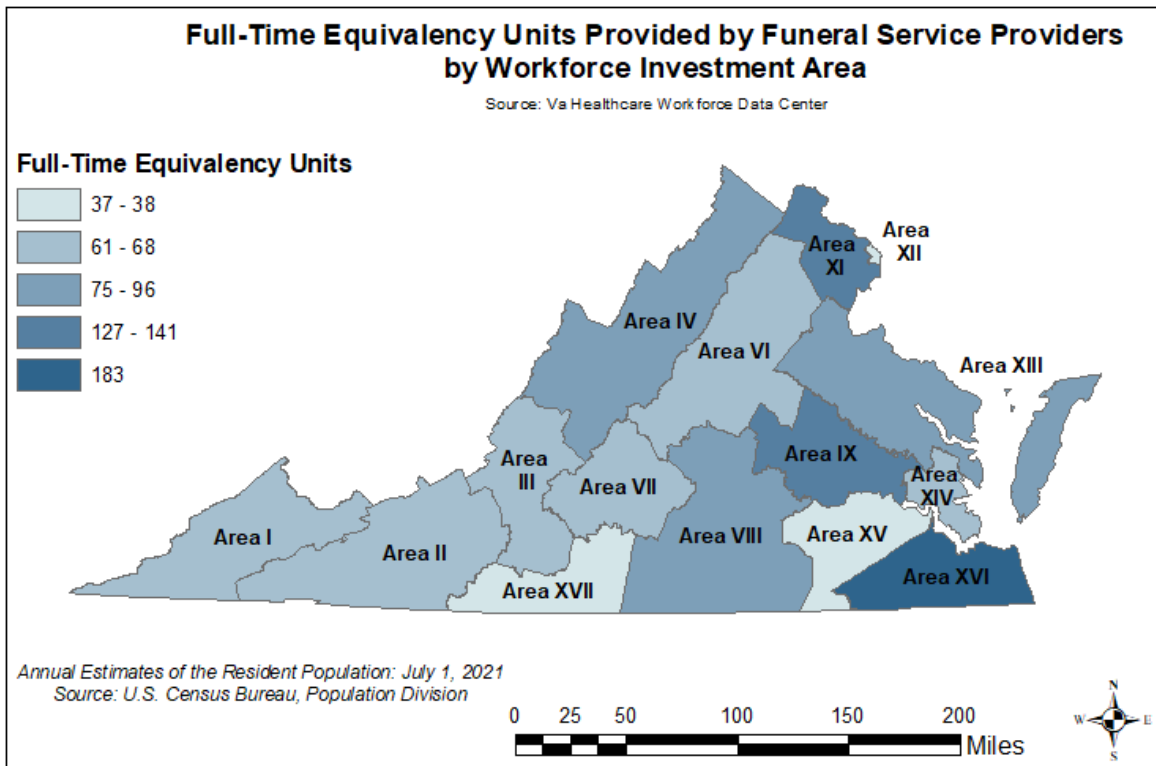
Source: Va. Healthcare Workforce Data Center

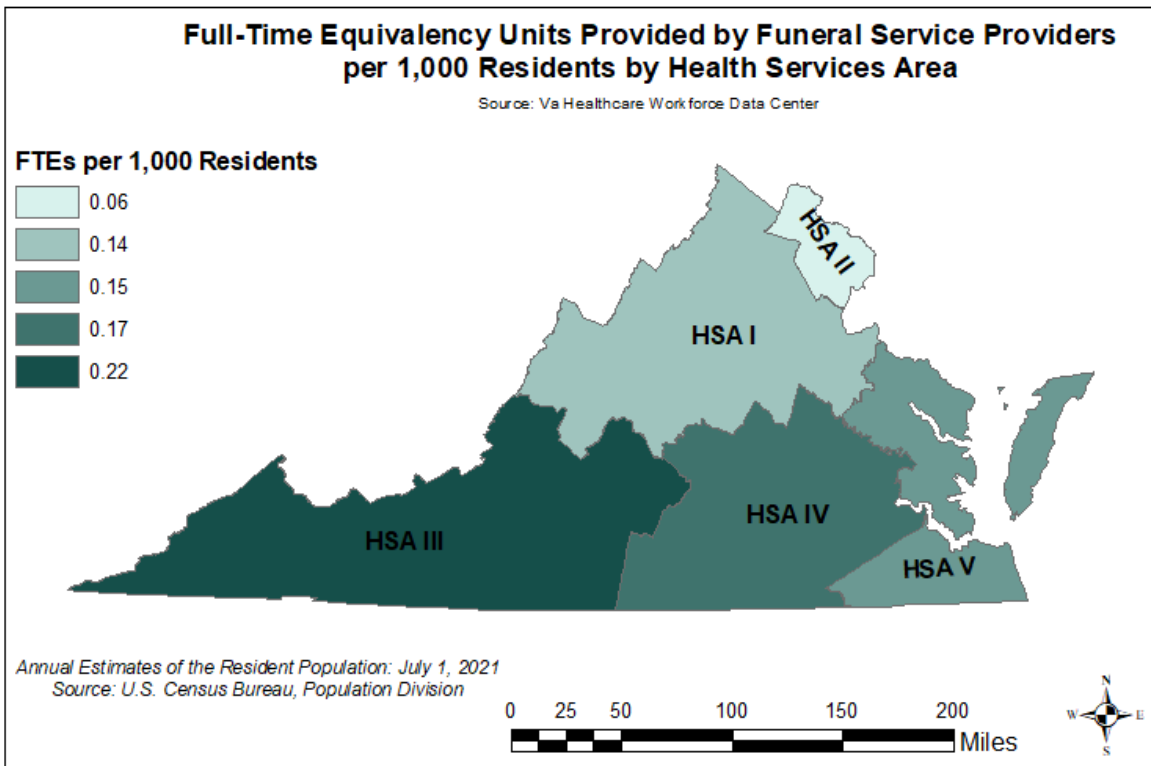
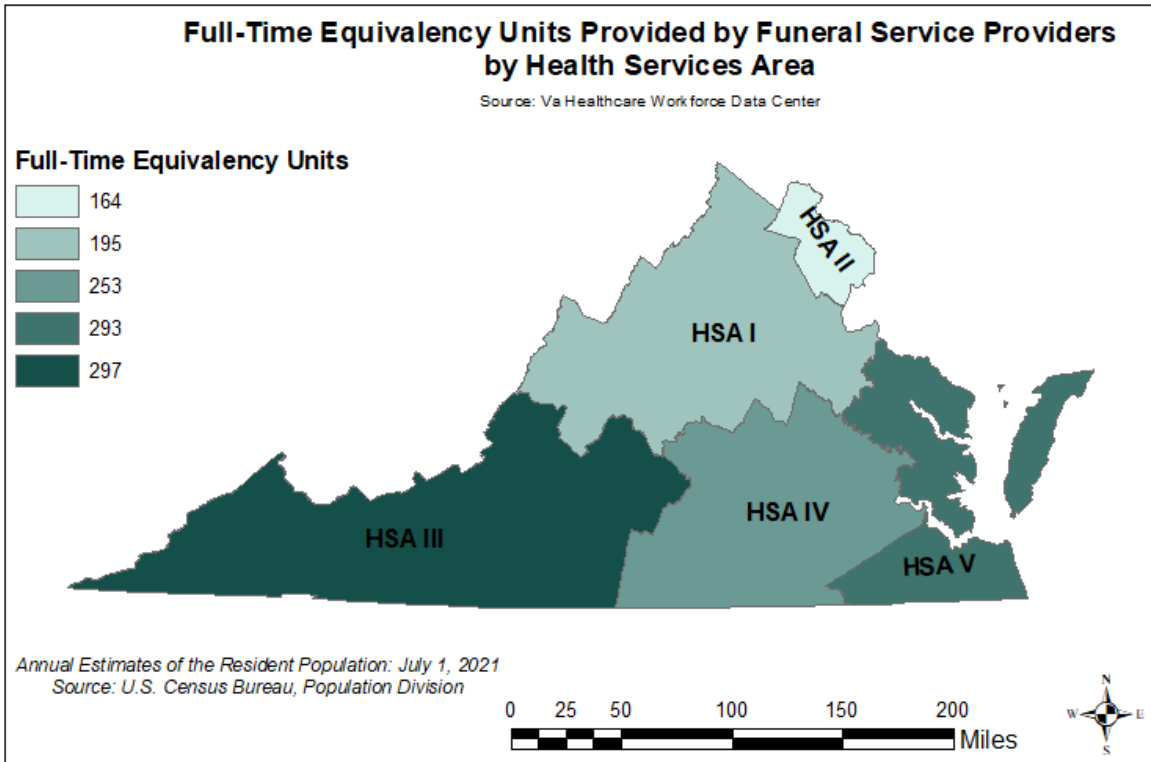
² Number of residents in 2021 was used as the denominator.

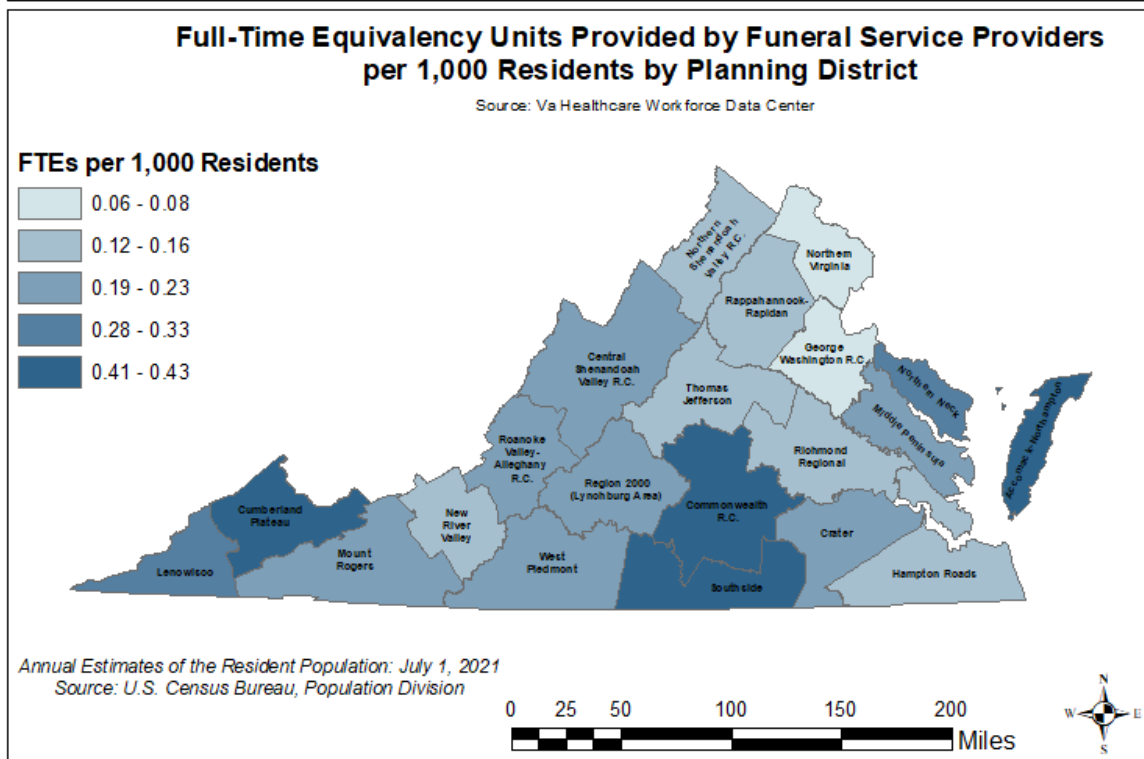
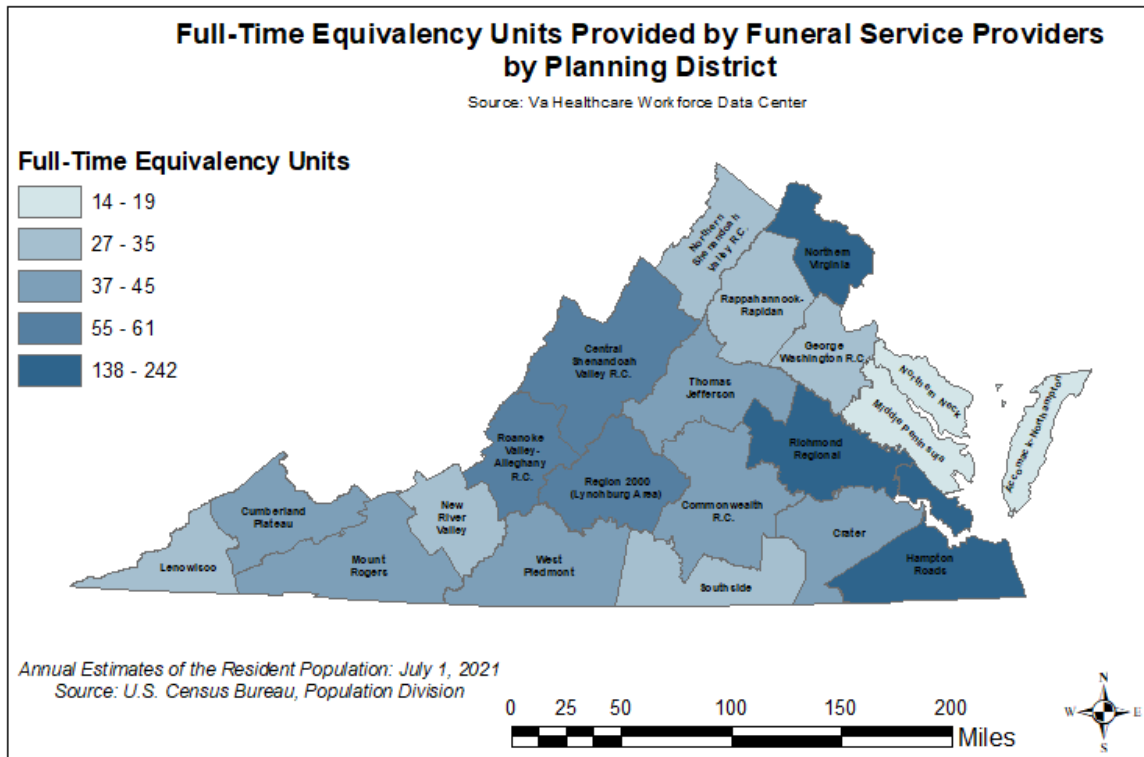
³ Due to assumption violations in Mixed between-within ANOVA (Levene's Test was significant).











Appendices

Appendix A: Weights

Rural Status	Location Weight			Total Weight	
	#	Rate	Weight	Min.	Max.
Metro, 1 Million+	705	78.16%	1.279	1.150	1.484
Metro, 250,000 to 1 Million	142	89.44%	1.118	1.005	1.297
Metro, 250,000 or Less	132	84.85%	1.179	1.059	1.367
Urban, Pop. 20,000+, Metro Adj.	50	76.00%	1.316	1.193	1.527
Urban, Pop. 20,000+, Non-Adj.	0	NA	NA	NA	NA
Urban, Pop. 2,500-19,999, Metro Adj.	104	75.96%	1.316	1.183	1.527
Urban Pop., 2,500-19,999, Non-Adj.	85	82.35%	1.214	1.091	1.409
Rural, Metro Adj.	58	74.14%	1.349	1.212	1.565
Rural, Non-Adj.	35	82.86%	1.207	1.085	1.400
Virginia Border State/D.C.	227	83.70%	1.195	1.074	1.386
Other U.S. State	63	85.71%	1.167	1.048	1.354

Source: Va. Healthcare Workforce Data Center

Age	Age Weight			Total Weight	
	#	Rate	Weight	Min.	Max.
Under 35	181	69.61%	1.437	1.297	1.565
35 to 39	130	80.00%	1.250	1.129	1.362
40 to 44	157	80.25%	1.246	1.125	1.357
45 to 49	148	89.86%	1.113	1.005	1.212
50 to 54	183	89.07%	1.123	1.014	1.223
55 to 59	199	82.91%	1.206	1.089	1.314
60 to 64	172	82.56%	1.211	1.094	1.319
65 and Over	431	77.49%	1.290	1.165	1.406

Source: Va. Healthcare Workforce Data Center

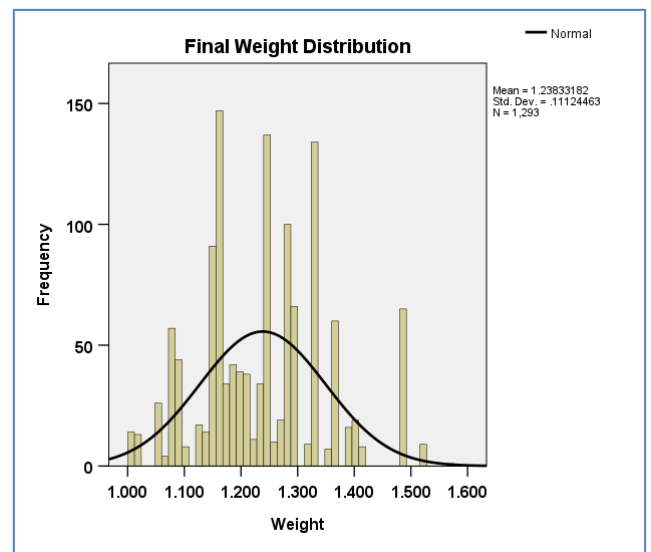
See the Methodology section on the HWDC website for details on HWDC methods:

<https://www.dhp.virginia.gov/PublicResources/HealthcareWorkforceDataCenter/>

Final weights are calculated by multiplying the two weights and the overall response rate:

Age Weight x Rural Weight x Response Rate
= Final Weight.

Overall Response Rate: 0.807620



Source: Va. Healthcare Workforce Data Center

Legislative and Regulatory Report

Board of Funeral Directors and Embalmers
Current Regulatory Actions
As of June 12, 2023

In the Governor’s Office

None.

In the Secretary’s Office

VAC	Stage	Subject Matter	Date submitted for Exec. Branch Review	Office; time in office	Notes
18VAC65-20	Fast-Track	Adjustment of requirements related to documentation of continuing education pursuant to 2022 legislation	7/28/2022	Secretary 264 days	Changes the amount of time documents related to continuing education must be kept from two to three years.
18VAC65-20 18VAC65-30 18VAC65-40	NOIRA	2023 Regulatory reduction	5/8/2023	Secretary 24 days	Reduces requirements related to practice, funeral interns, and preneed funeral planning.

At DPB/OAG

None.

Recently effective or awaiting publication

None.

Board Discussion and Actions

Agenda Item: Revision of Guidance Document 65-3

Included in your agenda package are:

- A redline of proposed changes to Guidance Document 65-3 to comply with 2023 legislation;
- A clean version of the proposed changes to Guidance Document 65-3; and
- Chapter 18 of the 2023 Acts of Assembly.

Action needed:

- Motion to revise Guidance Document 65-3.

Virginia Board of Funeral Directors and Embalmers

Guidelines for Processing Applications for Licensure: Examination, Endorsement and Reinstatement

Applicants for licensure or registration by examination, endorsement and reinstatement who meet the qualifications as set forth in the law and regulations shall be issued a license, registration, or certificate pursuant to authority delegated to the Executive Director of the Board of Funeral Directors and Embalmers as specified in the Bylaws of the Board. (See [Guidance Document 65-10, Bylaws, Article V; Bylaws.](#))

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An applicant whose license, registration, or certificate has been revoked or suspended for any reason other than nonrenewal by another jurisdiction is not eligible for licensure or certification in Virginia unless the credential has been reinstated by the jurisdiction which revoked or suspended it. (Va. Code § 54.1-2408.) -A suspension or revocation by another jurisdiction that has been stayed on terms is not considered to be reinstated for purposes of ~~Va.~~ [Virginia](#) Code § 54.1-2408.

Affirmative responses to any questions on applications for licensure, registration, or certification that might constitute grounds for the Board to refuse to admit a candidate to an examination, refuse to issue a license, registration, or certificate, or impose sanction shall be referred to the Board President for guidance on how to proceed.

A criminal conviction for any felony may cause an applicant to be denied licensure or registration. -Each applicant, however, is considered on an individual basis, and there are no criminal convictions or impairments that are an absolute bar to licensure or registration by the Board of Funeral Directors and Embalmers. The Board may, in its discretion, license an individual convicted of a felony if he or she has successfully fulfilled all conditions of sentencing, been pardoned, or had his or her civil rights restored. (Va. Code § 54.1-2813.) The Board shall not, however, approve an application to be a funeral service intern for any person convicted of embezzlement or of violating subsection B of [Virginia Code](#) § 18.2-126. (Va. Code § 54.1-2817.)

Applications for licensure, registration, and certification include questions about the applicant's history, including:

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1. Any and all criminal convictions;
2. Any past action taken against the applicant in another state or jurisdiction, including denial of licensure, certification, or registration in another state or jurisdiction; ~~and~~
3. Whether the applicant has any reason to believe that they would pose a risk to the safety or well-being of patients or clients; and
- 3.4. Whether the applicant is able to perform the essential functions of a practitioner in their area of practice with or without reasonable accommodations. Any mental or physical illness or chemical dependency condition that could interfere with the applicant's ability to practice.

Replying “yes” to any questions about convictions, past actions, or possible impairment does not mean the application will be denied. It simply means more information must be gathered and considered before a decision can be made. Sometimes an administrative proceeding is required before a decision regarding the application can be made. The Board of Funeral Directors and Embalmers has the ultimate authority to approve or deny an applicant for licensure, registration, or certification. (Va. Code § 54.1-2806.)

The following information will be requested from an applicant with criminal conviction:

- A certified copy of all conviction orders (obtained from the courthouse of record);
- Evidence that all court ordered requirements were met (i.e., letter from the probation officer if on supervised probation, evidence of paid fines and restitution, etc.); and
- A letter from the applicant explaining the factual circumstances leading to the criminal offense(s).

The following information will be requested from an applicant with past disciplinary action or licensure/certification/registration denial in another state (unrelated to criminal convictions):

- A certified copy of the Order for disciplinary action or denial from the other state licensing entity;
- A certified copy of any subsequent actions (i.e. reinstatement), if applicable; and
- A letter from the applicant explaining the factual circumstances leading to the action or denial.

The following information may be requested from an applicants with a possiblean identified impairment that may impact safety to practice:

- Evidence of any past treatment (i.e., discharge summary from outpatient treatment and inpatient hospitalizations);
- A letter from the applicant’s current treating healthcare provider(s) describing diagnosis, treatment regimen, compliance with treatment, and an analysis of the applicant’s ability to practice safely; and
- A letter from the applicant explaining the factual circumstances of the condition or impairment and addressing ongoing efforts to function safely (including efforts to remain compliant with treatment, maintain sobriety, attendance at AA/NA meetings, etc.).

The Executive Director may approve the application without referral to the Board President in the following cases:

1. The applicant’s history of a criminal conviction does not constitute grounds for denial (any felony or any misdemeanor involving moral turpitude) or constitute grounds for Board action pursuant to §54.1-2806 of the Code of Virginia. (Article V, Bylaws; Va. Code § 54.1-2806.)
2. The applicant has a history of criminal conviction for felonies or misdemeanors involving moral turpitude, but the following criteria are met:
 - Conviction history includes only misdemeanors which are greater than 5 years old, as long as court requirements have been met;
 - If one misdemeanor conviction is less than 5 years old, the court requirements have been met, and the crime was unrelated to the license or registration sought; or
 - If the applicant was convicted of one felony more than 10 years ago, when that one felony was non-violent in nature and all court/probationary/parole requirements have been met.
3. Reported juvenile convictions.

Guidance document: -65-3

~~Reaffirmed~~Revised: ~~January 19, 2021~~July 11, 2023
Effective: ~~March 18, 2021~~TBD

4. Applicants with a conviction history previously reviewed and approved by the Board of Funeral Directors and Embalmers, provided no subsequent criminal convictions exist. (Guidance Document 65-10, Bylaws, Article V~~Article V, Bylaws.~~)

Draft

Virginia Board of Funeral Directors and Embalmers

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Applications for licensure, registration, and certification include questions about the applicant's history, including:

1. Any and all criminal convictions;
2. Any past action taken against the applicant in another state or jurisdiction, including denial of licensure, certification, or registration in another state or jurisdiction;
3. Whether the applicant has any reason to believe that they would pose a risk to the safety or well-being of patients or clients; and
4. Whether the applicant is able to perform the essential functions of a practitioner in their area of practice with or without reasonable accommodations.

Replying "yes" to any questions about convictions, past actions, or possible impairment does not mean the application will be denied. It simply means more information must be gathered and considered before a decision can be made. Sometimes an administrative proceeding is required before a decision regarding the application can be made. The Board of Funeral Directors and Embalmers has the ultimate authority to approve or deny an applicant for licensure, registration, or certification. (Va. Code § 54.1-2806.)

The following information will be requested from an applicant with criminal conviction:

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- Evidence that all court ordered requirements were met (i.e., letter from the probation officer if on supervised probation, evidence of paid fines and restitution, etc.); and
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- A certified copy of any subsequent actions (i.e. reinstatement), if applicable; and
- A letter from the applicant explaining the factual circumstances leading to the action or denial.

The following information may be requested from an applicant with an identified impairment that may impact safety to practice:

- Evidence of any past treatment (i.e., discharge summary from outpatient treatment and inpatient hospitalizations);
- A letter from the applicant's current treating healthcare provider(s) describing diagnosis, treatment regimen, compliance with treatment, and an analysis of the applicant's ability to practice safely; and
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The Executive Director may approve the application without referral to the Board President in the following cases:

1. The applicant's history of a criminal conviction does not constitute grounds for denial (any felony or any misdemeanor involving moral turpitude) or constitute grounds for Board action pursuant to §54.1-2806 of the Code of Virginia. (Article V, Bylaws; Va. Code § 54.1-2806.)
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 - If one misdemeanor conviction is less than 5 years old, the court requirements have been met, and the crime was unrelated to the license or registration sought; or
 - If the applicant was convicted of one felony more than 10 years ago, when that one felony was non-violent in nature and all court/probationary/parole requirements have been met.
3. Reported juvenile convictions.
4. Applicants with a conviction history previously reviewed and approved by the Board of Funeral Directors and Embalmers, provided no subsequent criminal convictions exist. (Guidance Document 65-10, Bylaws, Article V.)

VIRGINIA ACTS OF ASSEMBLY -- 2023 SESSION

CHAPTER 18

An Act to direct health regulatory boards within the Department of Health Professions to amend language related to mental health conditions and impairment in licensure, certification, and registration applications; emergency.

[H 1573]

Approved March 16, 2023

Be it enacted by the General Assembly of Virginia:

- 1.** *§ 1. That each health regulatory board within the Department of Health Professions shall amend its licensure, certification, and registration applications to remove any existing questions pertaining to mental health conditions and impairment and to include the following questions: (i) Do you have any reason to believe that you would pose a risk to the safety or well-being of your patients or clients? and (ii) Are you able to perform the essential functions of a practitioner in your area of practice with or without reasonable accommodation?*
- 2. That an emergency exists and this act is in force from its passage.**

Agenda Item: Reaffirm Guidance Document 65-4, Aiding and Abetting Unlicensed Practice

Included in your agenda package is:

- Guidance Document 65-4.

Action needed:

- Motion to reaffirm Guidance Document 65-4.

Virginia Board of Funeral Directors and Embalmers

Aiding and Abetting Unlicensed Practice

Virginia Code § 54.1-2806(10) prohibits licensees of the Board of Funeral Directors and Embalmers (“Board”) from “[a]iding or abetting an unlicensed person to practice within the funeral service profession[.]” All licensees of the Board are responsible for adhering to the laws and regulations governing the funeral service profession in Virginia.

If a licensee of the Board contracts to provide funeral services of any kind with another funeral director, funeral home, or entity providing funeral services, where the other contracting party is not licensed to practice within the funeral service profession, the licensee of the Board is in violation of Virginia Code § 54.1-2806(10) and may face disciplinary action. Specifically, the contracting party must be licensed in the state in which arrangements are or will be made.

Before entering into a business arrangement with another funeral director, funeral home, or entity providing funeral services, the Board recommends that Virginia licensed funeral service professionals verify the licensure status of the other party in the state in which arrangements are or will be made. Virginia licenses can be verified through the Department of Health Professions’ license look-up feature, available at www.dhp.virginia.gov. Many other states have online license verification for funeral service professionals as well. As an alternative, a licensee may request that a potential contracting party provide the licensee with a copy of the contracting party’s valid license.

The burden of ensuring that a licensee is compliant with the laws and regulations governing the practice of funeral services in Virginia rests solely with the licensee. Therefore, the Board recommends that licensees verify the licensure status of all parties with which they contract to provide funeral services.

Agenda Item: Repeal of Guidance Document 65-19, Guidance on Identification of Funeral Service Interns

Included in your agenda package is:

- Guidance Document 65-19;
- 18VAC65-40-130.

Staff Note: 18VAC65-40-130(G), effective December 7, 2022, now requires interns to be identifiable to the public as an intern. Therefore, a guidance document is no longer needed.

Action needed:

- Motion to repeal Guidance Document 65-19.

Virginia Board of Funeral Directors and Embalmers

Identification of Funeral Service Interns

In communications with members of the public, whether in person, in advertisements, or in written correspondence, the Board of Funeral Directors and Embalmers recommends that a person registered as an intern be identified as a “Funeral Service Intern” if a title is used along with a person’s name. This includes, but is not limited to, listings of staff in advertisements or on websites, signature/title blocks in written or electronic correspondence, business cards and name tags. The Board further recommends that consumers be made aware that the funeral home representative is a Funeral Service Intern when an intern meets with consumers to arrange funeral services.

REPEATED

Part II. Funeral Service Internship Requirements

18VAC65-40-130. Funeral service, funeral directing, or embalming internship.

- A. An internship for funeral service, funeral directing, or embalming shall consist of at least 2,000 hours of training to be completed within no less than 12 months and no more than 48 months. The board may grant an extension of time for completion of an internship only for extenuating circumstances.
- B. The intern shall be assigned a work schedule of not less than 20 hours nor more than 60 hours per week in order to receive credit for such training. For good cause shown, the board may waive the limitation on an intern's work schedule.
- C. A funeral service intern shall receive training in all areas of funeral service.
- D. A funeral service intern shall be identified to the public as a funeral service intern in a title used, name tag worn, and any correspondence or communication in which the intern's name is used.
- A funeral directing intern shall receive training in all areas of funeral directing, including assisting in at least 25 funerals, 25 arrangement conferences, as well as visitations and financing of funeral services.
- E. An embalming intern shall receive training in all aspects of embalming practice, including assisting in at least 25 embalmings, as well as treatment, restorative art, safety and sanitation, and organ, tissue, or anatomical donation.
- F. An intern registration shall expire upon issuance by the board of a license to practice as a funeral service licensee, a funeral director, or an embalmer. When an internship has been completed for licensure as a funeral director or as an embalmer, the approval of an additional internship to meet the requirements for licensure as a funeral service licensee may be approved by the board in accordance with § 54.1-2817 of the Code of Virginia and the regulations of the board. Any additional internship granted shall be limited in duration to the time required for completion of hours and cases required for licensure. An internship may not be used to expand the scope of practice of a licensee.
- G. An intern shall be identified to the public as a funeral service intern, a funeral directing intern, or an embalming intern in a title used, name tag worn, and any correspondence or communication in which the intern's name is used.

Statutory Authority

§54.1-2400 of the Code of Virginia.

Historical Notes

Derived from VR320-01-04 § 2.1, eff. October 9, 1991; amended, Virginia Register Volume 11, Issue 14, eff. May 3, 1995; Volume 15, Issue 7, eff. January 20, 1999; Volume 22, Issue 21, eff. July 26, 2006; Volume 23, Issue 12, eff. March 21, 2007; Volume 38, Issue 12, eff. March 3, 2022; Volume 39, Issue 6, eff. December 7, 2022.

Agenda Item: Fast-track regulatory amendment to 18VAC65-20-350

Included in your agenda package is:

- Redline of proposed changes to 18VAC65-20-350 to allow years of practice to act as educational equivalency to current requirements.

Action needed:

- Motion to initiate a fast-track regulatory action to 18VAC65-20-350 as presented or amended.

Project 7591 - Fast-Track

Board of Funeral Directors And Embalmers

Experience as degree equivalency for funeral directing applicants by endorsement

18VAC65-20-350. Requirements for licensure by reciprocity or endorsement.

A. ~~Licenses~~ The board may recognize licenses for the practice of funeral service, funeral directing, embalming, or an equivalent license issued by other states, territories, or the District of Columbia ~~may be recognized by the board and~~ the board may grant the holder of such license ~~may be granted~~ a license to practice funeral service, funeral directing, or embalming within the Commonwealth.

~~Licenses~~ The board may be granted grant licensure to applicants ~~by the board~~ on a case-by-case basis if the applicant holds a valid license for the practice of funeral service, funeral directing, embalming, or an equivalent license in another state, territory, or the District of Columbia and possesses credentials that are substantially similar to or more stringent than required by the Commonwealth for initial licensure at the time the applicant was initially licensed.

B. The board may grant licensure to an applicant who holds a valid license for the practice of funeral directing or an equivalent license in another state, territory, or the District of Columbia if the applicant demonstrates that:

1. The applicant has completed a board-approved funeral directing program with at least 30 credit hours of instruction;

2. The applicant has passed the National Board Examination in Arts or State Board Examination in Arts of the International Conference of Funeral Service Examining Boards;

and

3. The applicant has engaged in the licensed, active practice of funeral directing in another jurisdiction for a period of not less than three years.

B. C. An applicant for licensure by reciprocity or endorsement shall pass the Virginia State Board Examination.

Agenda Item: Adoption of revised policy on meetings held with electronic participation pursuant to statutory changes

Included in your agenda package:

- Proposed revised electronic participation policy;
- Virginia Code § 2.2-3708.3

Action needed:

- Motion to revise policy on meetings held with electronic participation as presented.

Virginia Department of Health Professions

Meetings Held with Electronic Participation

Purpose:

To establish a written policy for allowing electronic participation of board or committee members for meetings of the health regulatory boards of the Department of Health Professions or their committees.

Policy:

Electronic participation by members of the health regulatory boards of the Department of Health Professions or their committees shall be in accordance with the procedures outlined in this policy.

Authority:

This policy for conducting a meeting with electronic participation shall be in accordance with [Virginia Code § 2.2-3708.3](#).

Procedures:

1. One or more members of the Board or a committee may participate electronically if, on or before the day of a meeting, the member notifies the chair and the executive director that he/she is unable to attend the meeting due to:
 - a. a temporary or permanent disability or other medical condition that prevents the member's physical attendance;
 - b. a medical condition of a member of the member's family requires the member to provide care that prevents the member's physical attendance;
 - c. the member's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting; or
 - d. the member is unable to attend to the meeting due to a personal matter and identifies with specificity the nature of the personal matter.

No member, however, may use remote participation due to personal matters more than two meetings per calendar year or 25% of the meetings held per calendar year rounded up to the next whole number, whichever is greater.

2. Participation by a member through electronic communication means must be approved by the board chair or president. The reason for the member's electronic participation shall

be stated in the minutes in accordance with Virginia Code § 2.2-3708.3(A)(4). If a member's participation from a remote location is disapproved because it would violate this policy, it must be recorded in the minutes with specificity.

3. The board or committee holding the meeting shall record in its minutes the remote location from which the member participated; the remote location, however, does not need to be open to the public and may be identified by a general description.

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§ 2.2-3708.3. (Effective September 1, 2022) Meetings held through electronic communication means; situations other than declared states of emergency

A. Public bodies are encouraged to (i) provide public access, both in person and through electronic communication means, to public meetings and (ii) provide avenues for public comment at public meetings when public comment is customarily received, which may include public comments made in person or by electronic communication means or other methods.

B. Individual members of a public body may use remote participation instead of attending a public meeting in person if, in advance of the public meeting, the public body has adopted a policy as described in subsection D and the member notifies the public body chair that:

1. The member has a temporary or permanent disability or other medical condition that prevents the member's physical attendance;
2. A medical condition of a member of the member's family requires the member to provide care that prevents the member's physical attendance;
3. The member's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting; or
4. The member is unable to attend the meeting due to a personal matter and identifies with specificity the nature of the personal matter. However, the member may not use remote participation due to personal matters more than two meetings per calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.

If participation by a member through electronic communication means is approved pursuant to this subsection, the public body holding the meeting shall record in its minutes the remote location from which the member participated; however, the remote location need not be open to the public and may be identified in the minutes by a general description. If participation is approved pursuant to subdivision 1 or 2, the public body shall also include in its minutes the fact that the member participated through electronic communication means due to a (i) temporary or permanent disability or other medical condition that prevented the member's physical attendance or (ii) family member's medical condition that required the member to provide care for such family member, thereby preventing the member's physical attendance. If participation is approved pursuant to subdivision 3, the public body shall also include in its minutes the fact that the member participated through electronic communication means due to the distance between the member's principal residence and the meeting location. If participation is approved pursuant to subdivision 4, the public body shall also include in its minutes the specific nature of the personal matter cited by the member.

If a member's participation from a remote location pursuant to this subsection is disapproved because such participation would violate the policy adopted pursuant to subsection D, such

disapproval shall be recorded in the minutes with specificity.

C. With the exception of local governing bodies, local school boards, planning commissions, architectural review boards, zoning appeals boards, and boards with the authority to deny, revoke, or suspend a professional or occupational license, any public body may hold all-virtual public meetings, provided that the public body follows the other requirements in this chapter for meetings, the public body has adopted a policy as described in subsection D, and:

1. An indication of whether the meeting will be an in-person or all-virtual public meeting is included in the required meeting notice along with a statement notifying the public that the method by which a public body chooses to meet shall not be changed unless the public body provides a new meeting notice in accordance with the provisions of § 2.2-3707;
2. Public access to the all-virtual public meeting is provided via electronic communication means;
3. The electronic communication means used allows the public to hear all members of the public body participating in the all-virtual public meeting and, when audio-visual technology is available, to see the members of the public body as well;
4. A phone number or other live contact information is provided to alert the public body if the audio or video transmission of the meeting provided by the public body fails, the public body monitors such designated means of communication during the meeting, and the public body takes a recess until public access is restored if the transmission fails for the public;
5. A copy of the proposed agenda and all agenda packets and, unless exempt, all materials furnished to members of a public body for a meeting is made available to the public in electronic format at the same time that such materials are provided to members of the public body;
6. The public is afforded the opportunity to comment through electronic means, including by way of written comments, at those public meetings when public comment is customarily received;
7. No more than two members of the public body are together in any one remote location unless that remote location is open to the public to physically access it;
8. If a closed session is held during an all-virtual public meeting, transmission of the meeting to the public resumes before the public body votes to certify the closed meeting as required by subsection D of § 2.2-3712;
9. The public body does not convene an all-virtual public meeting (i) more than two times per calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater, or (ii) consecutively with another all-virtual public meeting; and
10. Minutes of all-virtual public meetings held by electronic communication means are taken as required by § 2.2-3707 and include the fact that the meeting was held by electronic communication means and the type of electronic communication means by which the meeting was held. If a member's participation from a remote location pursuant to this subsection is disapproved because such participation would violate the policy adopted pursuant to subsection D, such disapproval shall be recorded in the minutes with specificity.

D. Before a public body uses all-virtual public meetings as described in subsection C or allows members to use remote participation as described in subsection B, the public body shall first

adopt a policy, by recorded vote at a public meeting, that shall be applied strictly and uniformly, without exception, to the entire membership and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting. The policy shall:

1. Describe the circumstances under which an all-virtual public meeting and remote participation will be allowed and the process the public body will use for making requests to use remote participation, approving or denying such requests, and creating a record of such requests; and
2. Fix the number of times remote participation for personal matters or all-virtual public meetings can be used per calendar year, not to exceed the limitations set forth in subdivisions B 4 and C 9.

Any public body that creates a committee, subcommittee, or other entity however designated of the public body to perform delegated functions of the public body or to advise the public body may also adopt a policy on behalf of its committee, subcommittee, or other entity that shall apply to the committee, subcommittee, or other entity's use of individual remote participation and all-virtual public meetings.

2022, c. [597](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.