

# **VIRGINIA BOARD OF FUNERAL DIRECTORS AND EMBALMERS**

**Department of Health Professions  
Perimeter Center  
9960 Mayland Drive, Henrico VA 23233-1463  
Board Room #4, Second Floor  
April 19, 2016 at 10:00 a.m.**

## **BOARD MEETING AMENDED AGENDA**

### **CALL TO ORDER**

### **ORDERING OF AGENDA**

### **ACCEPTANCE OF MINUTES - Tab 1**

- Board Meeting - January 12, 2016

### **INFORMAL CONFERENCES HELD (INFORMATIONAL PURPOSES ONLY)**

- (1) Informal Conference - January 12, 2016

### **PUBLIC COMMENT PERIOD**

### **DIRECTOR'S REPORT - Dr. David Brown, D.C.**

### **EXECUTIVE DIRECTOR'S REPORT - Lisa R. Hahn - Tab 2**

### **NEW BUSINESS**

- Guidelines for Processing Applications for Licensure- **Lisa R. Hahn & Lynne Helmick - Tab 3**
- Report on Annual Meeting of The Conference - **Lynne Helmick & Blair Nelsen**

# Tab 1

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

The Virginia Board of Funeral Directors and Embalmers convened for a board meeting on Tuesday, January 12, 2016 at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2<sup>nd</sup> Floor, Board Room 4, Henrico, Virginia.

**BOARD MEMBERS PRESENT**

Connie B. Steele, FSL, Vice-President  
R. Thomas Slusser, Jr., FSL, Vice-President  
J. Paul Welch, III, FSL, Secretary-Treasurer  
Louis R. Jones, FSL  
Blair Nelsen, FSL  
Frank Walton, FSL  
Larry T. Omms, FSL  
Junius H. Williams, Jr., Citizen Member  
Ibrahim A. Moiz, Esq., Citizen Member

**DHP STAFF PRESENT**

Lisa R. Hahn, Executive Director  
Lynne Helmick, Deputy Executive Director, Discipline  
Missy Currier, Deputy Executive Director, Licensing  
Elaine Yeatts, Senior Policy Analyst

**BOARD COUNSEL**

Erin Barrett, Assistant Attorney General

**QUORUM**

With 9 members present a quorum was established.

**GUESTS PRESENT**

Paul Harris, Regulatory Support Services, Inc.  
Barry D. Robinson, VMA  
Lacy Whittaker, VFDA  
Laura McHale, The Keeney Group/IFHV

**CALL TO ORDER**

Connie Steele, President called the meeting of the Virginia Board of Funeral Directors and Embalmers to order at 10:05 a.m.

**ORDERING OF AGENDA**

The agenda was accepted as presented.

## ACCEPTANCE OF MINUTES

Upon a motion by Larry Omps and properly seconded by Blair Nelsen, the board voted to accept the following Meeting Minutes:

- Board Meeting – July 14, 2015

The motion passed unanimously.

## INFORMAL CONFERENCES

The board acknowledged that one informal conference was held on July 14<sup>th</sup> and that four informal conferences were held on October 15, 2015.

## PUBLIC COMMENT PERIOD

No public comment was provided.

## EXECUTIVE DIRECTOR'S REPORT – Lisa R. Hahn

Ms. Hahn shared with great sadness that Jeanette Meade passed away on Monday evening and how she held a special place in all of our hearts and how we enjoyed working with her while she was on staff for the Board of Funeral Directors and Embalmers. She asked everyone to keep her family in their prayers.

## Expenditure and Revenue Summary

### FY16 Budget

• Cash Balance as of June 30, 2015	\$ (40,742)
• YTD FY16 Revenue	38,015
• Less direct & In-Direct expenditure	<u>233,206</u>
• Cash Balance on November 30, 2016	<u>\$(235,933)</u>

Ms. Hahn explained that the board will receive the bulk of its revenue in March during our renewal period. She concluded that the board should be back in the black by the end of the 2016 fiscal year.

## Discipline Statistics (as of 01/4/2016)

- 39 total open cases
- 30 are in Investigations
- 6 in Probable Cause
- 0 in APD
- 1 Informal
- 2 Formals
- 16 Orders are being monitored for Compliance

## Hearings calendar year 2015

- 2 Formal Hearings
  - 1 suspension
  - 1 approved reinstatement
  
- 11 IFCs
  - 1 reinstatement
  - 2 dismissed
  - 2 probation with terms
  - 3 Order with Terms
  - 2 referred for Formal hearings
  - 1 termination of probation

## Historical Case Data

### 2013

- 71 cases received
- 77 cases closed
- 7 (9%) closed cases went to IFC

### 2014

- 67 cases received
- 72 cases closed
- 7 (10%) closed cases went to IFC

### 2015

- 66 cases received
- 65 cases closed
- 11 (17%) closed cases went to IFC
- 

## License Statistics (as of 12/29/15)

- Funeral Service Licensee's – 1,547
- Funeral Establishment – 438
- Branch Establishments –68
- Funeral Supervisors – 465
- Funeral Intern – 210
- Continuing Education Providers – 23

- Courtesy Card Holders -79
- Crematories – 107
- Embalmer only – 3
- Funeral Director –47
- Surface Transport and Removal Services – 47
- Total – 3,034

## **Virginia Performs**

1<sup>st</sup> Quarter 2016:

- Licensing Standard less than 30 days – 100%
- Clearance Rate-67% (rec'd 6 – closed 4)
- Pending Caseload older than 250 days- 11% (2cases)
- % of cases closed within 250 days- 75% (3 cases)
- Customer Satisfaction – 98.3% (FY 2015)

Ms. Hahn pointed out that the Clearance Rate statistics reported only include patient care related cases and that the funeral board cases are typically more business related. She reported that the board had actually received 22 cases during the 1<sup>st</sup> quarter of 2016.

## **Board Business**

Ms. Hahn shared the following with the board:

The Board of Health Professions conducted the study on Bifurcation of licensure and made the recommendation to institute a DHP HWDC survey to provide objective, independent supply side data. The survey will be conducted as part of the 2016 March renewals.

Chris Vincent, Bob Oman, Eric Wray and Walter Ball were invited to today's meeting and lunch so that we could formally thank them for their service on the board but were unable to attend because of the last minute notice.

Former Board member Eric Wray just opened E. Vaughn Wray Funeral Establishment in Norfolk and we wish him well.

As a safety precaution, we will begin hiring security guards to attend formal hearings. If it is deemed necessary, we will hire security for informal hearings.

## **The Conference**

Lynne Helmick & Blair Nelsen will be attending The International Conference of Funeral Service Examining Boards (ICFSEB) Annual Meeting this February in Newport Beach, CA.

Lynne will be a participant on the discussion panel for "System Automation: Capabilities, Implementation, and Maintenance" and also serves on the Conference's Model Application Committee.

## **Staff News**

Ms. Hahn shared with the board the following staff news:

**Lynne Helmick** serves as Chair of the DHP Safety Committee. Lynne is also working with the Compliance & Discipline Work Groups for the new MLO Licensing Software.

**Kathy Petersen** serves as Chair of the DHP Social Planning Committee. She is serving on the Discipline Work Group for the new MLO Software. Kathy has done a tremendous job over the past few years organizing the Salvation Army Angel Tree project for the agency. Kathy also won the holiday decorating contest for the category of DHP.

Kathy Petersen and Lisa Hahn have been instrumental in creating a “Naming Convention” Policy & Guidelines for storing Disciplinary cases electronically for archival and storage purposes and look forward to the official implementation for the Agency.

**Missy Currier** attended the Commonwealth Management Institute last spring. Missy serves as Secretary/Treasurer of the DHP Bonus Committee, the MLO Licensing Work Group and the Digital Signature Committees. Missy was recently appointed to the Education Committee on the Federation of State Boards of Physical Therapy (FSBPT).

**Vicki Saxby** just returned from extended leave due to back surgery and she is doing well. Vicki serves on the CVC Campaign.

**Laura Mueller** has been busy with our IT Department assisting with testing and development of the new MLO Software. She also serves on the Onboarding Committee.

**Heather Wright** won the “Tackiest” holiday decorated cubicle in the agency! We wish we had a picture to share with you today! Heather also serves on the DHP Safety Committee as well as the CVC Committee who have raised over \$10,000 this past year in employee sponsored events!

## **Congratulations & Accolades**

Board President Connie Steele asked Ms. Hahn to share her good news with the board and to let them know what she has been working on. Ms. Hahn shared that she had been appointed by the Governor to serve as Chief Deputy under Dr. Brown in the agency. Ms. Hahn will also continue to serve as the Executive Director for the boards of Funeral Directors and Embalmers, Physical Therapy, and Long Term Care Administrators until a new Executive Director for the boards is hired sometime in late spring. In the meantime, she will be busy at the General Assembly, overseeing the HPMP program, the HDWC, and being the HR Liaison between DHP and DHRM.

The Board and staff stood and gave applause to Ms. Hahn for her achievement and for doing such a great job!

## Notes

If you have a change of address, email address, cell phone number, please remember to contact us so that we have the most current information.

Please try to respond to email requests within a timely manner especially when the email requests a reply for availability or a response to a licensure or disciplinary question.

Thank you for all your hard work & dedication!

## 2016 Calendar

- April 19<sup>th</sup>
- July 12<sup>th</sup>
- October 18<sup>th</sup> or 19<sup>th</sup>?

Ms. Hahn requested that the members and staff to check their calendars to see if October 19<sup>th</sup> would work as an alternate date for the October meeting.

## NEW BUSINESS

**Regulatory Report – Elaine Yeatts** – Ms. Yeatts stated there were no outstanding regulations at this time.

**Legislative Report – Elaine Yeatts** – Ms. Yeatts stated that the agency would have a busy 2016 General Assembly session with 40 bills assigned to DHP and that there were no bills at the time related to the funeral board.

## Revisions – Lynne Helmick

Ms. Helmick recommended the following disclosure changes in order to reduce confusion among licensees:

- **Appendix II (Casket Price List)**  
[http://www.dhp.virginia.gov/funeral/fun\\_laws\\_regs.htm](http://www.dhp.virginia.gov/funeral/fun_laws_regs.htm)
- **Funeral Inspection Report 76.21.3.1**  
[http://www.dhp.virginia.gov/enforcement/enf\\_guidelines.htm](http://www.dhp.virginia.gov/enforcement/enf_guidelines.htm)

Upon a motion by Connie Steele and properly seconded by Blair Nelsen, the board approved the changes to Appendix II and the Funeral Inspection Report. The motion carried unanimously.

## Virginia Mortuary Schools – Frank Walton

Mr. Walton first thanked the board and staff for their flowers and condolences on behalf of his father who recently passed away.



He then wanted to address a rumor that John Tyler Community College was going to close the mortuary science program. Mr. Walton stated that the school is fully accredited, that they just admitted 80 students for January and that they had 60 students currently enrolled in the program. He added that the school will be meeting with the American Board of Funeral Service Examiners (ABFSE) in April and that they expect to be fully re-accredited at that time.

Paul Welch requested that the schools have open communications with companies to seek out potential students as interns.

### **Maryland Board of Morticians**

Blair Nelsen reported that according to the Maryland Board of Morticians and Funeral Directors, only a registered mortuary transport service may remove or transport human remains in Maryland and to hold such a permit, you must agree to use a vehicle that has been inspected by an inspector designated by the Maryland Board.

### **ADJOURNMENT:**

The board concluded the meeting at 11:08 am

\_\_\_\_\_  
Connie B. Steele, President

\_\_\_\_\_  
Lisa R. Hahn, Executive Director

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

# Tab 2

Virginia Department of Health Professions  
Cash Balance  
As of February 29, 2016

	<b>104- Funeral Directors and Emba</b>
<b>Board Cash Balance as of June 30, 2014</b>	<b>\$ (40,742)</b>
<b>YTD FY16 Revenue</b>	<b>364,630</b>
<b>Less: YTD FY16 Direct and In-Direct Expenditures</b>	<b><u>356,432</u></b>
<b>Board Cash Balance as February 29, 2016</b>	<b><u><u>(32,544)</u></u></b>

Virginia Department of Health Professions  
Revenue and Expenditures Summary  
Department 10400 - Funeral Directors and Embalmers  
For the Period Beginning July 1, 2015 and Ending February 29, 2016

Account Number	Account Description	Amount	Budget	Amount Under/(Over)	
				Budget	% of Budget
<b>4002400 Fee Revenue</b>					
4002401	Application Fee	31,955.00	49,580.00	17,625.00	64.45%
4002406	License & Renewal Fee	322,300.00	728,235.00	405,935.00	44.26%
4002407	Dup. License Certificate Fee	370.00		(370.00)	0.00%
4002409	Board Endorsement - Out	1,100.00	3,720.00	2,620.00	29.57%
4002421	Monetary Penalty & Late Fees	1,200.00	4,650.00	3,450.00	25.81%
4002430	Board Changes Fee	4,200.00	5,910.00	1,710.00	71.07%
4002432	Misc. Fee (Bad Check Fee)	105.00		(105.00)	0.00%
	<b>Total Fee Revenue</b>	<b>361,230.00</b>	<b>792,095.00</b>	<b>430,865.00</b>	<b>45.60%</b>
<b>4003000 Sales of Prop. &amp; Commodities</b>					
4003020	Misc. Sales-Dishonored Payments	400.00		(400.00)	0.00%
	<b>Total Sales of Prop. &amp; Commodities</b>	<b>400.00</b>		<b>(400.00)</b>	<b>0.00%</b>
<b>4009000 Other Revenue</b>					
4009060	Miscellaneous Revenue	3,000.00	2,915.00	(85.00)	102.92%
	<b>Total Other Revenue</b>	<b>3,000.00</b>	<b>2,915.00</b>	<b>(85.00)</b>	<b>102.92%</b>
	<b>Total Revenue</b>	<b>364,630.00</b>	<b>795,010.00</b>	<b>430,380.00</b>	<b>45.86%</b>
<b>5011110 Employer Retirement Contrib.</b>					
5011120	Fed Old-Age Ins- Sal St Emp	3,915.09	6,372.00	2,456.91	61.44%
5011140	Group Insurance	682.37	992.00	309.63	68.79%
5011150	Medical/Hospitalization Ins.	12,496.93	18,526.00	6,029.07	67.46%
5011160	Retiree Medical/Hospitalizatn	602.17	875.00	272.83	68.82%
5011170	Long term Disability Ins	378.42	550.00	171.58	68.80%
	<b>Total Employee Benefits</b>	<b>25,978.19</b>	<b>39,160.00</b>	<b>13,181.81</b>	<b>66.34%</b>
<b>5011200 Salaries</b>					
5011230	Salaries, Classified	53,738.76	83,295.00	29,556.24	64.52%
5011250	Salaries, Overtime	259.26		(259.26)	0.00%
	<b>Total Salaries</b>	<b>53,998.02</b>	<b>83,295.00</b>	<b>29,296.98</b>	<b>64.83%</b>
<b>5011300 Special Payments</b>					
5011380	Deferred Compnstrn Match Pmts	450.50	840.00	389.50	53.63%
	<b>Total Special Payments</b>	<b>450.50</b>	<b>840.00</b>	<b>389.50</b>	<b>53.63%</b>
<b>5011530 Short-trm Disability Benefits</b>					
	<b>Total Disability Benefits</b>	<b>1,790.94</b>		<b>(1,790.94)</b>	<b>0.00%</b>
<b>5011930 Turnover/Vacancy Benefits</b>					
	<b>Total Personal Services</b>	<b>82,217.65</b>	<b>123,295.00</b>	<b>41,077.35</b>	<b>66.68%</b>
<b>5012000 Contractual Svcs</b>					
<b>5012100 Communication Services</b>					
5012110	Express Services		200.00	200.00	0.00%
5012140	Postal Services	808.63	3,500.00	2,691.37	23.10%
5012150	Printing Services	73.91	1,500.00	1,426.09	4.93%
5012160	Telecommunications Svcs (VITA)	325.36	300.00	(25.36)	108.45%
5012170	Telecomm. Svcs (Non-State)	267.92		(267.92)	0.00%
5012190	Inbound Freight Services	18.41		(18.41)	0.00%
	<b>Total Communication Services</b>	<b>1,494.23</b>	<b>5,500.00</b>	<b>4,005.77</b>	<b>27.17%</b>
<b>5012200 Employee Development Services</b>					

Virginia Department of Health Professions  
Revenue and Expenditures Summary  
Department 10400 - Funeral Directors and Embalmers  
For the Period Beginning July 1, 2015 and Ending February 29, 2016

Account Number	Account Description	Amount	Budget	Amount	% of Budget
				Under/(Over) Budget	
5012210	Organization Memberships	250.00	1,200.00	950.00	20.83%
5012220	Publication Subscriptions	-	600.00	600.00	0.00%
5012240	Employee Training/Workshop/Conf	-	1,000.00	1,000.00	0.00%
5012250	Employee Tuition Reimbursement	-	1,000.00	1,000.00	0.00%
5012270	Emp Trning- Trns, Ldgng & Meals	-	800.00	800.00	0.00%
	<b>Total Employee Development Services</b>	<b>250.00</b>	<b>4,600.00</b>	<b>4,350.00</b>	<b>5.43%</b>
5012400	Mgmt and Informational Svcs	-			
5012420	Fiscal Services	19.59	9,520.00	9,500.41	0.21%
5012440	Management Services	47.07	120.00	72.93	39.23%
5012470	Legal Services	175.00	150.00	(25.00)	116.67%
	<b>Total Mgmt and Informational Svcs</b>	<b>241.66</b>	<b>9,790.00</b>	<b>9,548.34</b>	<b>2.47%</b>
5012500	Repair and Maintenance Svcs				
5012510	Custodial Services	9.91	-	(9.91)	0.00%
5012530	Equipment Repair & Maint Srvc	-	40.00	40.00	0.00%
	<b>Total Repair and Maintenance Svcs</b>	<b>9.91</b>	<b>40.00</b>	<b>30.09</b>	<b>24.78%</b>
5012600	Support Services				
5012630	Clerical Services	-	5,500.00	5,500.00	0.00%
5012640	Food & Dietary Services	485.33	2,100.00	1,614.67	23.11%
5012660	Manual Labor Services	44.82	1,200.00	1,155.18	3.74%
5012670	Production Services	216.89	1,120.00	903.11	19.37%
5012680	Skilled Services	-	3,910.00	3,910.00	0.00%
	<b>Total Support Services</b>	<b>747.04</b>	<b>13,830.00</b>	<b>13,082.96</b>	<b>5.40%</b>
5012800	Transportation Services				
5012820	Travel, Personal Vehicle	2,220.38	5,100.00	2,879.62	43.54%
5012830	Travel, Public Carriers	-	700.00	700.00	0.00%
5012850	Travel, Subsistence & Lodging	179.01	1,600.00	1,420.99	11.19%
5012880	Trvl, Meal Reimb- Not Rprtble	102.00	750.00	648.00	13.60%
	<b>Total Transportation Services</b>	<b>2,501.39</b>	<b>8,150.00</b>	<b>5,648.61</b>	<b>30.69%</b>
	<b>Total Contractual Svcs</b>	<b>5,244.23</b>	<b>41,910.00</b>	<b>36,665.77</b>	<b>12.51%</b>
5013000	Supplies And Materials				
5013100	Administrative Supplies				
5013120	Office Supplies	424.13	1,500.00	1,075.87	28.28%
5013130	Stationery and Forms	-	675.00	675.00	0.00%
	<b>Total Administrative Supplies</b>	<b>424.13</b>	<b>2,175.00</b>	<b>1,750.87</b>	<b>19.50%</b>
5013200	Energy Supplies				
5013230	Gasoline	(7.05)	-	7.05	0.00%
	<b>Total Energy Supplies</b>	<b>(7.05)</b>	<b>-</b>	<b>7.05</b>	<b>0.00%</b>
5013300	Manufctrng and Merch Supplies				
5013350	Packaging & Shipping Supplies	-	85.00	85.00	0.00%
	<b>Total Manufctrng and Merch Supplies</b>	<b>-</b>	<b>85.00</b>	<b>85.00</b>	<b>0.00%</b>
5013600	Residential Supplies				
5013620	Food and Dietary Supplies	19.00	30.00	11.00	63.33%
5013630	Food Service Supplies	-	90.00	90.00	0.00%
	<b>Total Residential Supplies</b>	<b>19.00</b>	<b>120.00</b>	<b>101.00</b>	<b>15.83%</b>
5013700	Specific Use Supplies				

Virginia Department of Health Professions  
Revenue and Expenditures Summary  
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For the Period Beginning July 1, 2015 and Ending February 29, 2016

Account Number	Account Description	Amount			% of Budget
		Amount	Budget	Under/(Over) Budget	
5013730	Computer Operating Supplies	4.21	15.00	10.79	28.07%
	Total Specific Use Supplies	4.21	15.00	10.79	28.07%
	Total Supplies And Materials	440.29	2,395.00	1,954.71	18.38%
5014000	Transfer Payments				
5014100	Awards, Contrib., and Claims				
5014130	Premiums	180.00	-	(180.00)	0.00%
	Total Awards, Contrib., and Claims	180.00	-	(180.00)	0.00%
	Total Transfer Payments	180.00	-	(180.00)	0.00%
5015000	Continuous Charges				
5015100	Insurance-Fixed Assets				
5015160	Property Insurance	-	36.00	36.00	0.00%
	Total Insurance-Fixed Assets	-	36.00	36.00	0.00%
5015300	Operating Lease Payments				
5015340	Equipment Rentals	1.39	-	(1.39)	0.00%
5015350	Building Rentals	7.29	-	(7.29)	0.00%
5015360	Land Rentals	-	15.00	15.00	0.00%
5015390	Building Rentals - Non State	5,981.21	8,733.00	2,751.79	68.49%
	Total Operating Lease Payments	5,989.89	8,748.00	2,758.11	68.47%
5015500	Insurance-Operations				
5015510	General Liability Insurance	-	135.00	135.00	0.00%
5015540	Surety Bonds	-	8.00	8.00	0.00%
	Total Insurance-Operations	-	143.00	143.00	0.00%
	Total Continuous Charges	5,989.89	8,927.00	2,937.11	67.10%
5022000	Equipment				
5022200	Educational & Cultural Equip				
5022240	Reference Equipment	90.83	-	(90.83)	0.00%
	Total Educational & Cultural Equip	90.83	-	(90.83)	0.00%
5022600	Office Equipment				
5022610	Office Appurtenances	-	132.00	132.00	0.00%
	Total Office Equipment	-	132.00	132.00	0.00%
	Total Equipment	90.83	132.00	41.17	68.81%
	Total Expenditures	94,162.89	176,659.00	82,496.11	53.30%
	Allocated Expenditures				
20600	Funeral/ITCA/PT	54,246.95	102,198.95	47,952.00	53.08%
30100	Data Center	56,089.64	98,554.86	42,465.22	56.91%
30200	Human Resources	5,406.54	5,011.86	(394.68)	107.87%
30300	Finance	15,731.23	16,572.35	841.12	94.92%
30400	Director's Office	7,923.79	9,619.24	1,695.46	82.37%
30500	Enforcement	97,554.32	159,656.91	62,102.58	61.10%
30600	Administrative Proceedings	13,058.68	35,346.82	22,288.14	36.94%
30800	Attorney General	3,743.32	5,371.10	1,627.78	69.69%
30900	Board of Health Professions	4,586.92	5,327.10	740.17	86.11%
31100	Maintenance and Repairs	98.95	474.46	375.52	20.85%
31300	Emp. Recognition Program	116.89	202.04	85.14	57.86%

Virginia Department of Health Professions  
 Revenue and Expenditures Summary  
 Department 10400 - Funeral Directors and Embalmers  
 For the Period Beginning July 1, 2015 and Ending February 29, 2016

Account Number	Account Description	Amount	Budget	Amount	
				Under/(Over) Budget	% of Budget
31400	Conference Center	103.66	249.47	145.81	41.55%
31500	Pgm Devlpmnt & Implimentn	3,608.07	5,627.80	2,019.73	64.11%
	<b>Total Allocated Expenditures</b>	<u>262,268.96</u>	<u>444,212.95</u>	<u>181,943.99</u>	<u>59.04%</u>
	<b>Net Revenue in Excess (Shortfall) of Expenditures</b>	<u>\$ 8,198.15</u>	<u>\$ 174,138.05</u>	<u>\$ 165,939.90</u>	<u>4.71%</u>

# License Count Report for Funeral Directors

## April 19, 2016

Branch Establishment	73
Continuing Education Provider	24
Courtesy Card	87
Crematories	109
Funeral Establishments	439
Funeral Service Interns	226
Embalmer	3
Funeral Service Director	47
Funeral Service Licensee's	1,560
Funeral Service Supervisors	473
Surface Transportation & Removal Services	50
Total	3,091

Data as of 04/01/2016



# Disciplinary Case Report for Funeral Directors April 19, 2016

Investigations	20
Probable Cause	14
APD	4
Informal Stage	2
Formal Stage	3
<b>Total</b>	<b>43</b>

FDE Orders being monitored for Compliance - 15

Data as of 04/01/2016

# Virginia Department of Health Professions

## Patient Care Disciplinary Case Processing Times:

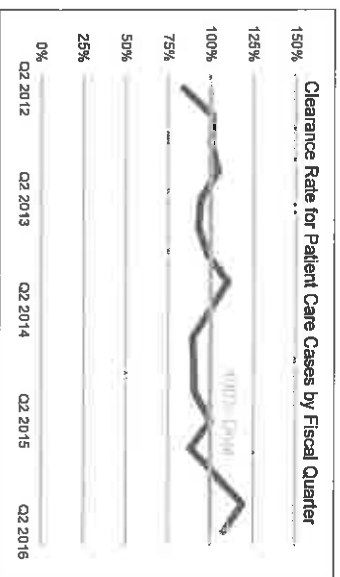
### Quarterly Performance Measurement, Q2 2012 - Q2 2016

David E. Brown, D.C.  
Director

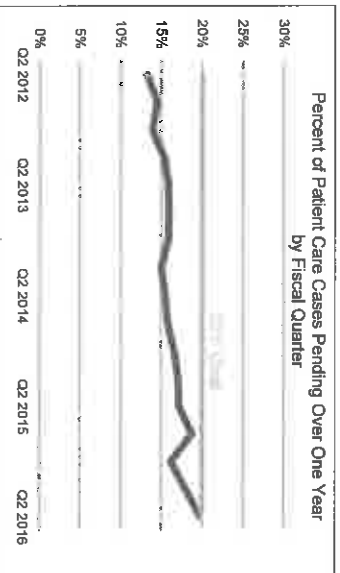
*"To ensure safe and competent patient care by licensing health professionals, enforcing standards of practice, and providing information to health care practitioners and the public."*  
DHP Mission Statement

In order to uphold its mission relating to discipline, DHP continually assesses and reports on performance. Extensive trend information is provided on the DHP website, in biennial reports, and, most recently, on Virginia Performs through Key Performance Measures (KPMs). KPMs offer a concise, balanced, and data-based way to measure disciplinary case processing. These three measures, taken together, enable staff to identify and focus on areas of greatest importance in managing the disciplinary caseload: Clearance Rate, Age of Pending Caseload and Time to Disposition uphold the objectives of the DHP mission statement. The following pages show the KPMs by board, listed in order by caseload volume; volume is defined as the number of cases received during the previous 4 quarters. In addition, readers should be aware that vertical scales on the line charts change, both across boards and measures, in order to accommodate varying degrees of data fluctuation.

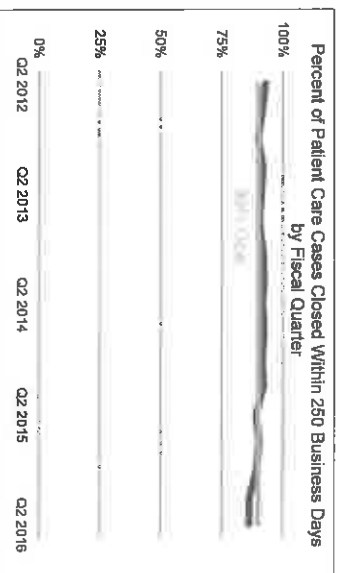
**Clearance Rate** - the number of closed cases as a percentage of the number of received cases. A 100% clearance rate means that the agency is closing the same number of cases as it receives each quarter. DHP's goal is to maintain a 100% clearance rate of allegations of misconduct through the end of FY 2016. The current quarter's clearance rate is 108%, with 924 patient care cases received and 999 closed.



**Age of Pending Caseload** - the percent of open patient care cases over 250 business days old. This measure tracks the backlog of patient care cases older than 250 business days to aid management in providing specific closure targets. The goal is to maintain the percentage of open patient care cases older than 250 business days at no more than 20% through the end of FY 2016. The current quarter shows 20% patient care cases pending over 250 business days with 2,331 patient care cases pending and 462 pending over 250 business days.



**Time to Disposition** - the percent of patient care cases closed within 250 business days for cases received within the preceding eight quarters. This moving eight-quarter window approach captures the vast majority of cases closed in a given quarter and effectively removes any undue influence of the oldest cases on the measure. The goal is to resolve 90% of patient care cases within 250 business days through the end of FY 2016. The current quarter shows 86% percent of patient care cases being resolved within 250 business days with 968 cases closed and 836 closed within 250 business days.

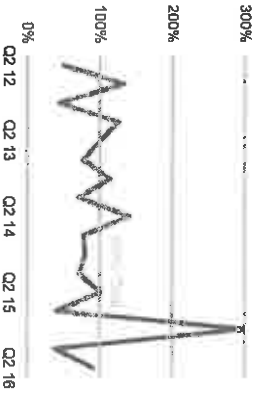


# Virginia Department of Health Professions - Patient Care Disciplinary Case Processing Times, by Board

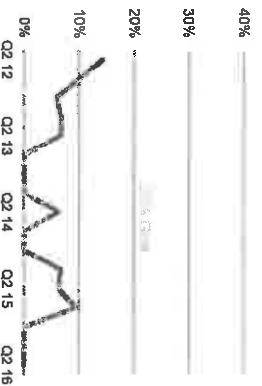
## Clearance Rate

**Physical Therapy** - In Q2 2016, the clearance rate was 91%, the Pending Caseload older than 250 business days was 0% and the percent closed within 250 business days was 100%.

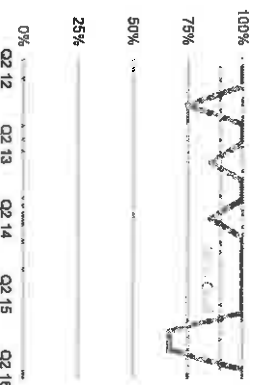
**Q2 2016 Caseloads:**  
 Received=11, Closed=10  
 Pending over 250 days=0  
 Closed within 250 days=10



## Age of Pending Caseload (percent of cases pending over one year)

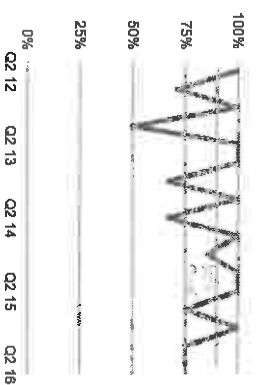
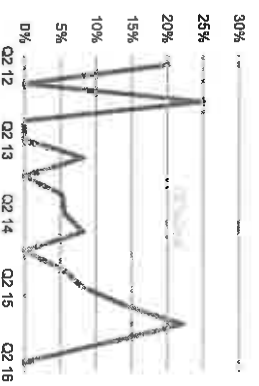
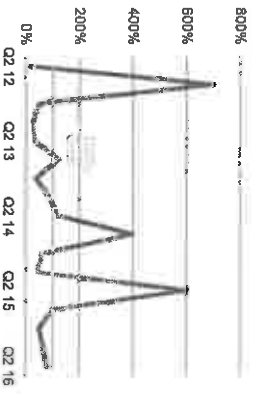


## Percent Closed in 250 Business Days



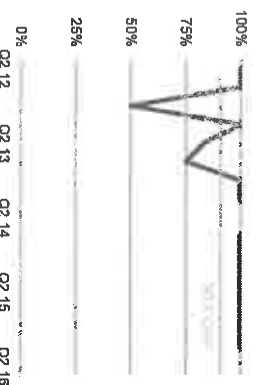
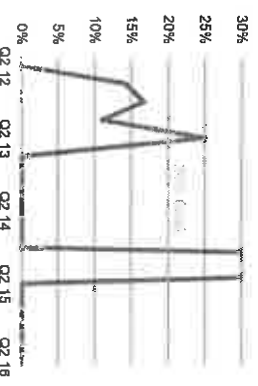
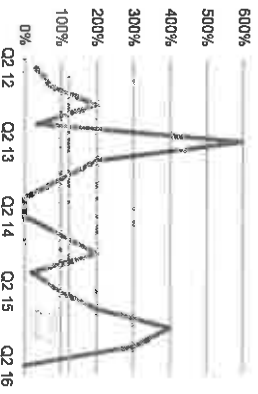
**Funeral** - In Q2 2016, the clearance rate was 80%, the Pending Caseload older than 250 business days was 0% and the percent closed within 250 business days was 75%.

**Q2 2016 Caseloads:**  
 Received=10, Closed=8  
 Pending over 250 days=0  
 Closed within 250 days=6



**Audiology** - In Q2 2016, the clearance rate was 0% the Pending Caseload older than 250 business days was 0% and the percent closed within 250 business days was 0%.

**Q2 2016 Caseloads:**  
 Received=0, Closed=0  
 Pending over 250 days=0  
 Closed within 250 days=0



Note: Vertical scales on line charts change, both across boards and measures, in order to accommodate varying degrees of data fluctuation.

**APPLICANT SATISFACTION SURVEY RESULTS**  
**APPROVAL RATE**

FISCAL YEAR 2016, QUARTER ENDING 12/31/2015

Quarter Breakdown	
Quarter 1	July 1st - September 30th
Quarter 2	October 1st - December 31st
Quarter 3	January 1st - March 31st
Quarter 4	April 1st - June 30th

\*Applicant Satisfaction Surveys are sent to all initial applicants. The survey includes six categories for which applicants rate their satisfaction on a scale from one to four, one and two being degrees of satisfaction, three and four being degrees of dissatisfaction. This report calculates the percentage of total responses falling into the approval range. An "n/a" is used if no response was received for that board during the specified timeframe.

AGENCY	CURRENT											
	Q3 2013	Q4 2013	Q1 2014	Q2 2014	Q3 2014	Q4 2014	Q1 2015	Q2 2015	Q3 2015	Q4 2015	Q1 2016	Q2 2016
Board	100.0%	100.0%	94.8%	85.7%	100.0%	100.0%	89.6%	83.3%	100.0%	86.7%	76.7%	100.0%
Audiology/Speech Pathology	69.9%	76.3%	80.1%	83.2%	87.7%	92.8%	83.3%	91.1%	83.9%	80.8%	79.6%	83.3%
Counseling	98.7%	94.7%	90.9%	95.9%	88.9%	88.9%	86.3%	91.7%	100.0%	93.3%	96.4%	83.3%
Dentistry	n/a	100.0%	100.0%	100.0%	88.9%	100.0%	N/A	100.0%	100.0%	97.0%	88.9%	100.0%
Funeral Directing	100.0%	n/a	100.0%	100.0%	88.9%	100.0%	100.0%	100.0%	100.0%	96.3%	100.0%	100.0%
Long Term Care Administrator	94.4%	87.5%	91.1%	91.8%	92.2%	95.0%	92.2%	81.2%	84.8%	89.6%	80.8%	80.6%
Medicine	97.6%	99.1%	97.2%	99.7%	96.5%	100.0%	95.6%	97.3%	88.9%	98.9%	100.0%	98.2%
Nurse Aide	94.4%	96.5%	94.3%	96.4%	94.5%	94.5%	95.6%	94.9%	98.1%	97.2%	92.4%	86.7%
Nursing	n/a	100.0%	100.0%	100.0%	N/A	N/A	100.0%	100.0%	N/A	66.7%	100.0%	N/A
Optometry	97.5%	97.3%	97.7%	98.1%	97.6%	99.1%	98.8%	98.3%	100.0%	99.5%	96.3%	98.9%
Pharmacy	100.0%	98.6%	96.9%	98.7%	100.0%	90.5%	94.3%	97.3%	100.0%	100.0%	96.9%	89.7%
Physical Therapy	89.6%	99.1%	88.6%	92.6%	88.9%	96.0%	89.6%	76.8%	90.0%	84.9%	83.3%	93.2%
Psychology	84.7%	94.9%	86.6%	90.7%	95.8%	88.5%	92.0%	92.0%	90.7%	92.6%	90.7%	94.4%
Social Work	83.3%	93.3%	97.4%	100.0%	100.0%	100.0%	100.0%	100.0%	N/A	91.7%	100.0%	N/A
Veterinary Medicine												
<b>AGENCY</b>	<b>93.5%</b>	<b>93.5%</b>	<b>93.6%</b>	<b>95.0%</b>	<b>94.2%</b>	<b>95.1%</b>	<b>94.2%</b>	<b>92.5%</b>	<b>95.1%</b>	<b>93.9%</b>	<b>90.6%</b>	<b>88.1%</b>

# **Board of Funeral Directors and Embalmers**

## **Report of the 2016 General Assembly**

### **HB 319 Health regulatory boards; continuing education for certain individuals.**

*Chief patron:* Rasoul

**Volunteer health care providers.** Requires health regulatory boards to promulgate regulations providing for the satisfaction of board-required continuing education for individuals registered, certified, licensed, or issued a multistate licensure privilege by a health regulatory board through delivery of health care services, without compensation, to low-income individuals receiving health services through a local health department or a free clinic organized in whole or primarily for the delivery of those health services. The bill has a delayed effective date of January 1, 2017.

### **HB 462 Administrative Process Act; contents of notices for case proceedings.**

*Chief patron:* Head

**Administrative Process Act; contents of notices for case proceedings.** Requires the notice for either an informal conference or a formal proceeding to include contact information consisting of the name, telephone number, and government email address of the person designated by the agency to answer questions or otherwise assist a named party.

### **HB 499 Professions and occupations; regulation, petitions, review by Board, report.**

*Chief patron:* Yancey

**Professions and occupations; standards for regulation.** Provides that a professional and occupational regulatory board cannot abridge the right of every person to engage in any lawful profession, trade, or occupation of his choice unless (i) it is clearly found that such abridgment is necessary for the protection or preservation of the health, safety, and welfare of the public and (ii) any such abridgment is no greater than necessary to protect or preserve the public health, safety, and welfare. The bill also provides that any professional or occupational group or organization, any person, or any other interested party that proposes the regulation of any

unregulated professional or occupational group shall submit a request to the Board of Professional and Occupational Regulation (the Board) no later than December 1 of any year for analysis and evaluation during the following year. The bill requires the Board to review the request only when filed with a statement of support for the proposed regulation signed by at least 10 members of the professional or occupational group for which regulation is being sought or at least 10 individuals who are not members of the professional or occupational group.

**HB 586 Health regulatory boards; confidentiality of certain information obtained by boards.**

*Chief patron:* Yost

**Confidentiality of certain information obtained by health regulatory boards in disciplinary proceedings.** Provides that in disciplinary actions involving allegations that a practitioner is or may be unable to practice with reasonable skill and safety to patients and the public because of a mental or physical disability, a health regulatory board shall consider whether to disclose and may decide not to disclose in its notice or order the practitioner's health records or his health services, although such information may be considered by the board in a closed hearing and included in a confidential exhibit to a notice or order. The bill provides that the public notice or order shall identify, if known, the practitioner's mental or physical disability that is the basis of its determination.

# Tab 3

Guidance document:

## **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.

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. A suspension or revocation by another jurisdiction that has been stayed on terms is not considered to be reinstated for purposes of Va. Code § 54.1-2408.

Affirmative responses to any questions on applications for licensure, registration, or certification related to 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 as to how to proceed.

*Criminal convictions for any felony may cause an applicant to be denied licensure or registration. Each applicant is considered on an individual basis. There are no criminal convictions or impairments that are an absolute bar to licensure or registration by the Board of Funeral Directors and Embalmers, if the applicant's civil rights have been restored. 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 § 18.2-126.*

Applications for licensure, registration, or certification include questions about the applicant's history, specifically:

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. Any mental or physical illness or chemical dependency condition that could interfere with the applicant's ability to practice.

Indicating "yes" to any questions about convictions, past actions, or possible impairment does not mean the application will be denied. It 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 an applicant for licensure or registration, or to deny approval.

#### **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, paid fines and restitution, etc.); and
- A letter from the applicant explaining the factual circumstances leading to the criminal offense(s).



Guidance document:

**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; and 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 applicants with a possible impairment:**

- 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) indicating diagnosis, treatment regimen, compliance with treatment, and ability to practice safely; and
- A letter from the applicant explaining the factual circumstances of 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. There is a history of a criminal conviction which does not constitute grounds for denial (any felony or any misdemeanor involving moral turpitude) or Board action pursuant to §54.1-2806 of the Code of Virginia.
2. There is a history of criminal conviction for felonies or misdemeanors involving moral turpitude, but meets the following criteria:
  - Conviction history of only misdemeanors which are greater than 5 years old, as long as court requirements have been met.
  - If one misdemeanor conviction less than 5 years old, the court requirements have been met, and the crime was unrelated to the license or registration sought.
  - If one felony conviction, greater than 10 years old and 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 and without subsequent criminal convictions.