

**Call to Order – Frank Walton, FSL, Board Vice-President**

- Welcome and Introductions
  - Emergency Egress Procedures
  - Mission of the Board
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**Approval of Minutes**

- Board Meeting – July 12, 2018
  - Legislative/Regulatory Committee – July 12, 2018
  - For informational purposes – Informal Conferences July 31, 2018
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**Ordering of Agenda**

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**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.*

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**Agency Report**

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**Presentation**

- Use of the Revised Sanctioning Reference Points Worksheet – **Kim Small, VisualResearch, Inc.**
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**Staff Reports**

- Executive Director’s Report – **Corie E. Tillman Wolf, Executive Director**
  - Discipline Report – **Lynne Helmick, Deputy Executive Director**
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**Board Counsel Report – Erin Barrett, Assistant Attorney General**

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**Committee and Board Member Reports**

- Legislative/Regulatory Committee – **Frank Walton, FSL**
  - Report from the International Conference – **Blair Nelsen, FSL**
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**Legislation and Regulatory Actions – Elaine Yeatts, Sr. Policy Analyst**

- Report on Regulatory Actions
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- Periodic Review - Discussion and/or Adoption of NOIRAs for the Regulations of the Board of Funeral Directors and Embalmers (18VAC65-20-10 et seq.) and the Regulations for the Funeral Service Internship Program (18VAC65-40-10 et seq.)
    - Discussion - Affiliation of Branch and Main Establishments
    - Discussion - Hours of Funeral Service Internship Program
    - Discussion - Additional Staff Proposals for Inclusion in Periodic Review
    - Incorporation of Proposed Regulations for the Funeral Service Internship Program (18VAC65-40-10 et seq.) into Periodic Review
  - Report on the Status of Periodic Review for the Public Participation Guidelines (18VAC65-11-10 et seq.) and the Regulations for Preneed Funeral Planning (18VAC65-30-10 et seq.)
  - Consideration of Board Action on Petition for Rulemaking (Watkins)
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### **New Business**

- Report from the Healthcare Workforce Data Center: Virginia's Funeral Service Provider Workforce (2017) - **Yetty Shobo, Ph.D., Deputy Executive Director**
  - Elections
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**Next Meeting** - January 24, 2019

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### **Meeting Adjournment**

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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 Virginia Code Section 2.2-3708(D).

# Approval of Minutes

**July 12, 2018**

The Virginia Board of Funeral Directors and Embalmers convened for a full board meeting on Thursday, July 12, 2018 at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2<sup>nd</sup> Floor, Board Room #2, Henrico, Virginia.

**BOARD MEMBERS PRESENT:**

Larry T. Omph, FSL, President  
Joseph Frank Walton, FSL, Vice President  
Mia F. Mimms, FSL, JD, Secretary-Treasurer  
Louis R. Jones, FSL  
Ibrahim A. Moiz, Esq., Citizen Member  
R. Thomas Slusser, Jr., FSL  
Connie B. Steele, FSL

**BOARD MEMBERS ABSENT**

Blair H. Nelsen, FSL  
Junius H. Williams, Jr., Citizen Member

**DHP STAFF PRESENT FOR ALL OR PART OF THE MEETING:**

Barbara Allison-Bryan, MD, DHP Chief Deputy Director  
Erin Barrett, Assistant Attorney General, Board Counsel  
David Brown, DC, DHP Director  
Sarah Georgen, Licensing and Operations Manager  
Lynne Helmick, Deputy Director  
Corie Tillman Wolf, Executive Director  
Heather Wright, Program Manager  
Elaine Yeatts, Sr. Policy Analyst

**OTHER GUESTS PRESENT**

Barry D. Robinson, Virginia Morticians Association  
Peggy Wood, Program Manager, Health Practitioners' Monitoring Program

**CALL TO ORDER**

Mr. Omph called the meeting to order at 10:02 a.m. and asked the Board members and staff to introduce themselves.

With 6 members present at the meeting, a quorum was established.

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

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

Ms. Tillman Wolf then read the emergency egress instructions.

## **APPROVAL OF MINUTES**

Upon a **MOTION** by Ms. Steele, and properly seconded by Ms. Mimms, the Board voted to accept the following meeting minutes:

- Board Meeting – April 17, 2018
- Formal Hearing – April 17, 2018
- Ad Hoc Committee Meeting on Internships – July 10, 2018

The motion passed unanimously.

## **ORDERING OF THE AGENDA**

Ms. Tillman Wolf requested that Dr. Allison-Bryan provide the Agency Report in Dr. Brown's absence and to allow for flexibility with the Board Counsel Report until such time that Dr. Brown could be present.

Upon a **MOTION** by Mr. Jones, and properly seconded by Mr. Slusser, the Board voted to accept the agenda as revised. The motion passed unanimously.

## **PUBLIC COMMENT**

Barry D. Robinson, Virginia Morticians Association (VMA), thanked Ms. Steele for her presentation to the association in June and thanked the Board for their support.

## **AGENCY REPORT**

Dr. Allison-Bryan stated that Dr. Brown was attending another meeting and would attend the Board's meeting later in the morning.

Dr. Allison-Bryan provided information on the medical marijuana bill through the Board of Pharmacy which would allow five pharmaceutical processors to operate in the Commonwealth and stated that 51 total applications were received as possible locations. She stated that a decision is scheduled for September regarding the applicants chosen.

Dr. Allison-Bryan spoke about the 2018 General Assembly and provided information on a bill that would allow nurse practitioners with specific training to practice autonomously.

With no further questions, Dr. Allison-Bryan concluded her report.

**STAFF REPORTS**

*Executive Director’s Report*

Ms. Tillman Wolf presented the Expenditure and Revenue Summary as of May 31, 2018.

Cash Balance as of June 30, 2017	\$380,747
YTD FY18 Revenue	\$695,215
Less YTD Direct & In-Direct Expenditures	\$530,164
<b>Cash Balance as of May 31, 2018</b>	<b>\$545,798</b>

Ms. Tillman Wolf provided an update regarding the 2018 Legislation and the Board, which included information related to HB 1071 regarding electronic renewal notices and SB 143 regarding student embalming at funeral establishments.

Ms. Tillman Wolf reported on the Electronic Death Registration System (EDRS) and stated that the last EDRS Stakeholders Meeting was held on April 26, 2018, with representatives from Vital Records, professional associations, Board staff, OCME, and the Medical Society of Virginia. The meeting allows multiple groups to collaborate and discuss issues related to electronic death records.

Ms. Tillman Wolf reported that Junius H. Williams, Jr. has completed his second term with the Board effective June 30<sup>th</sup>. She thanked Mr. Williams for his hard work and dedication to the Board over the years. She stated that Mr. Moiz has continued an additional year as a hold-over Board member and Mr. Slusser is currently a hold-over Board member from his first term.

Ms. Tillman Wolf reported that she and Ms. Helmick provided presentations to the Virginia Funeral Directors Association (VFDA) and Ms. Steele recently provided a presentation to VMA.

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

Licensure Statistics – All Licenses

License	April 12, 2018	July 11, 2018	Change (+/-)
Funeral Service Licensees	1,486	<b>1,519</b>	33
Funeral Director	36	<b>35</b>	(1)
Embalmer Only	2	<b>2</b>	--
Supervisors	535	<b>543</b>	8
Interns	176	<b>190</b>	14
Establishments	427	<b>431</b>	4

Branch Establishments	78	<b>78</b>	--
Crematories	115	<b>116</b>	1
CE Providers	18	<b>19</b>	1
Courtesy Card Holders	88	<b>104</b>	16
Surface Transport & Removal Svc.	35	<b>40</b>	5
<b>Total (*not incl. supervisors)</b>	2,461	<b>2,534</b>	73

Ms. Tillman Wolf presented the Quarterly Exam Statistics for the National Board Exam which included the following:

January 1, 2018 - March 31, 2018

<b>ARTS</b>	<b>Total Tested</b>	<b>Pass</b>	<b>Fail</b>	<b>Pass/Fail %</b>
First-Time	200	153	47	76.5/23.5%
Repeat	108	53	55	49/41%
Total	308	206	102	67/33%

<b>SCIENCE</b>	<b>Total Tested</b>	<b>Pass</b>	<b>Fail</b>	<b>Pass/Fail %</b>
First-Time	200	135	65	67.5/32.5%
Repeat	133	40	93	30/70%
Total	333	175	157	53/47%

Ms. Tillman Wolf presented the Quarterly Exam Statistics for the Virginia Exam which included the following:

January 1, 2018 - March 31, 2018

<b>NPTE – ARTS</b>	<b>Total Tested</b>	<b>Pass</b>	<b>Fail</b>	<b>Pass/Fail %</b>
Virginia	13	10	3	77/23%

<b>NPTE - SCIENCE</b>	<b>Total Tested</b>	<b>Pass</b>	<b>Fail</b>	<b>Pass/Fail %</b>
Virginia	10	6	4	60/40%

VA EXAM	Total Tested	Pass	Fail	Pass/Fail %
Virginia	16	11	5	69/31%

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

- Q1 2018 – 100%
- Q2 2018 – N/A
- Q3 2018 – N/A

Ms. Tillman Wolf provided reminders to the Board members regarding requests for presentations and for changes in contact information.

The remaining Board meeting dates for 2018 are:

- October 16, 2018 – 10:00 a.m.

The Board meeting dates for 2019 are:

- January 24, 2019 – 10:00 a.m.
- April 16, 2019 – 10:00 a.m.
- July 11, 2019 – 10:00 a.m.
- October 10, 2019 – 10:00 a.m.

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

*Discipline Report*

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

As of July 5, 2018, Ms. Helmick reported the following disciplinary statistics:

- 28 total cases
  - 3 in Informal Conferences
  - 16 in Investigation
  - 8 in Probable Cause
  - 9 licensees in Compliance Monitoring

Ms. Helmick reported the following Virginia Performs statistics for Q2 2018:

- Clearance Rate – 0% Received 4 cases and closed 0 cases (Goal is 100%)
- Pending Caseload over 250 days was at 13% (2 cases) (Goal is under 20%)
- Cases closed within 250 days is 0% - 0 cases closed within 250 days (Goal is over 90%)

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

- Q3 2016 – 21/18
- Q4 2016 – 12/21



- Q1 2017 – 8/10
- Q2 2017 – 12/17
- Q3 2017 – 9/15
- Q4 2017 – 22/20
- Q1 2018 – 12/14
- Q2 2018 – 8/7
- Q3 2018 – 12/18

Ms. Helmick provided the following information of All Case Information:

- Percentage of all cases closed in 250 days

	Q3 – 2017	Q4 – 2017	Q1 – 2018	Q2 – 2018	Q3 – 2018
<b>FDE</b>	60%	70%	78.6%	85.7%	61.1%
<b>Agency</b>	81.7%	86.7%	82.2%	86.7%	87.6%

- Average days to close a case

	Q3 – 2017	Q4 – 2017	Q1 – 2018	Q2 – 2018	Q3 – 2018
<b>FDE</b>	295	223.3	229.3	169.1	383.3
<b>Agency</b>	222.8	194.1	255.7	186.5	196.4

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

## COMMITTEE AND BOARD MEMBER REPORTS

### *Board of Health Professions Report*

Ms. Tillman Wolf stated that there was nothing to report, as Mr. Williams was not able to attend the last BHP Board meeting.

### *Ad Hoc Committee on Funeral Internships*

Mr. Slusser reported that the Ad Hoc Committee met on July 10, 2018.

Mr. Slusser stated that the Committee reviewed the proposed language for student embalmers and provided recommendations for the full Board’s consideration. Mr. Slusser provided a brief summary of the Committee’s meeting minutes to the Board members. He stated that a motion was required on the proposed language during the Legislation and Regulatory Actions portion of the agenda.

Dr. Brown arrived at 10:42 a.m.

## BOARD COUNSEL REPORT

*Closed Meeting*

Upon a **MOTION** by Mr. Walton, and duly seconded by Mr. Jones, the Board voted to convene in a closed meeting pursuant to Section 2.2-3711(A)(7) of the *Code of Virginia* for consultation with legal counsel pertaining to actual or probable litigation and specific legal matters requiring the provision of legal advice by such counsel. Additionally, he moved that Ms. Tillman Wolf, Ms. Helmick, Ms. Georgen, Ms. Wright, Ms. Yeatts, Dr. Brown, and Dr. Allison-Bryan attend the closed meeting because their presence in the closed meeting is deemed necessary and would aid the Board in its consideration of the topic.

Mr. Moiz arrived at 10:54 a.m.

*Reconvene*

Upon a **MOTION** by Mr. Walton, and duly seconded by Mr. Jones, it was certified that the matters discussed in the preceding closed session met the requirements of Section 2.2-3712 of the *Code of Virginia* and the Board reconvened in open session.

Upon a **MOTION** by Mr. Moiz, and properly seconded by Mr. Jones, the Board voted to interpret Section 54.1-2808.3 of the *Code of Virginia*, effective July 1, 2018, to mean that third-party casket sales are permitted and do not require a funeral service license. The motion passed unanimously.

**LEGISLATION AND REGULATORY ACTIONS**

Ms. Yeatts provided an overview of draft regulation language and recommended changes from the Ad Hoc Committee on Internships related to SB 143, which authorized students to participate in embalming under immediate supervision in a funeral establishment.

Upon a **MOTION** by Mr. Walton, and properly seconded by Mr. Slusser, the Board voted to initiate fast – track regulatory action on the proposed addition of regulations related to student embalming.

Ms. Yeatts provided an overview of an amendment to Section 54.1-2806, pertaining to causes for disciplinary action or denial of licensure. The proposed amendment would specifically include language to clarify that the Board may impose discipline for those who are registered or hold courtesy cards, such as registered interns, registered crematories, and courtesy card holders.

Upon a **MOTION** by Mr. Walton, and properly seconded by Ms. Steele, the Board voted to adopt the draft legislation for inclusion in the legislative package for the Department of Health Professions to submit to the Governor for consideration for the 2019 Session of the General Assembly.

**NEW BUSINESS**

*Health Practitioners' Monitoring Program (HPMP) Presentation*

Ms. Wood provided the Board with a summary and overview of the HPMP program. She provided a quarterly report (April to June 2018) of the participants of the program which can average between 430-

450 people. Dr. Brown stated that the purpose of the HPMP program is to provide the safe return of a recovering practitioner to practice in the Commonwealth.

**NEXT MEETING**

The next meeting date is October 16, 2018. Ms. Tillman Wolf stated that elections are to be held at the next Board meeting.

**ADJOURNMENT**

With all business concluded, the meeting adjourned at 11:48 a.m.

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Larry T. Omps, FSL, Board President

\_\_\_\_\_  
Corie Tillman Wolf, J.D., Executive Director

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**July 12, 2018**

The Virginia Board of Funeral Directors and Embalmers convened for a Legislative/Regulatory Committee Meeting on Thursday, July 12, 2018 at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2<sup>nd</sup> Floor, Board Room #2, Henrico, Virginia.

**BOARD MEMBERS PRESENT:**

Larry T. Omms, FSL, Committee Chair  
Joseph Frank Walton, FSL  
Mia F. Mimms, FSL, JD

**DHP STAFF PRESENT FOR ALL OR PART OF THE MEETING:**

Erin Barrett, Assistant Attorney General, Board Counsel  
Sarah Georgen, Licensing and Operations Manager  
Lynne Helmick, Deputy Director  
Corie Tillman Wolf, Executive Director  
Heather Wright, Program Manager  
Elaine Yeatts, Sr. Policy Analyst

**GUESTS PRESENT**

Barry Robinson, Virginia Morticians Association

**CALL TO ORDER**

Mr. Omms called the meeting to order at 1:02 p.m. and asked the Board members and staff to introduce themselves.

With 3 members present at the meeting, a quorum was established.

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

Ms. Tillman Wolf then read the emergency egress instructions.

**ORDERING OF THE AGENDA**

Upon a **MOTION** by Mr. Walton, and properly seconded by Ms. Mimms, the Committee voted to accept the agenda as written. The motion passed unanimously.

**PUBLIC COMMENT**

Barry D. Robinson, Virginia Morticians Association (VMA), stated that an email had been sent to Ms. Tillman Wolf and Ms. Helmick regarding the definition of “courtesy card” and requested that the Committee consider revisions throughout the regulations for consistency, clarity and simplicity.

## DISCUSSION

*Review of and Recommendations for Changes to Regulations Pursuant to the Periodic Review of the Regulations of the Board of Funeral Directors and Embalmers (18VAC65-20-10 et seq., 18VAC65-30-10 et seq., 18VAC65-40-10 et seq.)*

Ms. Yeatts requested that the Committee consider changing the title of the regulations to “Regulations for the Practice of Funeral Service” as the current title could be confusing as the regulations do not encompass all of the regulations for the Board of Funeral Directors and Embalmers.

Ms. Tillman Wolf provided the following suggested staff changes for consideration, which were discussed by Committee members:

### *18VAC65-20-10. Definitions.*

- Under the definition for “Branch” or “chapel,” the type of affiliation is not defined. She asked the Committee to consider defining “affiliation.”
- Under the definition for “Courtesy card,” Ms. Tillman Wolf asked the Committee to consider clarifying the definition to mean the authorization issued by the Board.

### *18VAC65-20-15. Criteria for delegation of informal fact-finding proceedings to an agency subordinate.*

- 18VAC65-20-15.B(5). Ms. Tillman Wolf noted that “sexual misconduct” is not currently defined in the Board’s regulations, however, the Internship Committee previously recommended the addition of a provision related to inappropriate and/or sexual misconduct during the periodic review process.

### *18VAC65-20-50. Posting of license.*

- 18VAC65-20-50.A. Ms. Tillman Wolf requested that the Committee clarify that the license shall be posted where a licensee practices, rather than where he is employed.

### *18VAC65-20-60. Accuracy of information.*

- 18VAC65-20-60.C. Ms. Tillman Wolf requested that a surface transportation and removal service shall notify the board within 14 days of any change in the name of the manager of record, rather than 30 days. This would be consistent with the provision for establishments.
- 18VAC65-20-60.D. Ms. Tillman Wolf requested that language be added to clarify that the notice of renewal could be transmitted electronically as allowed by legislation that became effective on July 1, 2018, or mailed to the licensee.

*18VAC65-20-70. Required Fees.*

- 18VAC65-20-70.G. Ms. Tillman Wolf requested the language to be stricken, as the shortfall reduction of fees is no longer valid.

*18VAC65-20-130. Renewal of license; registration.*

- 18VAC65-20-130.A.(3) Ms. Tillman Wolf requested the Committee consider the addition of a third requirement to this section to require that a courtesy card holder submit verification of an unrestricted funeral service license from the applicant's licensing authority in all states whether active, inactive, or expired.

*18VAC65-20-151. Continued competency requirements for renewal of an active license.*

- 18VAC65-20-151.E. Ms. Tillman Wolf requested the addition of letter "E" to this section to specify that a licensee shall be exempt from the continued competency requirements for the first renewal following the date of initial licensure by examination in Virginia.

*18VAC65-20-152. Continuing education providers.*

Ms. Tillman Wolf reviewed the current requirements for registration of continuing education providers and potential changes as suggested by Ms. Yeatts. Committee members discussed the current process and agreed to keep that process, with minor changes to clarify the process to be proposed by Board staff.

*18VAC65-20-153. Documenting compliance with continuing education requirements.*

- 18VAC65-20-153.A. Ms. Tillman Wolf requested clarification that a licensee must maintain original documentation of CE compliance for a period of two years after each renewal period.

*18VAC65-20-154. Inactive License.*

- 18VAC65-20-154.A. Ms. Tillman Wolf requested that the renewal fee for inactive status be specified under section 18VAC65-20-70 for required fees for consistency.

*18VAC65-20-170. Requirements for an establishment license.*

- 18VAC65-20-170.D. Ms. Tillman Wolf requested that the regulations clarify when a new license number should be issued with a change of information. Ms. Yeatts stated that a Guidance Document may be more appropriate.
- 18VAC65-20-170.E. Ms. Tillman Wolf requested clarification to establish affiliation between main and branch establishments; however Ms. Barrett stated that it may require a more in depth review and should be tabled.

*18VAC65-20-171. Responsibilities of the manager of record.*

- 18VAC65-20-171.B.(4) Ms. Tillman Wolf requested the addition of a fourth requirement stating that the manager of record was responsible for correction and/or seeking correction of any deficiencies found in the course of an inspection.

*18VAC65-20-240. Requirements for funeral service licensure by examination.*

- 18VAC65-20-240.A.(1) Ms. Tillman Wolf requested to specify that applicants shall submit mortuary school transcripts when applying.
- 18VAC65-20-240.A.(2) Ms. Tillman Wolf requested to remove requirement no. 2, as the submittal of an application package in not less than 30 days prior to an examination date was no longer necessary.

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

- 18VAC65-20-350. Ms. Tillman Wolf requested to move the term “reciprocity” from the title of the section, as well as, removing it from section B, as all applicants holding a license in another jurisdiction are required to apply by endorsement.

*18VAC65-20-435. Registration of crematories.*

- 18VAC65-20-435. Ms. Tillman Wolf discussed proposed language to clarify whether a manager of record for a funeral establishment may also serve as the manager of record for a crematory at the same location.

*18VAC65-20-436. Standards for registered crematories or funeral establishments relating to cremation.*

- 18VAC65-20-436.A.(2) Ms. Tillman Wolf requested to clarify that the cremation authorization form shall include an attestation of visual identification of the deceased from a viewing of the remains or a photograph *of the remains* signed by the person making the identification, executed prior to the cremation

**BREAK**

The Committee recessed at 2:36 p.m.

The Committee reconvened at 2:43 p.m.

**DISCUSSION CONTINUED**

*18VAC65-20-440. Courtesy Cards.*

- 18VAC65-20-440.B.(2) Ms. Tillman Wolf requested to add that the applicant for a courtesy card shall submit a verification from each state in which the licensee was licensed, whether current, inactive or expired, with at least one license in current, unrestricted status. Committee members discussed the courtesy card provisions and the public comment offered by Mr. Robinson.

- 18VAC65-20-440.C. Ms. Yeatts recommended that language be added that courtesy card holders shall not include the right to establish or engage generally in the business of funeral directing and embalming in Virginia to reiterate the practice restriction imposed by the statute.

*18VAC65-20-510. Embalming report.*

- 18VAC65-20-510. Ms. Tillman Wolf recommended that language be added related to the name(s) of students who assisted with the embalming with the signature of their supervisor.

*18VAC65-20-580. Preparation room equipment.*

- 18VAC65-20-580(7) Mr. Walton requested to add that the means or method for the sterilization and/or disinfection of reusable instruments be by chemical bath or soak; autoclave (steam); or ultraviolet light. Committee members further discussed whether there should be any additional changes to the requirements for preparation rooms.

*18VAC65-20-700. Retention of documents.*

- 18VAC65-20-700. Ms. Tillman Wolf and Committee members discussed whether clarifications were needed to the wording regarding the retention of documents where there is a change of owner or relocation.

Upon a **MOTION** by Ms. Mimms, duly seconded by Mr. Walton, the Committee voted to put forth the recommendations as discussed by the Committee as listed by Ms. Yeatts for the consideration of NOIRA at the next Board meeting.

**ADJOURNMENT**

With all business concluded, the meeting adjourned at 3:31 p.m.

\_\_\_\_\_  
Larry T. Omps, FSL, Board President

\_\_\_\_\_  
Corie Tillman Wolf, J.D., Executive Director

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date



**UNAPPROVED**  
**VIRGINIA BOARD OF FUNERAL DIRECTORS AND EMBALMERS**  
**SPECIAL CONFERENCE COMMITTEE**  
**MINUTES**

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July 31, 2018

Department of Health Professions  
Perimeter Center  
9960 Mayland Drive, Suite #300  
Henrico, Virginia 23233

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- CALL TO ORDER:** A Special Conference Committee of the Board was called to order at 12:58 p.m.
- MEMBERS PRESENT:** Louis Jones, FSL, Chair  
Blair Nelsen, FSL
- DHP STAFF PRESENT:** Lynne H. Helmick, Deputy Executive Director  
Candace Carey, Discipline Operations Assistant  
Emily Tatum, Adjudication Specialist
- MATTER:** **Willis N. Dunn, FSL**  
License # 0502-900270  
Case # 179962
- DISCUSSION:** Mr. Dunn appeared before the Committee in accordance with the Notice of Informal Conference, dated June 14, 2018. Mr. Dunn was present and was not represented by counsel.
- The Committee fully discussed the allegations as outlined in the Notice of Informal Conference.
- CLOSED SESSION:** Upon a motion by Mr. Nelsen and duly seconded by Mr. Jones, the Committee voted to convene a closed meeting pursuant to §2.2-3711.A (27) of the Code of Virginia, for the purpose of deliberation to reach a decision in the matter of Willis N. Dunn, FSL. Additionally, he moved that Ms. Helmick and Ms. Carey attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee in its discussions. The Committee entered into closed session at 1:22 p.m.
- RECONVENE:** Having certified that the matters discussed in the preceding closed session met the requirements of §2.2-3712 of the Code, the Committee re-convened in open session at 1:43 p.m.
- DECISION:** Upon a motion by Mr. Nelsen and duly seconded by Mr. Jones, the Committee issued a Reprimand to Willis N. Dunn, FSL; and

ordered a \$1000 monetary penalty and an indefinite probation of up to one year.

The motion carried.

**ADJOURNMENT:**

The Committee adjourned at 2:02p.m.

\_\_\_\_\_  
Louis Jones, Chair

\_\_\_\_\_  
Corie Tillman Wolf, Executive Director

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date



# Board Counsel Report



FDE  
OCT - 1 2018

September 26, 2018

Mr. Larry T. Ompps, FSL  
President  
Virginia Board of  
Funeral Directors and Embalmers  
9960 Mayland Drive, Suite 300  
Henrico, Virginia 23223-1463

Re: Board Meeting on July 12, 2018

Dear Mr. Ompps:

I write on behalf of the Virginia Funeral Directors Association (the "VFDA") concerning certain action taken by the Virginia Board of Funeral Directors and Embalmers (the "Board") at its meeting on July 12, 2018. In particular, as reflected in the minutes of this meeting, the Board convened in a closed meeting to discuss matters relating to third-party casket sales. During such closed meeting, the Board voted to interpret *Va. Code § 54.1-2808.3* to mean that third-party casket sales are permitted and do not require a funeral service license. As you are aware, this is an issue in which the VFDA and its members have a significant interest. The VFDA is disappointed that because this matter was addressed behind closed doors, it did not have an opportunity to share information and present its views before regulatory action was taken.

The VFDA contends that the Board failed to comply with the Virginia Freedom of Information Act, *Va. Code §§ 2.2-3700 et seq.* (the "Act"), in convening this closed session at its July 12<sup>th</sup> meeting and taking regulatory action in such closed session. In this regard, the Act provides that no closed meeting may be held unless the public body proposing such meeting has taken an affirmative vote in an open meeting approving a motion that (i) identifies the subject matter, (ii) states the purpose of the meeting, and (iii) makes specific reference to the applicable exemption from the Act's open meeting requirements. *Va. Code § 2.2-3712.A*. The Act provides that these matters must be set forth in detail in the minutes of the open meeting. *Id.* Importantly, "[a] general reference to the provisions of this chapter, the authorized exemptions from open meeting requirements, or the subject matter of the closed meeting shall not be sufficient to satisfy the requirements for holding a closed meeting." *Id.* (The specific exemption asserted in this case is set forth in *Va. Code § 2.2-3711.A.7*, relating to actual or probable litigation, which we will discuss below.)

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CALIFORNIA \ CONNECTICUT \ DELAWARE \ FLORIDA \ GEORGIA \ ILLINOIS \ MARYLAND \ MASSACHUSETTS \ MICHIGAN \ NEW JERSEY  
NEW YORK \ PENNSYLVANIA \ RHODE ISLAND \ TEXAS \ VIRGINIA \ WASHINGTON, D.C.

The Board failed to identify the subject matter of the closed meeting in its open session, and thus did not follow the necessary procedural requirements of the Act to convene such closed meeting. In this regard, the minutes merely state that “the Board voted to convene in a closed meeting pursuant to *Section 2.2-3711(A)(7) of the Code of Virginia* for consultation with legal counsel pertaining to actual or probable litigation and specific legal matters requiring the provision of legal advice by such counsel.” This statement does indicate the subject matter of the actual or probable litigation. Again, a general reference to litigation is insufficient under the express language of the statute. See *Va. Code § 2.2-3712.A*; *Ripol v. Westmoreland County Indus. Devel. Auth.*, 82 *Va. Cir.* 69 (2010). Therefore, the closed meeting was not convened in accordance with applicable legal requirements.

In addition, the Act requires that at the conclusion of a closed meeting, the public body shall immediately reconvene in an open meeting and take a roll call or other recorded vote to be included in the minutes, certifying that to the best of each member’s knowledge only public business matters lawfully exempted and identified in the motion to convene the closed meeting were heard, discussed, or considered. *Va. Code § 2.2-3712.D*. The minutes do not indicate that any such roll call or recorded vote took place as required under this section.

Finally, we note that the exemption upon which the Board relied in convening the closed meeting must be based on “actual or probable litigation.” *Va. Code § 2.2-3711.A.7*. “Probable litigation” is defined in this section to mean “litigation that has been specifically threatened or on which there is a reasonable basis to believe will be commenced. *Id.* We do not believe there is any “actual litigation” and are unaware of any “probable litigation” that would have justified the assertion of this exemption in the first instance.

The VFDA has an interest in this matter and was denied the opportunity to participate in the Board’s discussion because such discussion occurred in a closed meeting to which the VFDA was uninvited. In this regard, we note that the Act expressly authorizes a public body to permit nonmembers to attend a closed meeting if such persons are deemed necessary or if their presence would reasonably aid the public body in its consideration of the topic of the meeting. *Va. Code § 2.2-3712.F*.


Because of the Board’s failure to comply with the Act as described above, the VFDA and its members have been denied the rights and privileges conferred under the Act. The Act provides remedies to an aggrieved party, including injunctive relief and the recovery of reasonable costs and attorneys’ fees. Accordingly, the VFDA hereby demands that the Board withdraw the regulatory action taken during its closed meeting on July 12<sup>th</sup> and that any reconsideration of the matters discussed during such meeting take place at a future meeting at

Mr. Larry T. Omph, FSL  
September 26, 2018  
Page 3

which the VFDA is given the opportunity to present information and its views to the Board before any regulatory action is taken.

Please contact me with any questions or comments. Thank you for your consideration and attention to this matter.

Sincerely,



Joseph E. Spruill, III

JES/lsr

cc: Ms. Lacy Whittaker



# COMMONWEALTH of VIRGINIA

Office of the Attorney General

Mark R. Herring  
Attorney General

202 North Ninth Street  
Richmond, Virginia 23219  
804-786-2071  
Fax 804-786-1991  
Virginia Relay Services  
800-828-1120  
7-1-1

October 3, 2018

Joseph E. Spruill, III  
LeClair Ryan  
919 East Main Street  
24th Floor  
Richmond, Virginia 23219

Dear Mr. Spruill:

The Virginia Board of Funeral Directors and Embalmers (“Board”) forwarded your letter dated September 26, 2018, to me for response as counsel to the Board. In your letter, written on behalf of the Virginia Funeral Directors Association (“VFDA”), you assert that a closed meeting entered into by the Board at its July 12, 2018 meeting was improper under the Virginia Freedom of Information Act (“FOIA”), Va. Code § 2.2-3700 *et seq.*

The closed meeting convened pursuant to Virginia Code § 2.2-3711(A)(7), which was identified at the meeting and is specifically identified in the draft minutes, was entered in accordance with FOIA requirements. In addition, despite VFDA’s unawareness of any probable litigation, the Board has received multiple threats of litigation over the past three years regarding the issues that were discussed in closed session and the Board had a reasonable basis to believe that litigation would be commenced. Thus, the Board’s reliance on Virginia Code § 2.2-3711(A)(7) as authority for the closed session was proper. In accordance with Virginia Code § 2.2-3712, upon reconvening in open session, the Board certified by motion and voice vote that the matters discussed in the closed meeting were those for which the closed meeting was convened. Thank you for bringing to our attention that the draft minutes do not reflect the vote that was taken following the certification. The draft minutes currently available on the Board’s website will be before the Board for approval at its next meeting and can be amended to accurately reflect the events of the meeting and correct this oversight.

In addition to the alleged procedural defects raised in your letter, you state that “[d]uring such closed meeting, the Board voted to interpret *Va. Code § 54.1-2808.3* to mean that third-party casket sales are permitted and do not require a funeral license.” In fact, the Board moved and voted in open session to interpret Virginia Code § 54.1-2808.3, as reflected in the draft minutes.

Joseph E. Spruill, III, Esquire  
October 3, 2018  
Page 2

Finally, you demand the Board to withdraw “the regulatory action” it took at the meeting. The Board, however, did not take any regulatory action regarding third-party casket sales. Rather, the Board rendered an interpretation of a newly effective statutory provision that will guide its enforcement of applicable law. The Board has been vested with enforcement discretion by the General Assembly, and the Board’s interpretation of § 54.1-2808.3 made at the meeting is an exercise of that discretion. *See* Va. Code § 54.1-2806; *see also* *Mar v. Malveaux*, 60 Va. App. 759, 770, 732 S.E.2d 733, 738 (2012). If the VFDA believes that regulatory action is needed, it may petition the Board for rulemaking. If the VFDA disagrees with the Board’s interpretation, it may express its views to the Board during the public comment portion of the Board’s next meeting or may petition the General Assembly for a statutory revision.

Sincerely,

A handwritten signature in black ink that reads "Erin L. Barrett". The signature is written in a cursive, flowing style.

Erin L. Barrett  
Assistant Attorney General  
Counsel for the Virginia Board of  
Funeral Directors and Embalmers

cc: Larry T. Omms, FSL, Board President  
Corie Tillman Wolf, Executive Director



# Legislation and Regulatory Actions

## Report on Regulatory Actions (as of October 1, 2018)

Board		Board of Funeral Directors and Embalmers
Chapter	Action / Stage Information	
[18 VAC 65 - 20]	Regulations of the Board of Funeral Directors and Embalmers	<u>Students assisting with embalming</u> [Action 5105] Fast-Track - <i>At Secretary's Office for 18 days</i>
[18 VAC 65 - 20]	Regulations of the Board of Funeral Directors and Embalmers	<u>Clarification of permission to embalm and refrigeration of human remains</u> [Action 4765] Final - <i>At Governor's Office for 146 days</i>
[18 VAC 65 - 20]	Regulations of the Board of Funeral Directors and Embalmers	<u>CE credit for board meetings</u> [Action 4806] Final - <i>At Governor's Office for 28 days</i>
[18 VAC 65 - 40]	Regulations for the Funeral Service Intern Program	<u>Oversight of funeral intern program</u> [Action 4895] NOIRA - <i>Register Date: 8/6/18</i> Comment ended: <i>9/5/18</i>

**Agenda Item: Board Action –Adoption of NOIRA**

**Included in your package are:**

A copy of the Notice of Periodic Review

Recommendations for substance of a Notice of Intended Regulatory Action (NOIRA) for Chapter 20

Comment on Periodic Review for Chapter 40 – Regulations Governing Funeral Interns

**Action:**

Motion to adopt a NOIRA for Chapter 20

Motion to refer comment and notes on Chapter 40 to Committee on Internships



Logged in as

Elaine J. Yeatts

Agency

Department of Health Professions

Board

Board of Funeral Directors and Embalmers

Chapter

Regulations of the Board of Funeral Directors and Embalmers  
[18 VAC 65 – 20]
 [Edit Review](#)

Review 1640

### Periodic Review of this Chapter

Includes a Small Business Impact Review

**Date Filed:** 4/18/2018

#### Review Announcement

Pursuant to Executive Order 17 (2014) and §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the Board of Funeral Directors and Embalmers is conducting a periodic review and small business impact review of VAC citation: 18VAC65-20-10 et seq.: Regulations of the Board of Funeral Directors and Embalmers.

The review of this regulation will be guided by the principles in Executive Order 17 (2014).  
<http://dph.virginia.gov/regs/EO17.pdf>

The purpose of this review is to determine whether this regulation should be repealed, amended, or retained in its current form. Public comment is sought on the review of any issue relating to this regulation, including whether the regulation (i) is necessary for the protection of public health, safety, and welfare or for the economical performance of important governmental functions; (ii) minimizes the economic impact on small businesses in a manner consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable.

The comment period begins 05/14/18, and ends on 06/13/18.

Comments may be submitted online to the Virginia Regulatory Town Hall at <http://www.townhall.virginia.gov/L/Forums.cfm>. Comments may also be sent to Name: Elaine Yeatts, Title: Senior Policy Analyst, Address: 9960 Mayland Drive, City: Henrico, State: Virginia, Zip: 23233, Telephone: (804) 367-4688, FAX: (804) 527-4434, email address: [Elaine.yeatts@dhp.virginia.gov](mailto:Elaine.yeatts@dhp.virginia.gov).

Comments must include the commenter's name and address (physical or email) information in order to receive a response to the comment from the agency. Following the close of the public comment period, a report of both reviews will be posted on the Town Hall and a report of the small business impact review will be published in the Virginia Register of Regulations.

#### Public Comment Period

Begin Date: 5/14/2018    End Date: 6/13/2018

Comments Received: 0

#### Review Result

Pending

#### Attorney General Certification

Result of Review: Certified

## **Periodic Review – Regulations of the Virginia Board of Funeral Directors and Embalmers**

Pursuant to its periodic review of regulations, the Board intends to consider the following amendments:

### **18VAC65-20-10 et seq. - Regulations of the Virginia Board of Funeral Directors and Embalmers**

- Title change to avoid confusion and to reflect that there four sets of regulations for the Virginia Board of Funeral Directors and Embalmers. Retitle to Regulations Governing the Practice of Funeral Services.

#### **18VAC65-20-10. Definitions.**

- Clarify definition for “Branch” or “chapel” or further define “affiliated” or “affiliation.”

#### **18VAC65-20-50. Posting of license.**

- Clarify that the license shall be posted in each establishment or branch where a licensee practices.

#### **18VAC65-20-60. Accuracy of information.**

- For consistency with the provision for establishments, require a surface transportation and removal service to notify the board within 14 days of any change in the name of the manager of record.
- Specify that a notice of renewal can be transmitted electronically, consistent with legislation that became effective on July 1, 2018.

#### **18VAC65-20-70. Required Fees.**

- Clarify fee language related to review and renewal fees for continuing education providers (no change in fees).
- Strike language related to shortfall reduction of fees, which is no longer valid.
- Include fees for inactive status under fee schedules (currently in section 154).

#### **18VAC65-20-130. Renewal of license; registration.**

- Add a third requirement to this section to require that, in order to renew courtesy card, a courtesy card holder submit verification of a current, unrestricted funeral service license from the applicant’s licensing authority(ies).

#### **18VAC65-20-151. Continued competency requirements for renewal of an active license.**

- Add a subsection E to specify that a licensee shall be exempt from the continued competency requirements for the first renewal following the date of initial licensure by examination in Virginia.

#### **18VAC65-20-152. Continuing education providers.**

- Clarify changes to the process for Board application and approval of continuing education providers.

**18VAC65-20-153. Documenting compliance with continuing education requirements.**

- Clarify that a licensee must maintain original documentation of continuing education compliance for a period of two years after the annual renewal.

**18VAC65-20-154. Inactive License.**

- Move renewal fees for inactive status to section 18VAC65-20-70 (Required fees). Include reference to 18VAC65-20-70 for relevant fee information.

**18VAC65-20-170. Requirements for an establishment license.**

- Clarify reference to manager of record of the establishment.
- Add language related to affiliation of branch or chapel to main establishment.
- Consider language related to emergency operation of a funeral service establishment out of another facility during an emergency.

**18VAC65-20-171. Responsibilities of the manager of record.**

- Clarify that manager of record is responsible for correction of/seeking correction of any deficiencies found during the course of an inspection.

**18VAC65-20-240. Requirements for funeral service licensure by examination.**

- Clarify that applicants must submit mortuary school transcripts when applying for funeral service licensure.
- Delete the 30-day time requirement for submission of the application package prior to an examination date.

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

- Remove the term “reciprocity” since licensees from other jurisdictions apply for licensure by endorsement.

**18VAC65-20-400. Registration of surface transportation and removal services.**

- Possibly include a requirement that an applicant for registration provide proof of bonding or liability insurance coverage
- Consider registration of individuals for surface transportation and removal in addition to companies

**18VAC65-20-435. Registration of crematories.**

- Clarify whether a manager of record for a funeral establishment may also serve as the manager of record for a crematory at the same location.
- Consider language for the issuance of a provisional registration to a crematory to allow the crematory to conduct a first cremation for purposes of testing the functioning of new retort

equipment; once the retort equipment is deemed functional, the crematory would become fully registered.

**18VAC65-20-436. Standards for registered crematories or funeral establishments relating to cremation.**

- Clarify that the cremation authorization form shall include an attestation of visual identification of the deceased from a viewing of the remains or a photograph *of the remains* signed by the person making the identification, executed prior to the cremation.

**18VAC65-20-440. Courtesy Cards.**

- Clarify verification language to include submission by an applicant of a verification from each state in which the applicant is or has been licensed, whether current, inactive or expired, with at least one license in current, unrestricted status.
- Add clarifying language that the holder of a courtesy card does not include the right to establish or engage generally in the business of funeral directing and embalming in Virginia to reiterate the practice restriction imposed by the statute.

**18VAC65-20-500. Disciplinary action.**

- Include provision related to inappropriate conduct directed toward interns.

**18VAC65-20-510. Embalming report.**

- Add language stating that, if the embalming was assisted in by mortuary science student(s), the report shall include the name of the students and the signature of their supervisor.

**18VAC65-20-580. Preparation room equipment.**

- Clarify that the means or method for the sterilization or disinfection of reusable instruments be by chemical bath or soak; autoclave (steam); or ultraviolet light.

**18VAC65-20-700. Retention of documents.**

- Clarify wording regarding the retention of documents where there is a change of owner or relocation of an establishment.

**APPENDICES I, II, III**

- Change document formatting and update to disclosure language consistent with state and federal laws and regulations.

## **18VAC65-40-10 et seq. Regulations for the Funeral Service Internship Program.**

### **18VAC65-40-10. Definitions.**

- Clarification of the definition of direct supervision of an intern.

### **18VAC65-40-90. Renewal of Registration.**

- Clarification that a notice of renewal also can be transmitted electronically, consistent with legislation that became effective on July 1, 2018.

### **18VAC65-40-110. Reinstatement of expired registration.**

- Clarify title of section to include reference to renewal of expired registration.
- 18VAC65-40-110(A). Correct reference to renewal within one year following expiration.

### **18VAC65-40-130. Funeral service internship.**

- Consider public comment related to the number of required hours for an internship.

### **18VAC65-40-220. Qualifications of Training Site.**

- 18VAC65-40-220(B). Correct reference to resident trainee to intern.

### **18VAC65-40-250. Requirements for Supervision.**

- Clarification of requirements for intern supervision.

### **18VAC65-40-320. Reports to the board; six month report; partial report.**

- Removal of language related to deduction of credit hours for late intern reports.

### **18VAC65-40-330. Failure to submit a training report.**

- Changes to language related to forfeiture of all or partial credit for training.

### **18VAC65-40-340. Supervisors' responsibilities.**

- Clarification of language related to supervision.

### **18VAC65-40-640. Disciplinary action.**

- Clarification that disciplinary action may be imposed for failure to comply with the statues or regulations of the Board of Funeral Directors and Embalmers.



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Elaine J. Yeatts

Agency

**Department of Health Professions**

Board

**Board of Funeral Directors and Embalmers**

Chapter

**Regulations for the Funeral Service Intern Program [18 VAC 65 – 40]****[Back to List of Comments](#)****Commenter:** Janet Stephens

6/13/18 11:52 pm

**Change in Internship Requirement**

In light of the 2017 Funeral Service Provider Workforce Study, funeral service licensees are retiring or leaving the profession at a higher rate than licensees coming into the profession. By the year 2042, half of the current licensees will be at retirement age. If we want to continue to have a pool of qualified candidates entering our profession we must make provisions to attract and attain licensees for the future.

The current 3,000 hour internship requirement is a factor in being able to continually have a pool of qualified funeral service licensees. Funeral services students are opting to go to neighboring states where the internship hours and/or time requirement is less. For example, North Carolina and West Virginia only require a year internship and Maryland only requires 1,000 hours. If we expect to meet the funeral industry future needs, we must look at reducing the internship hours or changing it to a year requirement. This would not have an adverse effect on public health and developing competent and qualified licensees. Interns can still be required to complete the 25 embalmings and 25 funerals within a year or over a period of 1,000 hours but not less than a period of a year.

**Agenda Item: Petition for rulemaking - Watkins**

**Included in your agenda package are:**

Petition from Jessica Watkins – requesting amendments to preneed regulations to protect families that have preneed contracts with a funeral establishment that closes

Copy of comments on petition

**Board action:**

**Action to accept petitioner’s request to initiate rulemaking or to deny the request with reasons for denial stated or some other action.**

## Request for Comment on Petition for Rulemaking

Promulgating Board: Board of Funeral Directors and Embalmers

Regulatory Coordinator: Elaine J. Yeatts  
(804)367-4688  
[elaine.yeatts@dhp.virginia.gov](mailto:elaine.yeatts@dhp.virginia.gov)

Agency Contact: Corie Tillman Wolf  
Executive Director  
(804)367-4479  
[fanbd@dhp.virginia.gov](mailto:fanbd@dhp.virginia.gov)

Contact Address: Department of Health Professions  
9960 Mayland Drive  
Suite 300  
Richmond, VA 23233

Chapter Affected:

18VAC65 - 30:	Regulations for Preneed Funeral Planning
---------------	--

Statutory Authority: State Chapter 28 of Title 54.1

Date Petition Received 08/06/2018

Petitioner Jessica Watkins

### Petitioner's Request

To amend regulations for preneed contracts to prevent circumstances, such as the closure of a funeral establishment, that result in the loss of funding for a family member's funeral.

### Agency Plan

The petition will be published on September 3, 2018 in the Register of Regulations and also posted on the Virginia Regulatory Townhall to receive public comment ending October 2, 2018. The matter will be on the Board's agenda for its first meeting after the comment period, which is scheduled for October 16, 2018. The petitioner will be informed of the Board's decision after that meeting.

Publication Date 09/03/2018 *(comment period will also begin on this date)*

Comment End Date 10/02/2018



# COMMONWEALTH OF VIRGINIA

## Board of Funeral Directors and Embalmers

9960 Mayland Drive, Suite 300  
Richmond, Virginia 23233-1463

(804) 367-4592 (Tel)  
(804) 527-4471 (Fax)

### Petition for Rule-making

FDE

The Code of Virginia (§ 2.2-4007) and the Public Participation Guidelines of this board require a person who wishes to petition the board to develop a new regulation or amend an existing regulation to provide certain information. Within 14 days of receiving a valid petition, the board will notify the petitioner and send a notice to the Register of Regulations identifying the petitioner, the nature of the request and the plan for responding to the petition. Following publication of the petition in the Register, a 21-day comment period will begin to allow written comment on the petition. Within 90 days after the comment period, the board will issue a written decision on the petition.

2018

**Please provide the information requested below. (Print or Type)**

Petitioner's full name (Last, First, Middle Initial, Suffix,) Watkins, Jessica, L

Street Address 3213 Chestham St

Area Code and Telephone Number 804-668-8358

City Henrico

State VA

Zip Code 23231

Email Address (optional) jwatkins3137@gmail.com

Fax (optional)

**Respond to the following questions:**

1. What regulation are you petitioning the board to amend? Please state the title of the regulation and the section/sections you want the board to consider amending. There's not one, my family lost a lot of money to Brunson's Funeral Home with their prepaid services package. The Brunson Funeral Home did this to not just my family but many in the Richmond, VA Area. My great grandma was 98 and we had had lost all our money. We had to start another prepaid arrangement with someone else because she was too old to get life insurance. Do you know what it's like every day worrying trying to get a funeral paid for before my great grandma die and we have no way to put her away. It's the worse feeling pray to be finished paying for a funeral before a love dies. Like no one does this, My great passed away March 16, 2018 and we did have everything together but this can be change with a pen.

2. Please summarize the substance of the change you are requesting and state the rationale or purpose for the new or amended rule. It's too late for my family for a refund but not for you to make a regulation that if a Funeral Home in the state of Virginia offers prepaid services the money must put it in escrow. To protect the families as you know funerals are not cheap. I think if you don't a lot more families will go thru that same heart break.

3. State the legal authority of the board to take the action requested. In general, the legal authority for the adoption of regulations by the board is found in § 54.1-2400 of the Code of Virginia. If there is other legal authority for promulgation of a regulation, please provide that Code reference. There's not one

**Signature:**  
Jessica Watkins

**Date:**7/16/2018

**FDE**  
**AUG - 3 2018**

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REGULATORY TOWN HALL

Logged in as

Elaine J. Yeatts

Agency

Department of Health Professions

Board

Board of Funeral Directors and Embalmers

Chapter

Regulations for Preneed Funeral Planning [18 VAC 65 – 30]

[Back to List of Comments](#)

Commenter: Jessica Watkins

9/18/18 3:57 pm

**Something need to be Done**

Good afternoon everyone,

I'm here to put a face to a law that need to be changed. This is my great grandmother Dorothy Star Crawford Watkins. She passed away March 16, 2018 at the age of 98. Her funeral was paid for twice, why you asked? The 1st was prepaid with Brunson funeral Home, because my great grandmother was in her late 80's but she was healthy; life insurance wasn't really an opinion. We trusted him because my family had used him before with other relatives and they did a great job. But those services weren't prepaid service. Mr. Brunson Jr Passed away and we gave the family time to grieve and get things in order. We waited a few months before reaching out to see what happens now? Is another funeral home going to take over or would we get our refund. After multiple call that went unanswered we went by and no one was there. Two months later a for sale sign went up. The realtors didn't wanted no part in it. So I email Problem Solver on Channel 6 news and my grandma Janet Watkins told our story. They received more answers in 2 weeks then I got in almost a year. The answer problem solver got wasn't a good one. If a Funeral Home director dies or the funeral Home go belly up you are out of luck, you lose everything. After our storied aired another story aired on Problem Solvers for the same reason and the same Funeral Home but the policy was for herself. I know my family can't get the back money for the arrangements made with Brunson Funeral Home. But we can do something about this so the next family won't go thru what my family went thru. By putting regulations on these Funeral Homes hold them reliable. We need a Consumer Protector Fund that would reimburse the family if this happens. It's already being done in South Carolina, Illinois, and Mississippi. Thanks You

Report from Healthcare  
Workforce Data Center:  
Virginia's Funeral  
Service Provider  
Workforce 2017

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# *Virginia's Funeral Service Provider Workforce: 2017*

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Healthcare Workforce Data Center

April 2017

Virginia Department of Health Professions  
Healthcare Workforce Data Center  
Perimeter Center  
9960 Mayland Drive, Suite 300  
Richmond, VA 23233  
804-367-2115, 804-527-4466(fax)  
E-mail: [HWDC@dhp.virginia.gov](mailto:HWDC@dhp.virginia.gov)

Follow us on Tumblr: [www.vahwdc.tumblr.com](http://www.vahwdc.tumblr.com)



*776 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 your ongoing cooperation.*

***Thank You!***

***Virginia Department of Health Professions***

**David E. Brown, D.C.**  
*Director*

**Lisa R. Hahn, MPA**  
*Chief Deputy Director*

*Healthcare Workforce Data Center Staff:*

Elizabeth Carter, Ph.D.  
*Director*

Yetty Shobo, Ph.D.  
*Deputy Director*

Laura Jackson  
*Operations Manager*

Christopher Coyle  
*Research Assistant*

# Virginia Board of Funeral Directors and Embalmers

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Louis R. Jones, FSL  
*Virginia Beach*

## ***Vice-President***

Larry T. Omps, FSL  
*Winchester*

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Junius H. Williams, JR  
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Blair Nelsen, FSL  
*Richmond*

Ibrahim A. Moiz, Esq.  
*Sterling*

Mia F. Mimms, FSL, JD  
*Richmond*

## ***Executive Director***

Corie E. Tillman Wolf, JD

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## The Funeral Service Provider Workforce: At a Glance:

### The Workforce

Licensees:	1,557
Virginia's Workforce:	1,239
FTEs:	1,263

### Background

Rural Childhood:	56%
HS Diploma in VA:	74%
Prof. Degree in VA:	51%

### Current Employment

Employed in Prof.:	87%
Hold 1 Full-time Job:	76%
Satisfied?:	96%

### Survey Response Rate

All Licensees:	50%
Renewing Practitioners:	53%

### Education

Associate:	77%
Baccalaureate:	14%

### Job Turnover

Switched Jobs:	3%
Employed over 2 yrs.:	80%

### Demographics

Female:	26%
Diversity Index:	41%
Median Age:	53

### Finances

Median Inc.:	\$50k-\$60k
Retirement Benefits:	47%
Under 40 w/ Ed debt:	41%

### Time Allocation

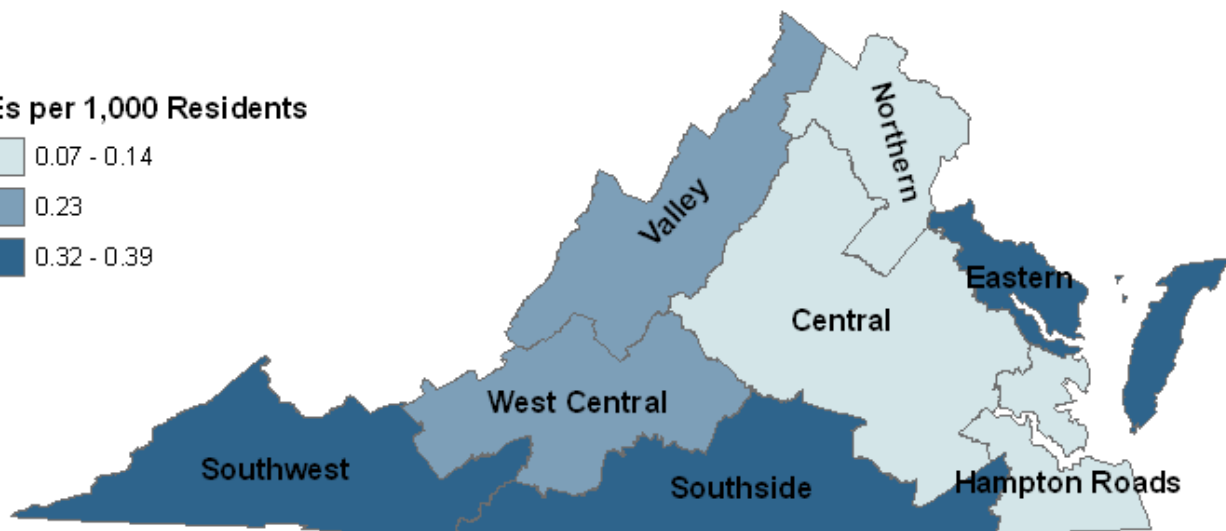
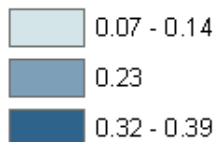
Client Care:	40-49%
Administration:	30-39%
Client Care Role:	27%

Source: Va. Healthcare Workforce Data Center

## Full Time Equivalency Units per 1,000 Residents by Council on Virginia's Future Region

Source: Va Healthcare Workforce Data Center

### FTEs per 1,000 Residents



Annual Estimates of the Resident Population: July 1, 2015  
Source: U.S. Census Bureau, Population Division



776 funeral service providers (FSP) voluntarily took part in the 2017 Funeral Service Provider Workforce 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 50% of the 1,557 FSPs who are licensed in the state and 53% of renewing practitioners.

The HWDC estimates that 1,239 FSPs participated in Virginia's workforce during the survey period, which is defined as those 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 an FSP at some point in the future. During the past year, Virginia's FSP workforce provided 1,263 "full-time equivalency units", which the HWDC defines simply as working 2,000 hours a year (or 40 hours per week for 50 weeks with 2 weeks off).

26% of all FSPs are female, including 46% of those FSPs who are under the age of 40. In a random encounter between two FSPs, there is a 41% chance that they would be of different races or ethnicities, a measure known as the diversity index. For Virginia's population as a whole, there is a 56% chance that two randomly chosen people would be of different races or ethnicities.

56% of all FSPs grew up in a rural area, but only 9% of these professionals currently work in non-Metro areas of the state. Overall, 25% of Virginia's FSPs work in non-Metro areas of the state. Meanwhile, 74% of Virginia's FSPs graduated from high school in Virginia, and 51% earned their initial professional degree in the state. In total, 80% of the state's FSPs have some educational background in the state.

77% of all FSPs hold an Associate's degree as their highest professional degree, while another 14% have earned a Bachelor's degree. 21% of FSPs currently carry educational debt, including 41% of those under the age of 40. The median debt burden for those FSPs with educational debt is between \$20,000 and \$30,000.

87% of FSPs are currently employed in the profession. 76% of Virginia's FSP workforce hold one full-time position, while another 11% hold two or more positions simultaneously. In addition, 50% of all FSPs work between 40 and 49 hours per week, while 15% work at least 60 hours per week. 80% of FSPs have been at their primary work location for more than two years, while 3% have switched jobs at some point in the past year.

The typical FSP earned between \$50,000 and \$60,000 last year. In addition, 75% of all FSPs who are compensated with either an hourly wage or salary at their primary work location also receive at least one employer-sponsored benefit, including 59% who receive health insurance. 96% of FSPs are satisfied with their current employment situation, including 79% who indicated they are "very satisfied".

20% of all FSPs work in Hampton Roads, while another 17% each work in Central Virginia and Northern Virginia. 95% of all FSPs work in the for-profit sector, while another 3% work in either a state or local government. Funeral establishments employ 56% of Virginia's FSP workforce, while another 32% work for a funeral establishment with a crematory.

A typical FSP spends between 40% and 49% of his time treating patients and another 30% to 39% of his time performing administrative tasks. 27% of all FSPs serve a patient care role, meaning that at least 60% of their time is spent in patient care activities. Another 23% of Virginia's FSP workforce serve an administrative role.

21% of FSPs expect to retire by the age of 65. 7% of the current FSP workforce expect to retire in the next two years, while half of the current workforce expect to retire by 2042. Over the next two years, 8% of Virginia's FSPs are planning to pursue additional educational opportunities, while 7% plan on increasing patient care activities.

## Summary of Trends

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In 2016, relatively few funeral service providers (FSP) participated in the FSP survey. Only 37% of the state's licensed FSPs took part in this survey. However, the percentage increased to 50% in 2017. A similar jump occurred in the response rate of the state's renewing practitioners. While only 39% of renewing practitioners completed the survey in 2016, 53% did so in 2017.

While the survey response rate increased significantly in 2017, the number of licensed FSPs in the state actually fell slightly during the year from 1,564 to 1,557. A similar decline occurred with the state's FSP workforce. In 2016, 1,253 FSPs worked in Virginia, but this number dropped to 1,239 in 2017. However, although the state's FSP workforce declined in 2017, this workforce still produced more FTEs during the year. Virginia's FSP workforce provided 1,162 FTEs in 2016, but this number increased to 1,263 FTEs in 2017. Given these changes, there was a marked increase in the average number of FTEs provided per FSP over the past year from 0.97 to 1.06. At the same time, the number of FTEs per 1,000 residents in the state increased from 0.139 to 0.151.

Virginia's FSP workforce experienced a significant shift in its age distribution in 2017. For example, the median age of the state's FSP workforce experienced a slight uptick from 52 to 53. In addition, the percentage of the FSP workforce that is under the age of 40 declined from 30% to 21%, while the percentage of FSPs who are age 55 or older increased from 34% to 45%.

The state's FSPs also had a slightly more rural profile in 2017. 18% of all FSPs grew up in an urban area in 2016, but this percentage fell to 16% in 2017. At the same time, the percentage of FSPs who had a rural childhood increased from 51% to 56%. In addition, FSPs who grew up in a non-metro environment were slightly more likely to stay there to practice their profession. For example, 37% of all FSPs who grew up in a rural area currently work in a non-metro area of the state in 2016, and this percentage increased to 38% in 2017. Overall, the total percentage of FSPs who work in a non-metro area of the state increased from 23% to 25% in 2017.

Although there was no change in the median annual income of a FSP who works in Virginia, a typical FSP was less likely to receive an employer-sponsored benefit in 2017. Among FSPs who earn either a salary or an hourly wage at their primary work location, 81% received at least one employer-sponsored benefit in 2016, including 63% who received health insurance. However, only 75% of FSPs received at least one benefit in 2017, including 59% who obtained health insurance from their employer. Meanwhile, the percentage of FSPs who carry education debt increased from 16% to 21%, while the median debt load among those FSPs with education debt increased from \$10,000-\$20,000 in 2016 to \$20,000-\$30,000 in 2017.

Although the percentage of FSPs who are employed in the profession fell from 89% to 87% in 2017, the percentage of FSPs who hold one full-time job increased substantially from 68% to 76%. At the same time, FSPs are far less likely to either work multiple jobs or work at least 60 hours per week. In 2016, 19% of FSPs held two or more positions, but only 11% have multiple positions in 2017. In addition, whereas 18% of FSPs worked at least 60 hours per week in 2016, this percentage fell to just 15% in 2017. Meanwhile, the percentage of FSPs who work between 40 and 49 hours per week increased dramatically from 41% to 50%.

In 2017, Virginia's FSP workforce concentrated slightly more on providing client care services. The typical FSP spent between 30% and 39% of his time on client care services in 2016. However, in 2017, between 40% and 49% of a typical FSP's time was devoted to client care. In addition, the percentage of FSPs who fill a client care role increased from 21% to 27% in 2017.

Virginia's FSPs are also showing signs of delaying their retirement. In 2016, 25% of all FSPs expected to retire by the age of 65, but this percentage fell to just 21% in 2017. Among FSPs who are age 50 or over, this percentage also fell from 15% to 11%. At the same time, the percentage of FSPs who expect to increase their patient care hours rose from 4% to 7%.

**A Closer Look:**

Licensees		
License Status	#	%
<b>Renewing Practitioners</b>	1,424	91%
<b>New Licensees</b>	51	3%
<b>Non-Renewals</b>	82	5%
<b>All Licensees</b>	<b>1,557</b>	<b>100%</b>

Source: Va. Healthcare Workforce Data Center

*HWDC surveys tend to achieve very high response rates. 53% of renewing FSP submitted a survey. These represent 50% of FSPs who held a license at some point in the past year.*

Statistic	Response Rates		Response Rate
	Non Respondents	Respondent	
<b>By Age</b>			
<b>Under 30</b>	74	87	54%
<b>30 to 34</b>	54	76	59%
<b>35 to 39</b>	83	73	47%
<b>40 to 44</b>	81	107	57%
<b>45 to 49</b>	86	105	55%
<b>50 to 54</b>	87	97	53%
<b>55 to 59</b>	85	94	53%
<b>60 and Over</b>	231	137	37%
<b>Total</b>	<b>781</b>	<b>776</b>	<b>50%</b>
<b>New Licenses</b>			
<b>Issued 4/2016 to 3/2017</b>	33	18	35%
<b>Metro Status</b>			
<b>Non-Metro</b>	157	149	49%
<b>Metro</b>	511	467	48%
<b>Not in Virginia</b>	113	160	59%

Source: Va. Healthcare Workforce Data Center

**At a Glance:**

**Licensed FSPs**

Number:	1,557
New	3%
Not Renewed:	5%

**Response Rates**

All Licensees:	50%
Renewing Practitioners:	53%

Source: Va. Healthcare Workforce Data Center

Response Rates	
<b>Completed Surveys</b>	776
<b>Response Rate, All Licensees</b>	50%
<b>Response Rate, Renewals</b>	53%

Source: Va. Healthcare Workforce Data Center

**Definitions**

- 1. The Survey Period:** The survey was conducted in March 2017.
- 2. Target Population:** All FSPs who held a Virginia license at some point between April 2016 and March 2017.
- 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.

## At a Glance:

### Workforce

FSP Workforce: 1,239  
 FTEs: 1,263

### Utilization Ratios

Licenses in VA Workforce: 80%  
 Licenses per FTE: 1.23  
 Workers per FTE: 0.98

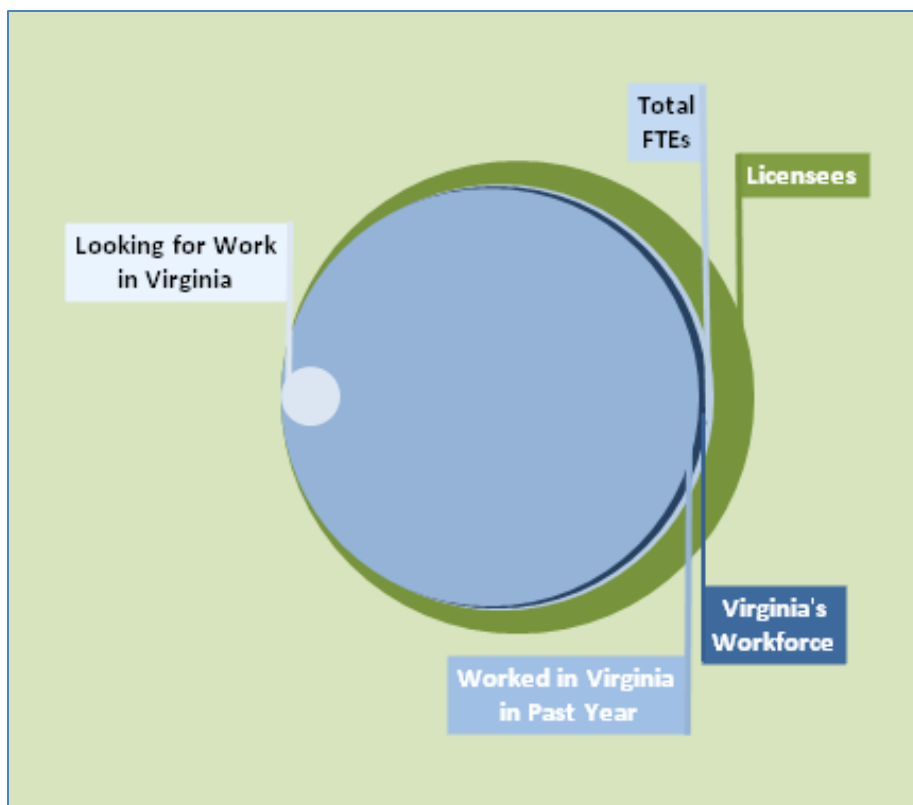
Source: Va. Healthcare Workforce Data Center

## 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	1,213	98%
Looking for Work in Virginia	26	2%
Virginia's Workforce	1,239	100%
Total FTEs	1,263	
Licenses	1,557	

Source: Va. Healthcare Workforce Data Center



Source: Va. Healthcare Workforce Data Center

*This report uses weighting to estimate the figures in this report. Unless otherwise noted, figures refer to the Virginia Workforce only. For more information on HWDC's methodology visit:*

[www.dhp.virginia.gov/hwdc](http://www.dhp.virginia.gov/hwdc)



**A Closer Look:**

Age & Gender						
Age	Male		Female		Total	
	#	% Male	#	% Female	#	% in Age Group
Under 35	84	60%	56	40%	140	12%
35 to 39	49	47%	56	53%	105	9%
40 to 44	73	62%	45	38%	118	10%
45 to 49	98	69%	45	31%	143	12%
50 to 54	113	75%	37	25%	150	13%
55 to 59	115	79%	32	22%	147	12%
60 to 64	126	91%	13	9%	139	12%
65 +	218	88%	29	12%	247	21%
<b>Total</b>	<b>877</b>	<b>74%</b>	<b>312</b>	<b>26%</b>	<b>1,188</b>	<b>100%</b>

Source: Va. Healthcare Workforce Data Center

## At a Glance:

**Gender**  
 % Female: 26%  
 % Under 40 Female: 46%

**Age**  
 Median Age: 53  
 % Under 40: 21%  
 % 55+: 45%

**Diversity**  
 Diversity Index: 41%  
 Under 40 Div. Index: 39%

Source: Va. Healthcare Workforce Data Center

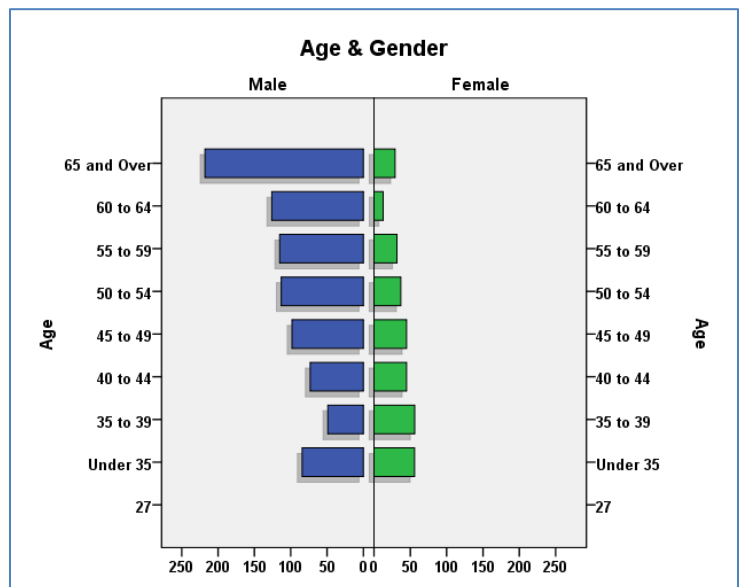
Race & Ethnicity					
Race/ Ethnicity	Virginia*	FSPs		FSPs Under 40	
	%	#	%	#	%
White	63%	898	73%	185	76%
Black	19%	285	23%	40	17%
Asian	6%	2	0%	2	1%
Other Race	0%	4	0%	2	1%
Two or More Races	3%	14	1%	6	2%
Hispanic	9%	19	2%	7	3%
<b>Total</b>	<b>100%</b>	<b>1,222</b>	<b>100%</b>	<b>242</b>	<b>100%</b>

\*Population data in this chart is from the US Census, Annual Estimates of the Resident Population by Sex, Race, and Hispanic Origin for the United States, States, and Counties: July 1, 2015.

Source: Va. Healthcare Workforce Data Center

*In a chance encounter between two FSPs, there is a 41% chance they would be of a different race/ethnicity (a measure known as the Diversity Index), compared to a 56% chance for Virginia's population as a whole.*

*21% of all FSPs are under the age of 40, and 46% of these professionals are female. In addition, the diversity index among FSPs who are under the age of 40 is 39%.*



Source: Va. Healthcare Workforce Data Center

## At a Glance:

### Childhood

Urban Childhood: 16%  
Rural Childhood: 56%

### Virginia Background

HS in Virginia: 74%  
Prof Ed. in VA: 51%  
HS or Prof Ed. in VA: 80%

### Location Choice

% Rural to Non-Metro: 38%  
% Urban/Suburban to Non-Metro: 9%

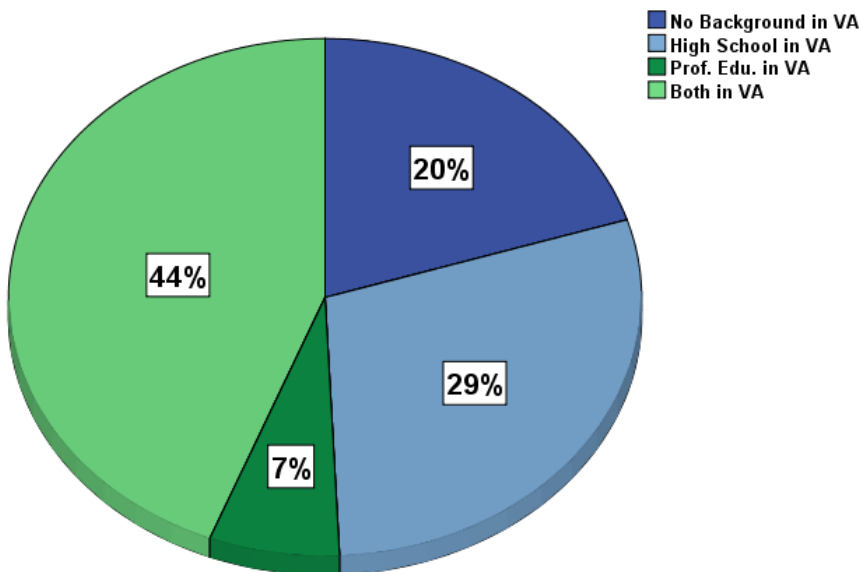
Source: Va. Healthcare Workforce Data Center

## A Closer Look:

Primary Location: USDA Rural Urban Continuum		Rural Status of Childhood Location		
Code	Description	Rural	Suburban	Urban
<b>Metro Counties</b>				
1	Metro, 1 million+	36%	42%	22%
2	Metro, 250,000 to 1 million	68%	20%	12%
3	Metro, 250,000 or less	67%	21%	12%
<b>Non-Metro Counties</b>				
4	Urban pop 20,000+, Metro adj	73%	6%	22%
6	Urban pop, 2,500-19,999, Metro adj	92%	0%	8%
7	Urban pop, 2,500-19,999, nonadj	93%	7%	0%
8	Rural, Metro adj	73%	20%	8%
9	Rural, nonadj	88%	6%	6%
<b>Overall</b>		<b>56%</b>	<b>28%</b>	<b>16%</b>

Source: Va. Healthcare Workforce Data Center

## Educational Background



Source: Va. Healthcare Workforce Data Center

56% of FSPs grew up in a rural area, and 38% of this group currently works in non-Metro areas of the state. Overall, 25% of FSPs currently work in non-metro areas of Virginia.

## Top Ten States for FSP Recruitment

Rank	All FSPs			
	High School	#	Professional School	#
1	Virginia	892	Virginia	601
2	Maryland	47	Georgia	162
3	New York	40	Ohio	102
4	Pennsylvania	40	Pennsylvania	84
5	West Virginia	21	New York	44
6	North Carolina	20	Maryland	37
7	Ohio	15	Indiana	26
8	Tennessee	12	Tennessee	17
9	California	11	North Carolina	15
10	Georgia	9	Washington, D.C.	15

Source: Va. Healthcare Workforce Data Center

*74% of all FSPs earned their high school degree in Virginia, and 51% also received their initial professional degree in the state.*

*Among FSPs who received their initial license in the past five years, 61% earned their high school degree in Virginia, while 54% received their initial professional degree in the state.*

Rank	Licensed in the Past 5 Years			
	High School	#	Professional School	#
1	Virginia	116	Virginia	101
2	Maryland	10	Pennsylvania	24
3	Pennsylvania	9	Ohio	7
4	Ohio	6	Texas	6
5	North Carolina	5	Georgia	5
6	Georgia	4	New York	5
7	Illinois	4	Maryland	5
8	Kansas	4	Illinois	4
9	West Virginia	3	California	4
10	Puerto Rico	3	Indiana	4

Source: Va. Healthcare Workforce Data Center

*20% of Virginia's licensees were not part of the state's FSP workforce. 79% of these licensees worked at some point in the past year, including 65% who worked as FSPs.*

### At a Glance:

#### Not in VA Workforce

Total:	317
% of Licensees:	20%
Federal/Military:	5%
Va Border State/DC:	26%

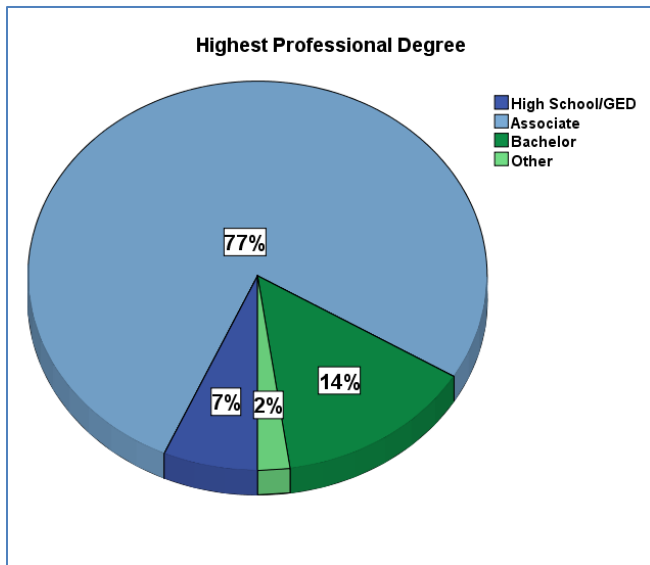
Source: Va. Healthcare Workforce Data Center

A Closer Look:

Highest Degree		
Degree	#	%
High School/GED	77	7%
Associate's Degree	892	77%
Baccalaureate Degree	163	14%
Master's Degree	23	2%
Doctorate	4	0%
<b>Total</b>	<b>1,158</b>	<b>100%</b>

Source: Va. Healthcare Workforce Data Center

21% of FSPs carry educational debt, including 41% of those under the age of 40. For those in debt, their median debt burden is between \$20,000 and \$30,000.



Source: Va. Healthcare Workforce Data Center

## At a Glance:

**Education**

Associate: 77%

Baccalaureate: 14%

**Educational Debt**

Carry debt: 21%

Under age 40 w/ debt: 41%

Median debt: \$20k-\$30k

Source: Va. Healthcare Workforce Data Center

Educational Debt				
Amount Carried	All FSPs		FSPs under 40	
	#	%	#	%
None	720	79%	120	59%
Less than \$10,000	51	6%	28	14%
\$10,000-\$19,999	26	3%	16	8%
\$20,000-\$29,999	20	2%	10	5%
\$30,000-\$39,999	19	2%	8	4%
\$40,000-\$49,999	10	1%	4	2%
\$50,000-\$59,999	22	2%	4	2%
\$60,000-\$69,999	13	1%	7	3%
\$70,000-\$79,999	6	1%	2	1%
\$80,000-\$89,999	4	0%	2	1%
\$90,000-\$99,999	4	0%	0	0%
\$100,000-\$109,999	6	1%	2	1%
\$110,000-\$119,999	2	0%	2	1%
\$120,000 or more	4	0%	0	0%
<b>Total</b>	<b>907</b>	<b>100%</b>	<b>205</b>	<b>100%</b>

Source: Va. Healthcare Workforce Data Center

## At a Glance:

### Employment

Employed in Profession: 87%  
 Involuntarily Unemployed: <1%

### Positions Held

1 Full-time: 76%  
 2 or More Positions: 11%

### Weekly Hours:

40 to 49: 50%  
 60 or more: 15%  
 Less than 30: 9%

Source: Va. Healthcare Workforce Data Center

## A Closer Look:

Current Work Status		
Status	#	%
<b>Employed, capacity unknown</b>	0	0%
<b>Employed in a FSP related capacity</b>	1,043	87%
<b>Employed, NOT in a FSP related capacity</b>	108	9%
<b>Not working, reason unknown</b>	0	0%
<b>Involuntarily unemployed</b>	5	0%
<b>Voluntarily unemployed</b>	19	2%
<b>Retired</b>	29	2%
<b>Total</b>	<b>1,205</b>	<b>100%</b>

Source: Va. Healthcare Workforce Data Center

*87% of Virginia's FSPs are employed in the profession, and 76% currently have one full-time job. 50% of FSPs currently work between 40 and 49 hours per week, while 15% work at least 60 hours per week.*

Current Positions		
Positions	#	%
<b>No Positions</b>	53	5%
<b>One Part-Time Position</b>	104	9%
<b>Two Part-Time Positions</b>	29	3%
<b>One Full-Time Position</b>	877	76%
<b>One Full-Time Position &amp; One Part-Time Position</b>	53	5%
<b>Two Full-Time Positions</b>	20	2%
<b>More than Two Positions</b>	24	2%
<b>Total</b>	<b>1,160</b>	<b>100%</b>

Source: Va. Healthcare Workforce Data Center

Current Weekly Hours		
Hours	#	%
<b>0 hours</b>	53	5%
<b>1 to 9 hours</b>	41	4%
<b>10 to 19 hours</b>	20	2%
<b>20 to 29 hours</b>	40	4%
<b>30 to 39 hours</b>	56	5%
<b>40 to 49 hours</b>	564	50%
<b>50 to 59 hours</b>	195	17%
<b>60 to 69 hours</b>	100	9%
<b>70 to 79 hours</b>	32	3%
<b>80 or more hours</b>	29	3%
<b>Total</b>	<b>1,130</b>	<b>100%</b>

Source: Va. Healthcare Workforce Data Center

A Closer Look:

Income		
Hourly Wage	#	%
<b>Volunteer Work Only</b>	13	2%
<b>Less than 30,000</b>	118	16%
<b>\$30,000-\$39,999</b>	63	9%
<b>\$40,000-\$49,999</b>	124	17%
<b>\$50,000-\$59,999</b>	120	16%
<b>\$60,000-\$69,999</b>	87	12%
<b>\$70,000-\$79,999</b>	83	11%
<b>\$80,000-\$89,999</b>	45	6%
<b>\$90,000-\$99,999</b>	24	3%
<b>\$100,000-\$109,999</b>	22	3%
<b>\$110,000-\$119,999</b>	11	1%
<b>\$120,000 or more</b>	34	5%
<b>Total</b>	<b>743</b>	<b>100%</b>

Source: Va. Healthcare Workforce Data Center

Job Satisfaction		
Level	#	%
<b>Very Satisfied</b>	900	79%
<b>Somewhat Satisfied</b>	203	18%
<b>Somewhat Dissatisfied</b>	30	3%
<b>Very Dissatisfied</b>	14	1%
<b>Total</b>	<b>1,146</b>	<b>100%</b>

Source: Va. Healthcare Workforce Data Center

## At a Glance:

**Earnings**  
Median Income: \$50k-\$60k

**Benefits**  
Health Insurance: 59%  
Retirement: 47%

**Satisfaction**  
Satisfied: 96%  
Very Satisfied: 79%

Source: Va. Healthcare Workforce Data Center

*The typical FSP made between \$50,000 and \$60,000 in the past year. Among FSPs who were compensated at their primary work location with either a salary or an hourly wage, 59% received health insurance and 47% had access to a retirement plan.*

Employer-Sponsored Benefits			
Benefit	#	%	% of Wage/Salary Employees
<b>Paid Vacation</b>	678	65%	70%
<b>Health Insurance</b>	571	55%	59%
<b>Paid Sick Leave</b>	522	50%	54%
<b>Retirement</b>	446	43%	47%
<b>Dental Insurance</b>	383	37%	39%
<b>Group Life Insurance</b>	323	31%	36%
<b>Retention Bonus</b>	48	5%	5%
<b>Receive at least one benefit</b>	<b>730</b>	<b>70%</b>	<b>75%</b>

\*From any employer at time of survey.

Source: Va. Healthcare Workforce Data Center

**A Closer Look:**

Employment Instability in Past Year		
In the past year did you . . . ?	#	%
Experience involuntary unemployment?	18	1%
Experience voluntary unemployment?	48	4%
Work part-time or temporary positions, but would have preferred a full-time/permanent position?	17	1%
Work two or more positions at the same time?	159	13%
Switch employers or practices?	40	3%
<b>Experienced at least 1</b>	<b>251</b>	<b>20%</b>

Source: Va. Healthcare Workforce Data Center

*Only 1% of Virginia's FSPs experienced involuntary unemployment at some point during the renewal cycle. By comparison, Virginia's average monthly unemployment rate was 4.0% over the past year.<sup>1</sup>*

Location Tenure				
Tenure	Primary		Secondary	
	#	%	#	%
<b>Not Currently Working at this Location</b>	29	3%	33	13%
<b>Less than 6 Months</b>	36	3%	14	6%
<b>6 Months to 1 Year</b>	56	5%	5	2%
<b>1 to 2 Years</b>	102	9%	26	11%
<b>3 to 5 Years</b>	182	17%	51	21%
<b>6 to 10 Years</b>	140	13%	43	17%
<b>More than 10 Years</b>	555	51%	74	30%
<b>Subtotal</b>	<b>1,099</b>	<b>100%</b>	<b>246</b>	<b>100%</b>
<b>Did not have location</b>	53		964	
<b>Item Missing</b>	87		29	
<b>Total</b>	<b>1,239</b>		<b>1,239</b>	

Source: Va. Healthcare Workforce Data Center

*64% of FSPs are salaried employees at their primary work location, while 22% of FSPs receive an hour wage.*

**At a Glance:**

**Unemployment Experience**

Involuntarily Unemployed: 1%  
Underemployed: 1%

**Turnover & Tenure**

Switched Jobs: 3%  
New Location: 10%  
Over 2 years: 80%  
Over 2 yrs., 2<sup>nd</sup> location: 68%

**Employment Type**

Salary/Commission: 64%  
Hourly Wage: 22%

Source: Va. Healthcare Workforce Data Center

*80% of FSPs have worked at their primary location for at least two years.*

Employment Type		
Primary Work Site	#	%
<b>Salary/ Commission</b>	501	64%
<b>Hourly Wage</b>	170	22%
<b>Business/ Practice Income</b>	76	10%
<b>By Contract</b>	29	4%
<b>Unpaid</b>	6	1%
<b>Subtotal</b>	<b>782</b>	<b>100%</b>
<b>Did not have location</b>	53	
<b>Item Missing</b>	404	

Source: Va. Healthcare Workforce Data Center

<sup>1</sup> As reported by the US Bureau of Labor Statistics. The not seasonally adjusted monthly unemployment rate ranged from 3.6% in April 2016 to 3.8% in March 2017. The unemployment rate for March 2017 was still preliminary at the time of publication.

## At a Glance:

### Concentration

Top Region:	20%
Top 3 Regions:	54%
Lowest Region:	5%

### Locations

2 or more (Past Year):	24%
2 or more (Now*):	20%

Source: Va. Healthcare Workforce Data Center

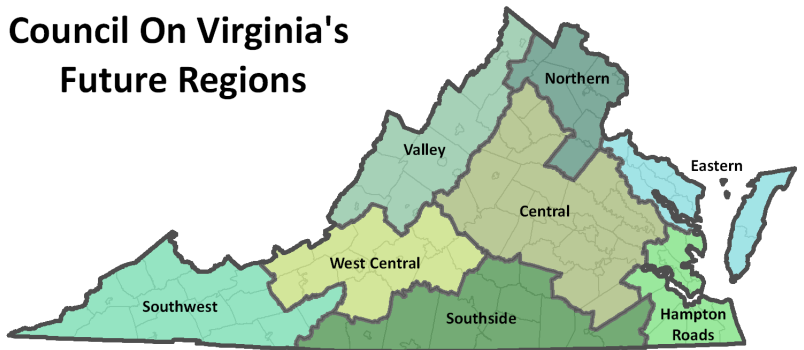
20% of all FSPs work in Hampton Roads, the most of any region in Virginia. Another 17% each work in Central Virginia and Northern Virginia.

## A Closer Look:

Regional Distribution of Work Locations				
COVF Region	Primary Location		Secondary Location	
	#	%	#	%
Central	190	17%	38	15%
Eastern	55	5%	23	9%
Hampton Roads	220	20%	41	16%
Northern	188	17%	29	12%
Southside	107	10%	26	10%
Southwest	98	9%	12	5%
Valley	95	9%	28	11%
West Central	132	12%	35	14%
Virginia Border State/DC	8	1%	4	2%
Other US State	6	1%	14	6%
Outside of the US	0	0%	2	1%
<b>Total</b>	<b>1,099</b>	<b>100%</b>	<b>252</b>	<b>100%</b>
Item Missing	87		22	

Source: Va. Healthcare Workforce Data Center

## Council On Virginia's Future Regions



20% of FSPs currently have multiple work locations, while 24% have also had multiple work location during the past year.

Locations	Number of Work Locations			
	Work Locations in Past Year		Work Locations Now*	
	#	%	#	%
0	23	2%	53	5%
1	828	74%	847	76%
2	163	15%	126	11%
3	83	7%	78	7%
4	11	1%	6	1%
5	6	1%	6	1%
6 or More	9	1%	7	1%
<b>Total</b>	<b>1,123</b>	<b>100%</b>	<b>1,123</b>	<b>100%</b>

\*At the time of survey completion, March 2017.

Source: Va. Healthcare Workforce Data Center



**A Closer Look:**

Sector	Location Sector			
	Primary Location		Secondary Location	
	#	%	#	%
<b>For-profit</b>	930	95%	203	92%
<b>Non-profit</b>	10	1%	6	3%
<b>State/local government</b>	31	3%	6	3%
<b>Veterans Administration</b>	4	0%	0	0%
<b>U.S. Military</b>	4	0%	2	1%
<b>Other Federal Government</b>	5	1%	3	1%
<b>Total</b>	<b>984</b>	<b>100%</b>	<b>220</b>	<b>100%</b>
<b>Did not have location</b>	53		964	
<b>Item missing</b>	203		55	

Source: Va. Healthcare Workforce Data Center

## At a Glance: (Primary Locations)

**Sector**

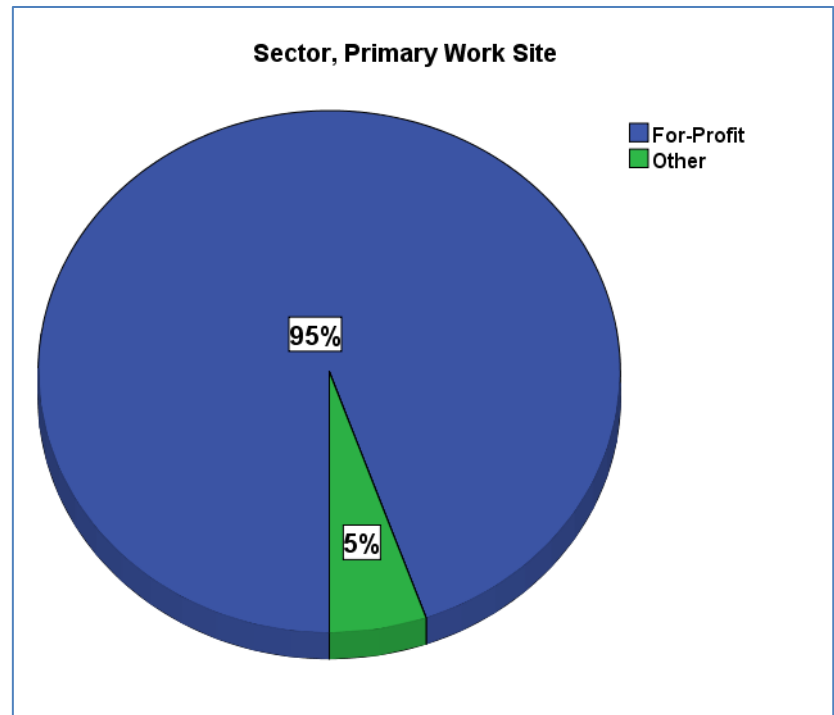
For Profit:	95%
Federal:	1%

**Top Establishments**

Funeral Establishment:	56%
Funeral Establishment w/ Crematory:	32%

Source: Va. Healthcare Workforce Data Center

*95% of all FSPs work in a for-profit establishment, while another 3% work for a state or local government.*

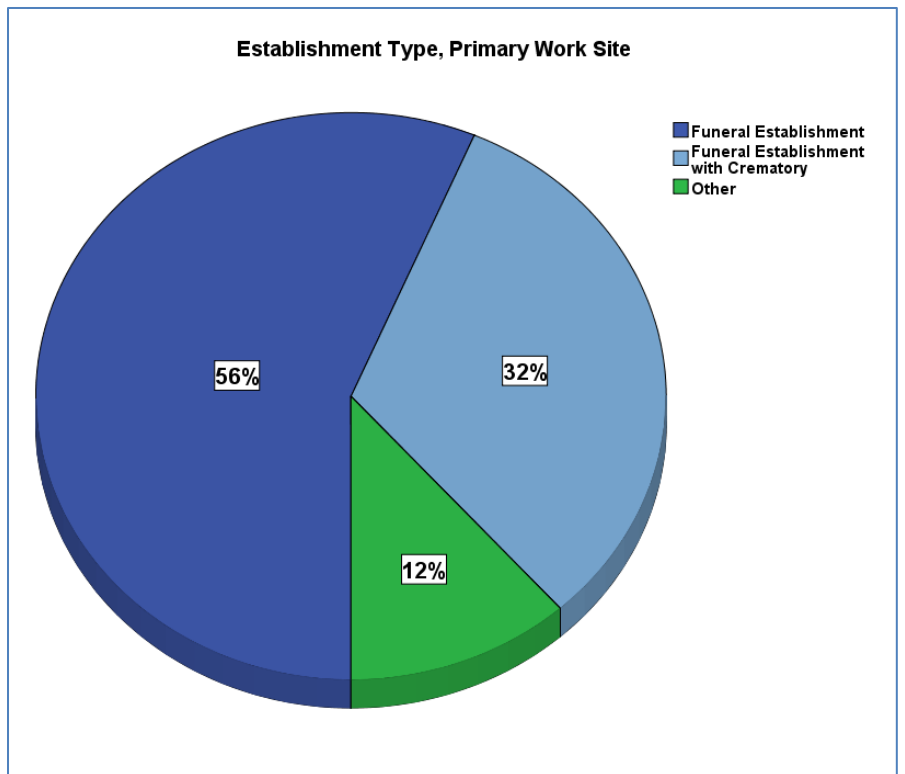


Source: Va. Healthcare Workforce Data Center

Establishment Type	Location Type			
	Primary Location		Secondary Location	
	#	%	#	%
Funeral Establishment	531	56%	138	67%
Funeral Establishment combined with Crematory	302	32%	27	13%
Funeral Establishment combined with Surface Transport and Removal	10	1%	4	2%
Academic Institution	7	1%	2	1%
Crematory (only)	4	0%	0	0%
Surface Transport and Removal (only)	2	0%	0	0%
Other practice setting	84	9%	35	17%
<b>Total</b>	<b>940</b>	<b>100%</b>	<b>206</b>	<b>100%</b>
Did Not Have a Location	53		964	

*56% of FSPs work at a funeral establishment as their primary work location. Another 32% work at practices that combine funeral and crematory services.*

Source: Va. Healthcare Workforce Data Center



*Among those FSPs who also have a secondary work location, 67% work at establishments that provide only funeral service; another 13% work at establishments that combine funeral and crematory services.*

Source: Va. Healthcare Workforce Data Center

## At a Glance: (Primary Locations)

### Typical Time Allocation

Client Care: 40%-49%  
Administration: 30%-39%

### Roles

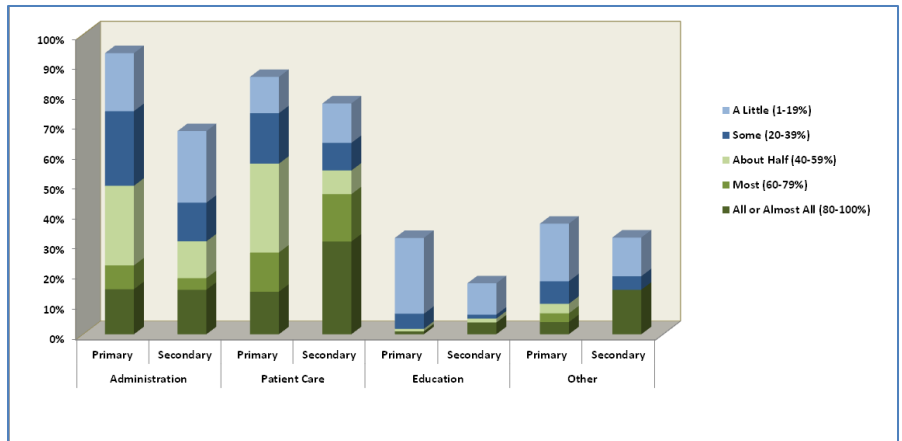
Client Care: 27%  
Administrative: 23%  
Education: 1%

### Client Care FSPs

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

Source: Va. Healthcare Workforce Data Center

## A Closer Look:



Source: Va. Healthcare Workforce Data Center

*A typical FSP spends most of his time attending to clients and doing administrative tasks. In addition, 27% of FSPs fill a client care role, defined as spending 60% or more of their time dealing with clients.*

Time Allocation								
Time Spent	Admin.		Client Care		Education		Other	
	Prim. Site	Sec. Site	Prim. Site	Sec. Site	Prim. Site	Sec. Site	Prim. Site	Sec. Site
<b>All or Almost All (80-100%)</b>	15%	15%	14%	31%	1%	4%	4%	15%
<b>Most (60-79%)</b>	8%	4%	13%	16%	0%	0%	3%	0%
<b>About Half (40-59%)</b>	27%	12%	30%	8%	1%	1%	3%	0%
<b>Some (20-39%)</b>	25%	13%	17%	9%	5%	1%	8%	5%
<b>A Little (1-19%)</b>	19%	24%	12%	13%	25%	10%	19%	13%
<b>None (0%)</b>	6%	33%	14%	23%	68%	83%	63%	69%

Source: Va. Healthcare Workforce Data Center

**A Closer Look:**

Retirement Expectations				
Expected Retirement Age	All FSPs		FSPs over 50	
	#	%	#	%
<b>Under age 50</b>	18	2%	-	-
<b>50 to 54</b>	20	2%	2	0%
<b>55 to 59</b>	20	2%	6	1%
<b>60 to 64</b>	127	15%	46	9%
<b>65 to 69</b>	229	26%	124	26%
<b>70 to 74</b>	163	19%	100	21%
<b>75 to 79</b>	52	6%	35	7%
<b>80 or over</b>	43	5%	32	7%
<b>I do not intend to retire</b>	198	23%	140	29%
<b>Total</b>	<b>871</b>	<b>100%</b>	<b>485</b>	<b>100%</b>

Source: Va. Healthcare Workforce Data Center

**At a Glance:**

**Retirement Expectations**

**All FSPs**

Under 65: 21%

Under 60: 7%

**FSPs 50 and over**

Under 65: 11%

Under 60: 2%

**Time until Retirement**

Within 2 years: 7%

Within 10 years: 22%

Half the workforce: By 2042

Source: Va. Healthcare Workforce Data Center

*21% of FSPs expect to retire by the age of 65, but only 11% of those FSPs who are age 50 or over expect to retire by the same age. Meanwhile, 52% of all FSPs expect to work until at least age 70, including 23% who do not expect to retire at all.*

*Within the next two years, 8% of FSPs plan on pursuing additional educational opportunities, while 7% plan on increasing client care hours.*

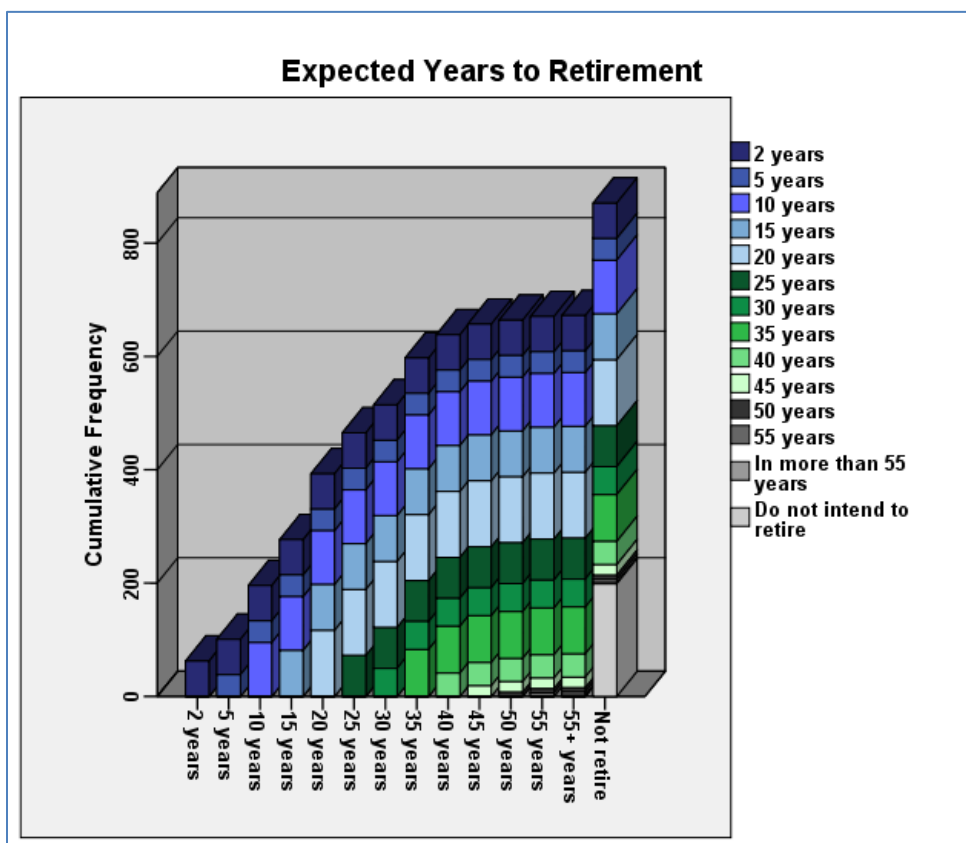
Future Plans		
2 Year Plans:	#	%
<b>Decrease Participation</b>		
<b>Leave Profession</b>	24	2%
<b>Leave Virginia</b>	23	2%
<b>Decrease Client Care Hours</b>	114	9%
<b>Decrease Teaching Hours</b>	9	1%
<b>Increase Participation</b>		
<b>Increase Client Care Hours</b>	81	7%
<b>Increase Teaching Hours</b>	23	2%
<b>Pursue Additional Education</b>	99	8%
<b>Return to Virginia's Workforce</b>	5	0%

Source: Va. Healthcare Workforce Data Center

By comparing retirement expectation to age, we can estimate the maximum years to retirement for FSPs. 7% of FSPs expect to retire within the next two years, while 22% expect to retire in the next ten years. More than half of the current FSP workforce expects to retire by 2042.

Time to Retirement			
Expect to retire within. . .	#	%	Cumulative %
2 years	62	7%	7%
5 years	38	4%	11%
10 years	95	11%	22%
15 years	81	9%	32%
20 years	116	13%	45%
25 years	72	8%	53%
30 years	49	6%	59%
35 years	83	10%	68%
40 years	41	5%	73%
45 years	19	2%	75%
50 years	7	1%	76%
55 years	6	1%	77%
In more than 55 years	2	0%	77%
Do not intend to retire	198	23%	100%
<b>Total</b>	<b>871</b>	<b>100%</b>	

Source: Va. Healthcare Workforce Data Center



Source: Va. Healthcare Workforce Data Center

Using these estimates, retirements will begin to reach over 10% of the current workforce every 5 years by 2027. Retirements will peak at 13% of the current workforce around 2037 before declining to under 10% of the current workforce again around 2042.

## At a Glance:

### FTEs

Total: 1,263  
 FTEs/1,000 Residents: 0.151  
 Average: 1.06

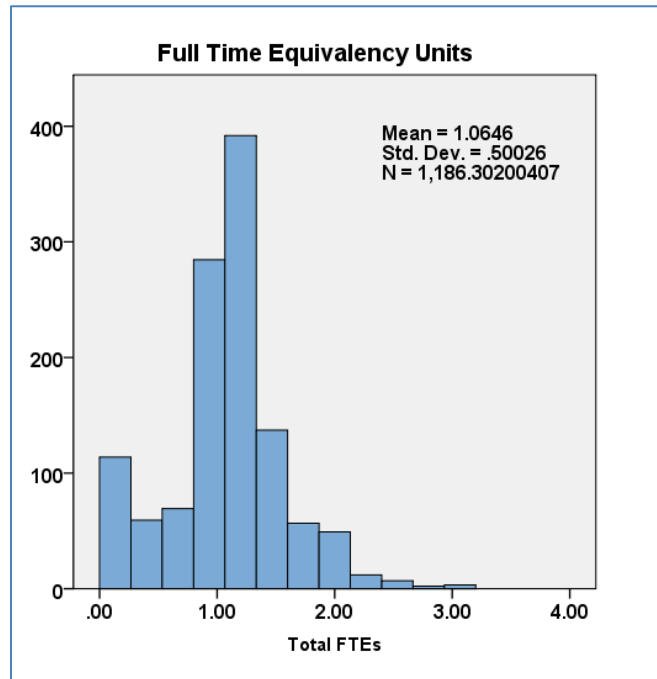
### Age & Gender Effect

Age, Partial Eta<sup>2</sup>: Medium  
 Gender, Partial Eta<sup>2</sup>: Small

*Partial Eta<sup>2</sup> Explained:*  
 Partial Eta<sup>2</sup> is a statistical measure of effect size.

Source: Va. Healthcare Workforce Data Center

## A Closer Look:

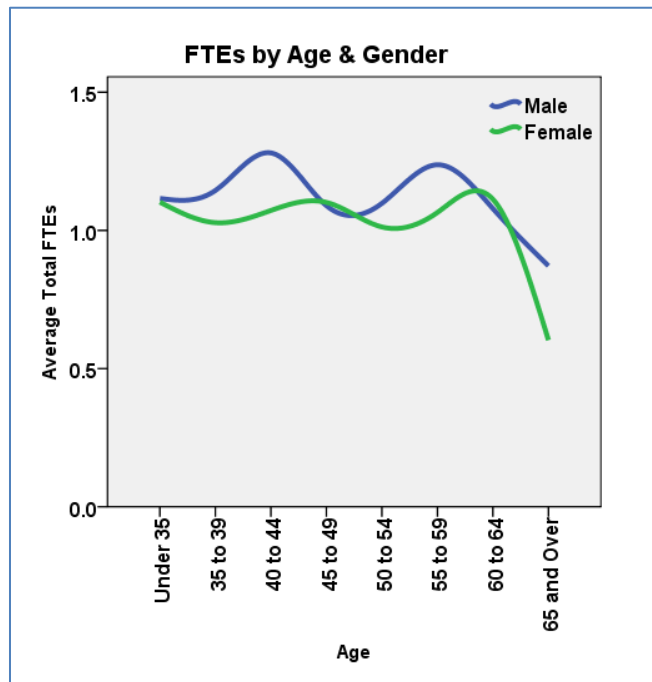


Source: Va. Healthcare Workforce Data Center

*The typical (median) FSP provided 1.09 FTEs during the past year or approximately 44 hours per week for 50 weeks. Although FTEs appear to vary by age and gender, statistical tests did not verify that a difference exists.<sup>2</sup>*

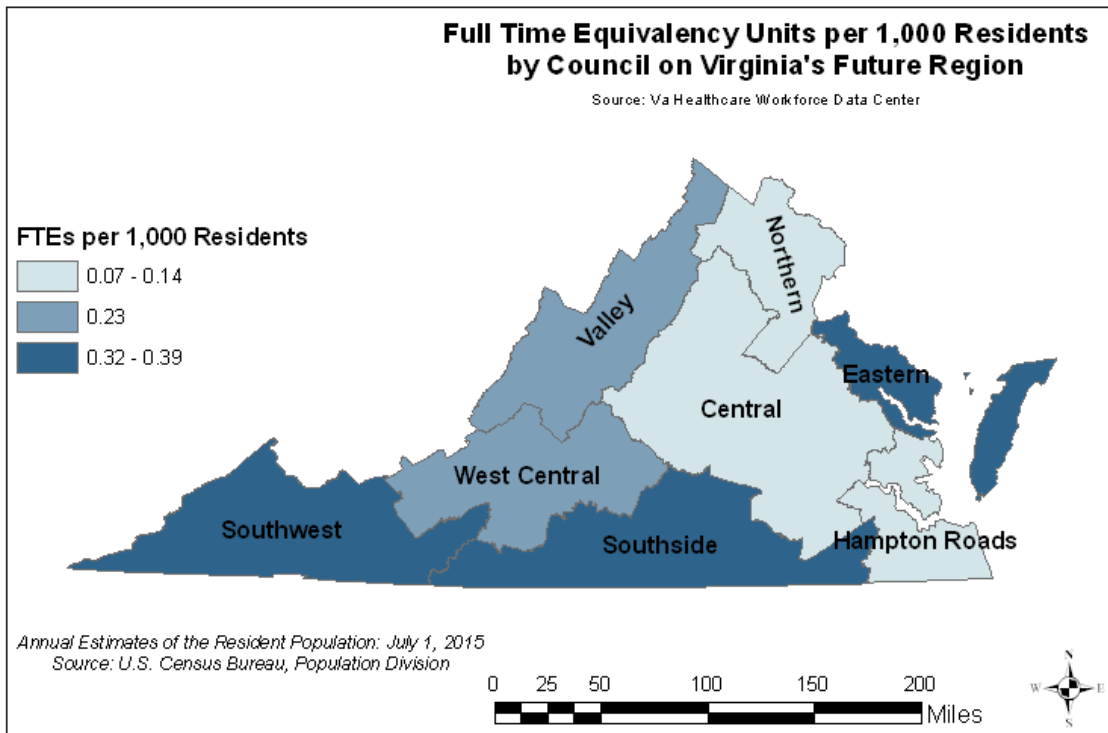
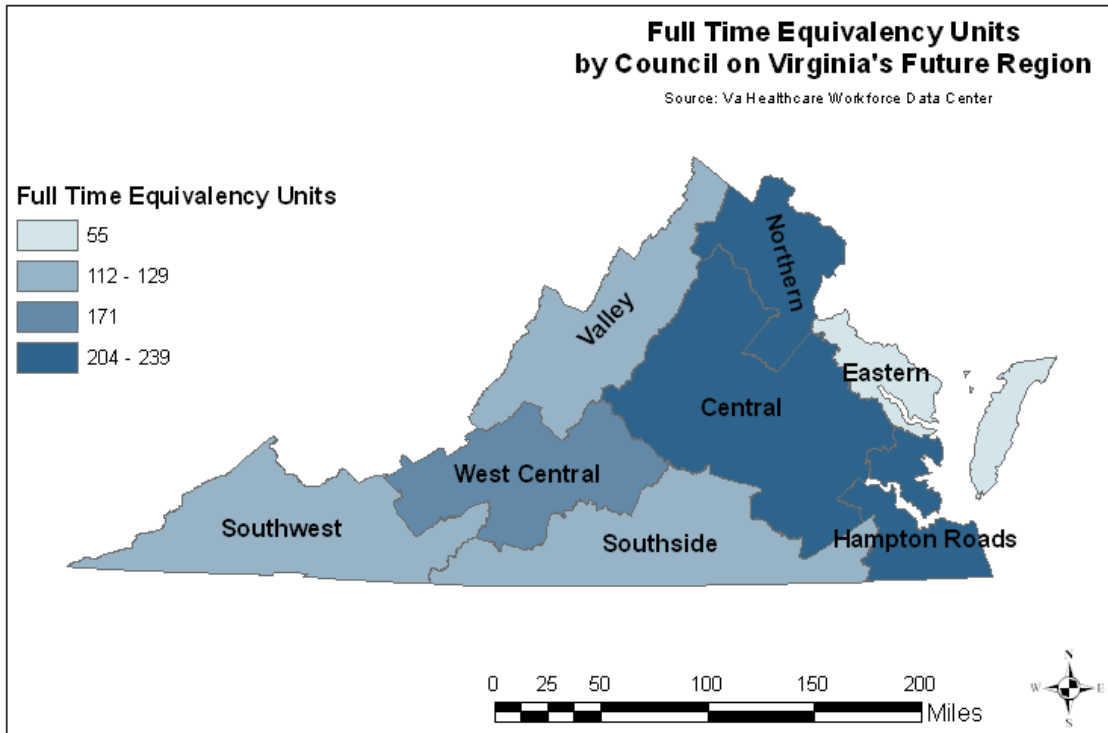
Full-Time Equivalency Units		
Age	Average	Median
<b>Age</b>		
Under 30	1.10	1.09
30 to 34	1.06	1.09
35 to 39	1.21	1.18
40 to 44	1.10	1.09
45 to 49	1.07	1.09
50 to 54	1.20	1.18
55 to 59	1.09	1.09
60 and Over	0.86	1.01
<b>Gender</b>		
Male	1.08	1.09
Female	1.03	1.09

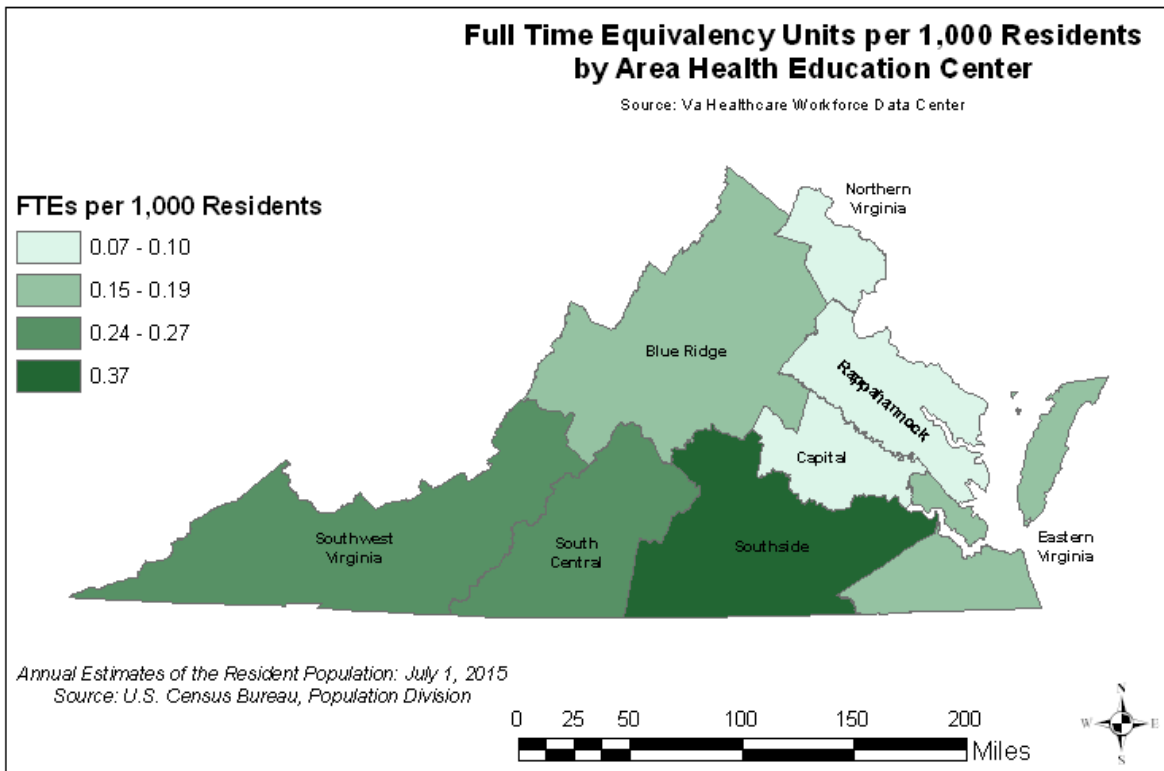
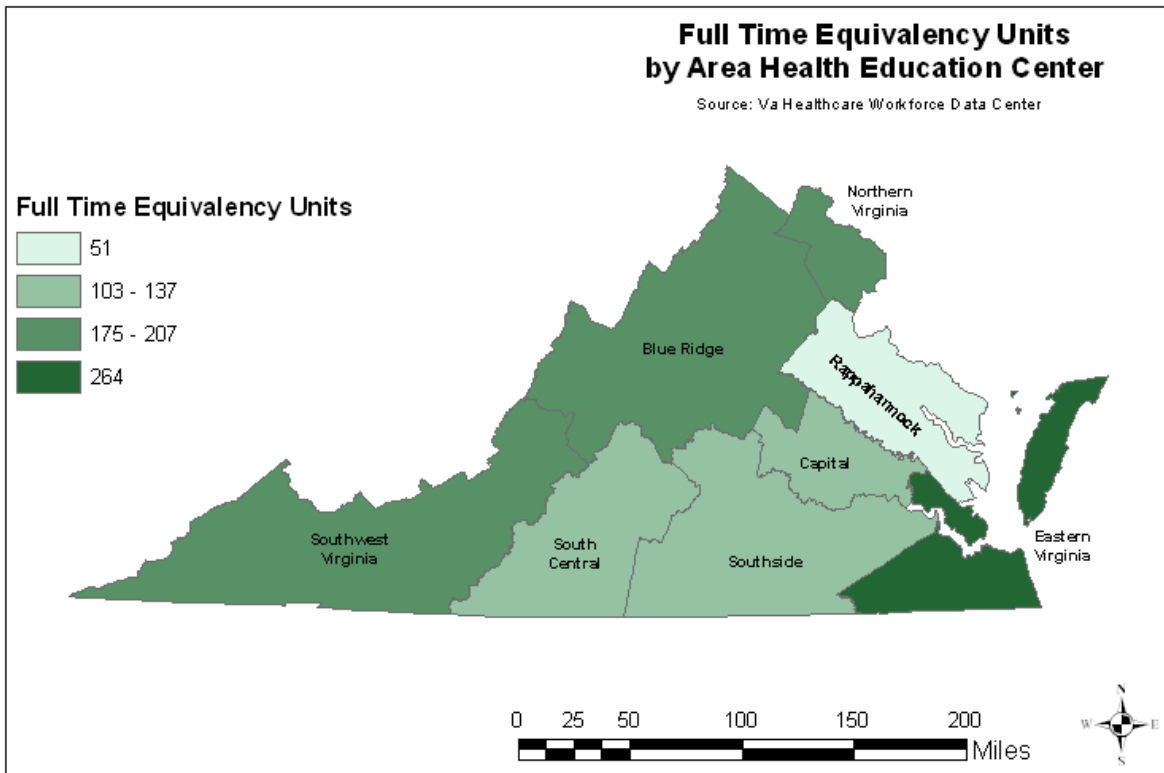
Source: Va. Healthcare Workforce Data Center



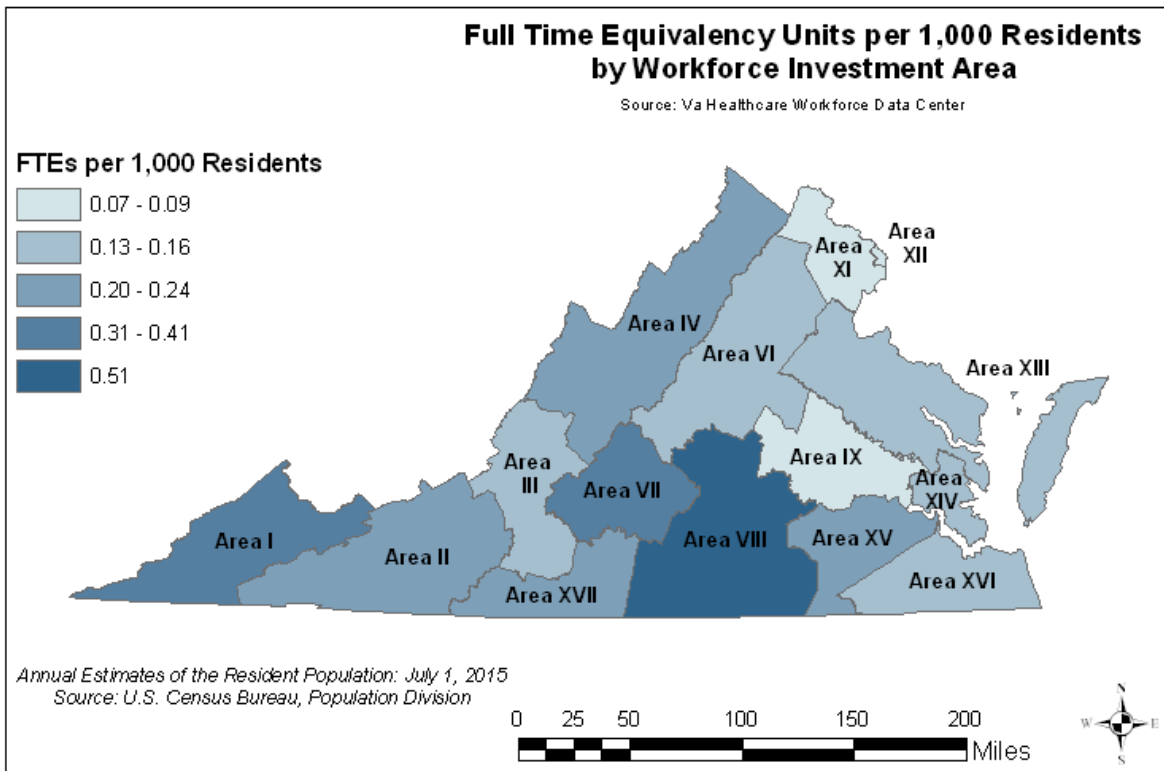
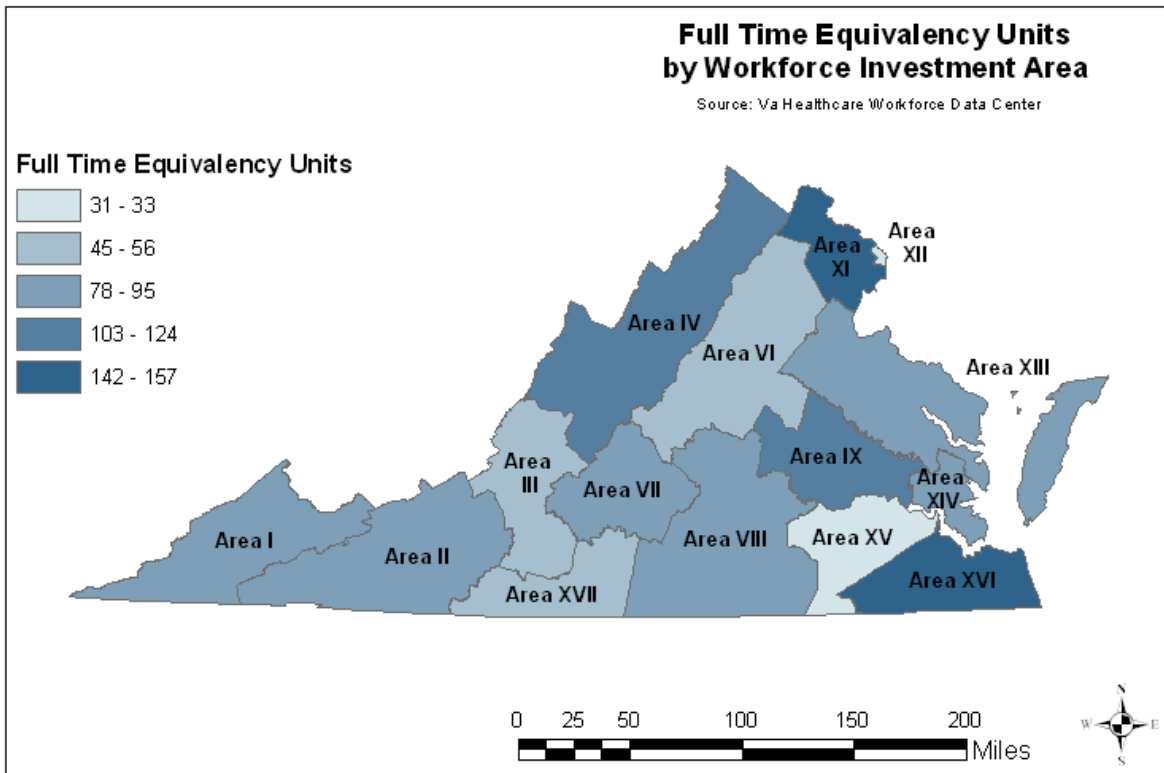
Source: Va. Healthcare Workforce Data Center

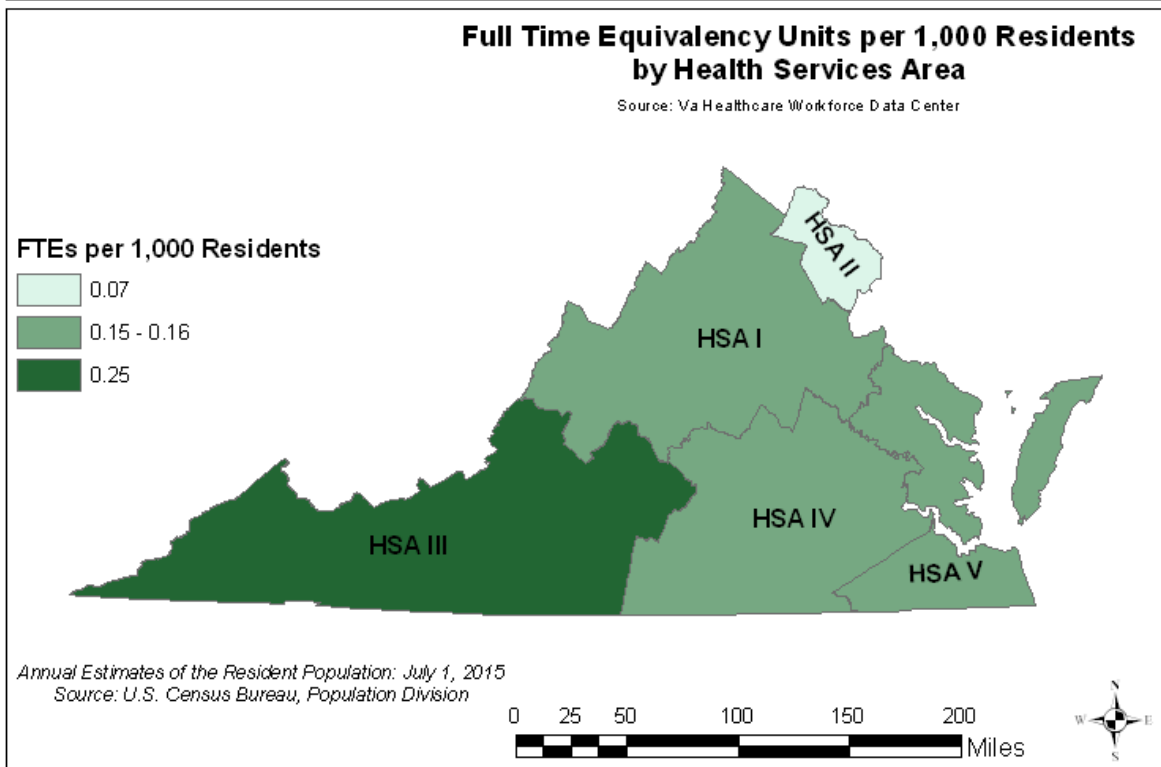
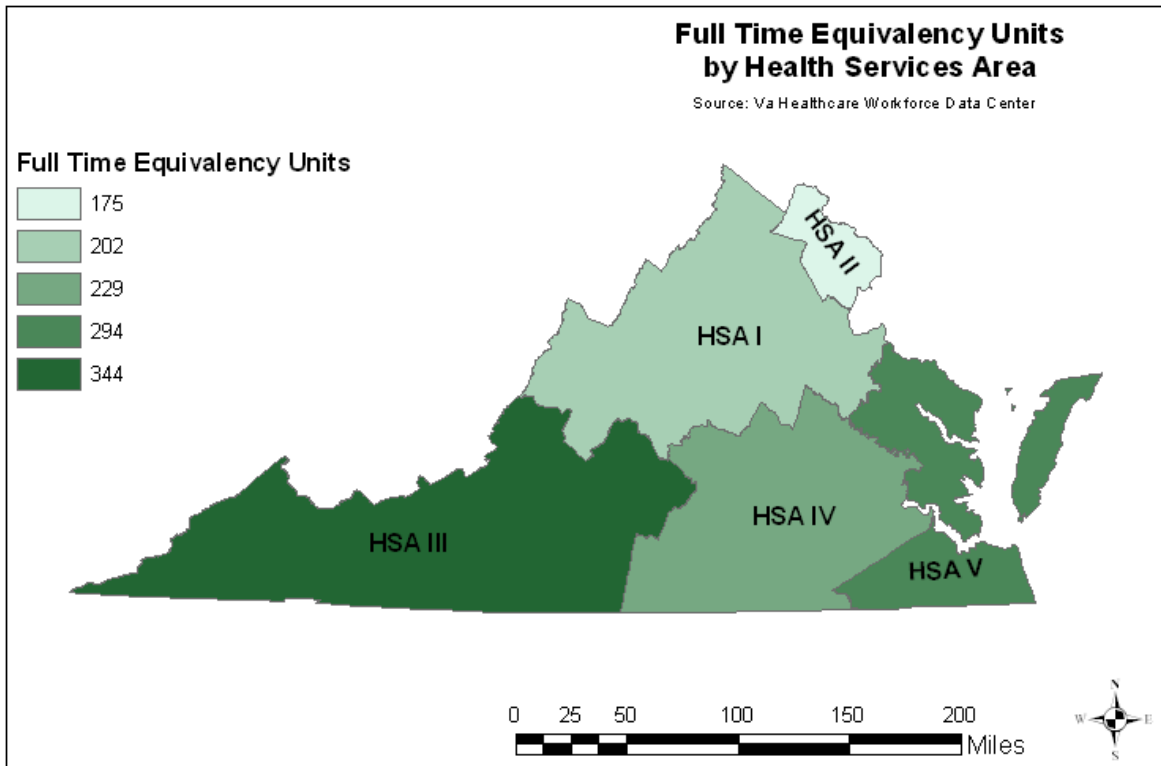
<sup>2</sup> Due to assumption violations in Mixed between-within ANOVA (Levene's Test is significant)

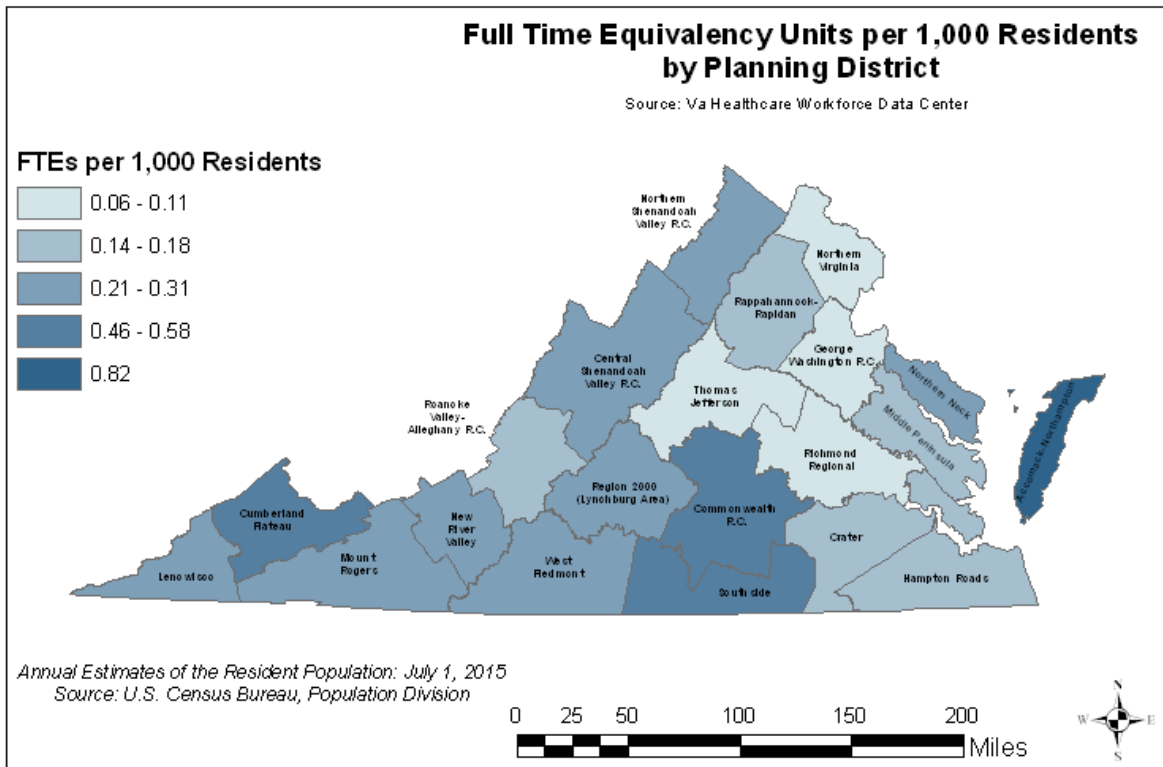
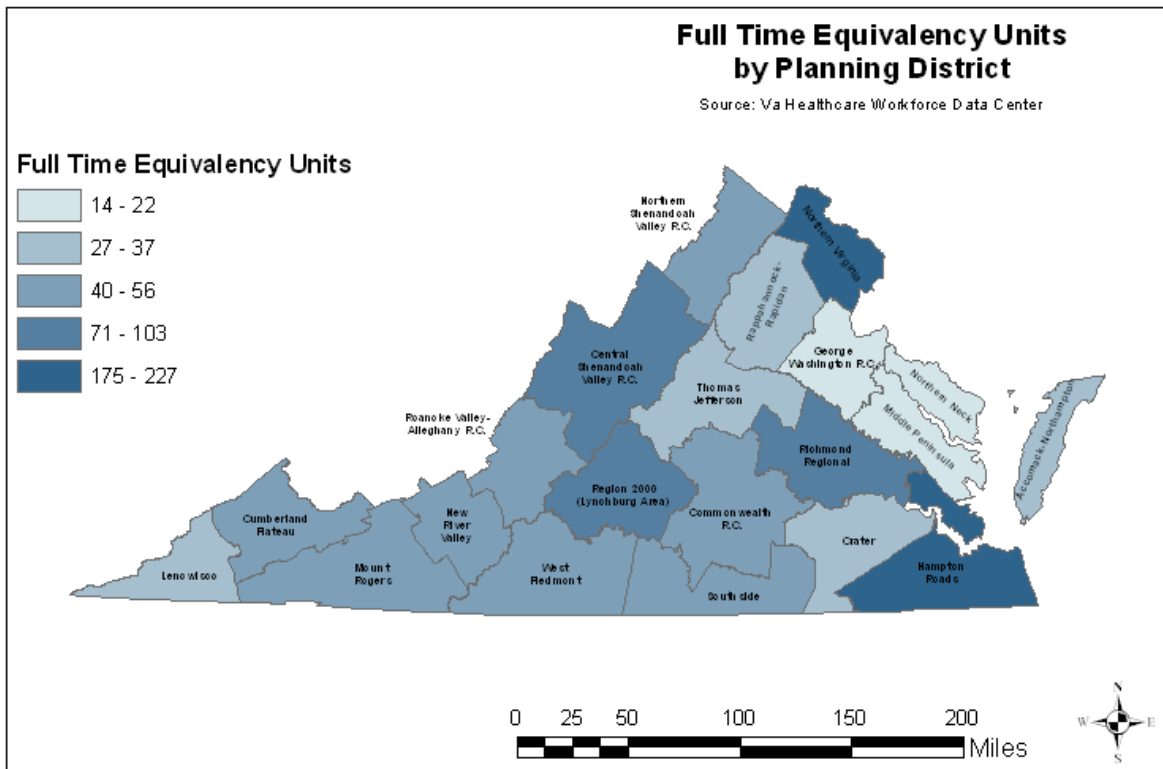












Appendix A: Weights

Rural Status	Location Weight			Total Weight	
	#	Rate	Weight	Min	Max
Metro, 1 million+	677	43.43%	2.302721	1.96311	3.08277
Metro, 250,000 to 1 million	156	59.62%	1.677419	1.43003	2.24565
Metro, 250,000 or less	145	55.17%	1.8125	1.54519	2.42649
Urban pop 20,000+, Metro adj	45	44.44%	2.25	1.97029	3.01219
Urban pop 20,000+, nonadj	0	NA	NA	NA	NA
Urban pop, 2,500-19,999, Metro adj	92	47.83%	2.090909	1.78254	2.79921
Urban pop, 2,500-19,999, nonadj	79	44.30%	2.257143	1.92425	3.02176
Rural, Metro adj	56	53.57%	1.866667	1.59136	2.49901
Rural, nonadj	34	58.82%	1.7	1.44928	2.27588
Virginia border state/DC	198	61.62%	1.622951	1.38359	2.17273
Other US State	75	50.67%	1.973684	1.6826	2.64228

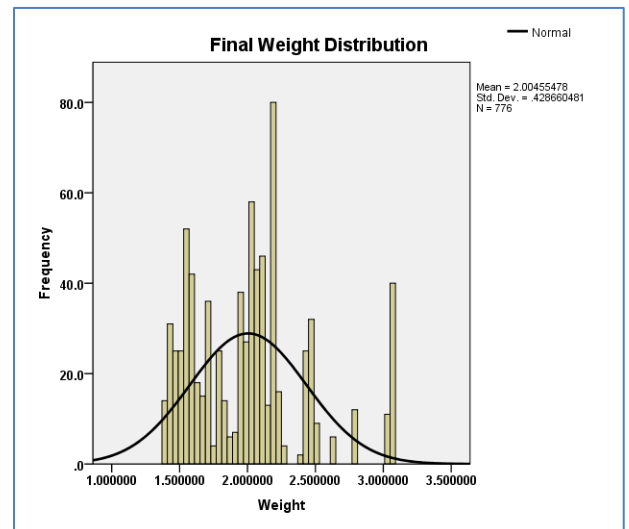
Age	Age Weight			Total Weight	
	#	Rate	Weight	Min	Max
Under 30	161	54.04%	1.850575	1.49687	2.12384
30 to 34	130	58.46%	1.710526	1.38359	1.96311
35 to 39	156	46.79%	2.136986	1.72854	2.45254
40 to 44	188	56.91%	1.757009	1.42119	2.01646
45 to 49	191	54.97%	1.819048	1.47137	2.08765
50 to 54	184	52.72%	1.896907	1.53435	2.17701
55 to 59	179	52.51%	1.904255	1.54029	2.18544
60 and Over	368	37.23%	2.686131	2.17273	3.08277

See the Methods section on the HWDC website for details on HWDC Methods: [www.dhp.virginia.gov/hwdc/](http://www.dhp.virginia.gov/hwdc/)

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

$$\text{Age Weight} \times \text{Rural Weight} \times \text{Response Rate} = \text{Final Weight.}$$

**Overall Response Rate: 0.498394**



Source: Va. Healthcare Workforce Data Center