

**APPROVED**  
**BOARD OF FUNERAL DIRECTORS AND EMBALMERS**  
**LEGISLATIVE/REGULATORY MEETING**  
**MEETING MINUTES**

The Virginia Board of Funeral Directors and Embalmers Committee met on Thursday, July 8, 2010 at the Department of Health Professions, 9960 Mayland Drive, 2nd Floor, Board Room #2, Henrico, Virginia.

**COMMITTEE MEMBERS PRESENT:**

Robert B. Burger, F.S.P. Chair  
Blair Nelsen, F.S.P.  
Walter S. Ball, Citizen Member

**OTHER BOARD MEMBERS PRESENT:**

Randolph T. Minter, F.S.P.  
Michael J. Leonard, F.S.P.

**COMMITTEE MEMBER ABSENT FOR PART OF THE MEETING:**

Barry Murphy, F.S.P.

**DHP STAFF PRESENT:**

Lisa R. Hahn, Executive Director  
Missy Currier, Administrative Assistant  
Elaine Yeatts, Senior Policy Analyst  
Dr. Dianne Reynolds-Cane, Agency Director  
Arne W. Owens, Chief Deputy Director

**BOARD COUNSEL**

Amy Marschean, Senior Assistant Attorney General

**QUORUM:**

With 5 members present, a quorum was established.

**GUESTS PRESENT**

Carl Gallup, Holloman-Brown Funeral Home  
Barry D. Robinson, Virginia Mortuary Association (VMA)  
Deb DeWeerd, Regulatory Support Services, Inc. (RSS)  
Bo Keeney, Independent Funeral Homes of Virginia (IFHV)

Bruce Keeney, Independent Funeral Homes of Virginia (IFHV)  
Scott Johnson, Medical Society of Virginia (HDJN)  
Tyler Cox, Medical Society of Virginia (HDJN)  
Aimee Perron Seibert, VA College of Emergency Physicians  
Susan Ward, Virginia Hospital & Healthcare Association

## **CALLED TO ORDER**

Mr. Burger called the committee meeting to order at 10:10 a.m.

## **WELCOME**

Mr. Burger greeted and welcomed everyone for coming to the meeting and asked everyone at the table and in the audience to introduce themselves.

## **ADOPTION OF THE AGENDA**

The agenda was accepted as amended.

## **REGULATORY ACTIONS:**

**Internship Program:** Ms. Yeatts gave an overview of a Notice of Intended Regulatory Action (NOIRA) on requirements for interns and training for supervisors. The NOIRA consisted of the following two recommendations by the Special Internship Committee:

- Require the intern be enrolled in mortuary college/school at least part-time –possibly enrolled in a minimum of six (6) credit hours per semester before the beginning of their second or third year of their internship with the expectation of finishing college/school within the timeframe of the 48 month for the internship program.
- Establish a supervisor training course in collaboration with the mortuary colleges/schools, for which the supervisor could receive continuing education credit for taking the course.

Ms. Yeatts further stated that representatives of the Virginia mortuary colleges offered to provide this training at no cost to the attendees.

Both Mr. Leonard and Mr. Minter gave opposing feedback to the proposals as they felt members of the profession may view the new requirements as being onerous.

Upon a motion by Mr. Minter and properly seconded by Mr. Ball, the board agreed to bring the recommendation to the full board on July 20, 2010 for consideration and discussion on the NOIRA regarding Internship. The motion carried unanimously. Mr. Murphy had not yet arrived.

**CE Requirements:** Ms. Yeatts identified a conflict between § 54.1-2816.1 of the Code of Virginia and § 18VAC65-20-152 of the regulations regarding maintenance of continuing

education documents. The law indicates a two year requirement and the regulation states a three year requirement for maintaining CE documentation. Ms. Yeatts recommended an exempt action to conform the regulation to the Code.

Upon a motion by Mr. Leonard, and properly seconded by Mr. Nelsen, the board voted to bring the recommendation for exempt action before the full board on July 20, 2010 regarding conforming CE requirements with the law. The motion carried unanimously. Mr. Murphy had not yet arrived.

**Irrevocable Trusts:** Ms. Yeatts recommended fast track action to conform regulatory requirements on irrevocable trust language between § 55-544.11 of the Code of Virginia and 18VAC65-30-110 of the regulations. The following regulation change was suggested by Ms. Yeatts:

- **18VAC65-30-110 – Cancellation or transfer of contract**

If the contract buyer uses an irrevocable trust as the funding source ~~and terminates the contract after 30 days of its execution~~, the contract buyer ~~may be eligible for a refund only with the agreement of the contract buyer, the contract beneficiary, and the trustee~~ is not able to cancel the trust after 30 days following its execution except in accordance with § 55-544.11 of the Code of Virginia.

Upon a motion by Mr. Nelsen and properly seconded by Mr. Minter, the board voted to bring the recommendation to conform regulatory requirements to language in the Code of Virginia before the full board on July 20, 2010. The motion passed unanimously. Mr. Murphy had not yet arrived.

**Mr. Murphy arrived at 11:10 a.m.**

**Cremation Authorization:** Ms. Yeatts offered draft language for adoption of regulatory amendments to section § 18VAC 65-20-436 as required by HB319 on cremation authorization. After much discussion, the committee agreed to strike the last sentence in section three and requested more specific language regarding unique identifiers as they relate to visual identification.

- **18VAC65-20-436. Standards for registered crematories or funeral establishments that operate a crematory.**

3. In the event visual identification is not ~~made feasible~~, a crematory may use positive identification of the deceased in consultation with the medical personnel, a medical examiner or law enforcement ~~shall observe a 24-hour waiting period between the time of death and the cremation~~ pursuant to § 54.1-2818.1 of the Code of Virginia. In no case shall an unidentified body be cremated.

Upon a motion by Mr. Nelsen and properly seconded by Mr. Leonard, the board voted to bring the amended draft regulations before the full board on July 20, 2010. The motion passed unanimously. Mr. Murphy had arrived and was included in the vote.

**Handling of Human Remains:** Ms Yeatts reviewed HB 201, an act to amend § 54.1-2811.1 of the Code of Virginia relating to the handling of human remains.

Upon a motion by Mr. Nelsen and properly seconded by Mr. Ball, the board voted to recommend conforming regulatory requirements to language in the Code of Virginia before the full board on July 20, 2010. The motion passed unanimously.

### **LEGISLATIVE ACTIONS:**

**CE Requirements:** Ms. Yeatts reviewed the following draft legislation pertaining to continuing education requirements:

- **§ 54.1-2816.1. Continuing education requirements; promulgation of regulations.**

B. The Board shall approve criteria for continuing education courses, requiring no more than ~~10~~ five hours over two years per year, that are directly related to the respective license and scope of practice of funeral service licensees, funeral directors and embalmers. Approved continuing education courses shall include, but not be limited to, at least one hour per year covering compliance with laws and regulations governing the profession, and at least one hour per year covering preneed funeral arrangements. Course providers may be required to register continuing education courses with the Board pursuant to Board regulations. The Board shall not allow continuing education credit for courses where the principal purpose of the course is to promote, sell or offer goods, products or services to funeral homes.

D. The Board shall have the authority to grant exemptions or waivers in cases of certified illness or undue hardship. A licensee shall be exempt from the requirement for continuing education at the first renewal following initial licensure by examination.

Upon a motion by Mr. Minter and properly seconded by Mr. Leonard, the board voted to recommend the proposed CE amendments to the full board on July 20, 2010. The motion passed unanimously.

### **Break**

The Committee recessed for a break at 11:55 a.m. and reconvened at 12:05 p.m.

**Death Certificates:** Ms. Yeatts reviewed amendments to § 32.1-263 and § 54.1-2809.1 of the Code of Virginia relating to death certificates and asked the committee to consider the

recommendations the Task Force on Death Certificates had made. The draft legislation expands the scope of the medical persons authorized to sign death certificates in the absence of a physician and encourages physicians with questions to contact the office of the chief medical examiner to obtain guidance in determining a cause of death.

The Legislative/Regulatory Committee wanted to ensure that the record shows that they are willing to see how these measures work for a year and be positive, but if unsuccessful, they will look at statutory changes to ensure that medical personnel who fail to sign death certificates in a timely manner are subject to disciplinary action.

Ms. Hahn then shared with everyone a copy of an e-mail she received just prior to the meeting from Dr. Karen Remley, Commissioner of the Virginia Department of Health, addressed to the Honorable William A. Hazel, Jr., MD. The letter was regarding the ongoing issue of timely completion and signatures of death certificates. Ms. Hahn shared her enthusiasm and appreciation from the immediate steps the Commissioner has taken in an effort to assure that death certificates are completed and signed in a timely manner by physicians. Ms. Hahn also pointed out that the immediate action taken by Dr. Remley was due largely to a meeting that Dr. Reynolds-Cane attended and she had the opportunity to explain the issue, the recent efforts of her agency and the seriousness of the matter.

Ms. Hahn also thanked everyone who worked so hard to help resolve this matter including staff members, Board of Funeral Directors and Embalmers, Association members, Members of the Board of Long Term Care, Virginia Department of Health, Board of Nursing, Board of Medicine, Virginia Academy of Family Physicians, Virginia Hospital & Healthcare Association, and Scott Johnson and staff from HDJN and most particularly Dr. Cane, Dr. Remley and Secretary Hazel for their support.

Upon a motion Mr. Leonard and properly seconded by Mr. Nelsen, the board voted to bring the draft legislation regarding death certificates before the full board on July 20, 2010. The motion passed unanimously.

## **ADJOURNMENT**

With no further business, the meeting was adjourned at 12:30 p.m.

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Robert B. Burger, F.S.P., Chair

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Lisa R. Hahn, Executive Director

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Date

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Date