

The Virginia Board of Funeral Directors and Embalmers convened for a full board meeting on Friday, October 21, 2022, at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room #2, Henrico, Virginia.

BOARD MEMBERS PRESENT:

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

BOARD MEMBERS ABSENT:

Steve Clemons, CPA, Citizen Member

DHP STAFF PRESENT FOR ALL OR PART OF THE MEETING:

Erin Barrett, Senior Policy Analyst
Alesia Baskin, Program Manager
Sarah Georgen, Licensing and Operations Manager
Kelley Palmatier, Deputy Executive Director
Charis Mitchell, Assistant Attorney General
Brent Saunders, Senior Assistant Attorney General, Board Counsel
Corie Tillman Wolf, Executive Director

OTHER GUESTS PRESENT:

Angela Bezik, Principle Advantage
Paul Harris, Regulatory Support Services
Barry Robinson, Virginia Morticians' Association
Ben Traynham, Hancock, Daniel, & Johnson, P.C.

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

CALL TO ORDER

Mr. Graves called the meeting to order at 10:03 a.m. and asked the Board members and staff to introduce themselves.

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

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

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

Ms. Tillman Wolf then read the emergency egress instructions.

APPROVAL OF MINUTES

Mr. Graves opened the floor to any edits or corrections regarding the draft minutes for the Board meeting and Formal Hearings held on July 15, 2022, and two Alkaline Hydrolysis Workgroup meetings held on July 14, 2022, and August 12, 2022.

Ms. Tillman Wolf noted a correction to the meeting minutes from July 15, 2022, regarding the end time of the meeting, which should reflect 11:08 a.m.

Upon a **MOTION** by Mr. Williams, properly seconded by Mr. Nelsen, the Board voted to approve the meeting minutes as amended. The motion carried (8-0).

ORDERING OF THE AGENDA

Ms. Tillman Wolf stated that the Board would not approve the Alkaline Hydrolysis report later in the agenda as the report was pending approval by the Governor's office. She stated that the report would be distributed to Board members as soon as possible.

Upon a **MOTION** by Ms. Mimms, properly seconded by Mr. Williams, the Board voted to accept the agenda as presented. The motion carried (8-0).

PUBLIC COMMENT

Mr. Robinson, Virginia Morticians' Association, provided verbal and written public comments (Attachment A).

BOARD MEMBER RECOGNITION

Mr. Graves recognized Dr. Scott Hickey for his service as a citizen member of the Board from 2018-2022 and as Board President from 2021-2022. He stated that a plaque was sent to Dr. Hickey to recognize his service.

AGENCY REPORT

Dr. Brown welcomed Mr. Hines and Mr. Clemons to the Board.

Dr. Brown announced that all Executive Branch entities had been tasked with initiating the regulatory process to reduce by at least 25 percent the number of regulations not mandated by federal or state statutes.

Dr. Brown provided a brief update on the Conference Center technology upgrade. Dr. Brown clarified that there were specific allowances for participation by video conferencing; however, DHP was not included in the General Assembly bill for regularly scheduled virtual meetings.

With no questions, Dr. Brown concluded his report.

INSPECTIONS UPDATE – *Melody Morton, Inspections Manager, Enforcement Division*

Ms. Morton provided an inspections update from the DHP Enforcement Division.

With no questions, Ms. Morton concluded her report.

STAFF REPORTS

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

Ms. Tillman Wolf welcomed Mr. Clemons to the Board as a Citizen Member appointed by the Governor, Ms. Baskin as the new Licensing Program Manager to the Board, and Mr. Saunders as the new Board Counsel.

BOARD UPDATES

Alkaline Hydrolysis Workgroup (SB 129)

Ms. Tillman Wolf provided an overview of the process of the Alkaline Hydrolysis Workgroup and the steps required by the Board. She thanked the participants that attended the meetings held on July 14, 2022, and August 12, 2022. She stated that the final Alkaline Hydrolysis Study would be provided to Board members once approved.

Licenses for Funeral Directors and Embalmers

Ms. Tillman Wolf provided an overview of the status of the Board’s emergency regulations, effective January 5, 2021, and the permanent regulations, which will become effective on December 7, 2022.

She also provided data on applications received as of October 17, 2022, for Funeral Directors, Embalmers, and Funeral Service Licensees and internships for each license type.

Federal Trade Commission (FTC) Updates

Ms. Tillman Wolf provided information a recent FTC resource for consumers, FTC Consumer Guidance: Shopping for Funeral Services by Phone or Online. She noted that this information was posted to the Board’s website for public access and sent by email to all licensed practitioners.

She also provided additional information on the FTC Funeral Rule and the initiation of possible changes resulting from an October 20, 2022, FTC meeting. Mr. Nelsen added that the FTC had voted to initiate rulemaking to require funeral homes to post all price lists online.

Ms. Tillman Wolf noted pending legal action by the FTC against the Funeral and Cremation Group of North America, LLC., Legacy Cremation Services, LLC, d/b/a Heritage Cremation Provider. Additionally, she noted that the Board has previously posted and disseminated information to licensees regarding the Board's Guidance Document on aiding and abetting unlicensed practice of funeral services.

International Conference Updates

Ms. Tillman Wolf provided information on the International Conference's 2023 Annual Meeting which will take place on March 1-2, 2023, in Chandler, Arizona. She asked if any Board members were interested in attending to contact her for more information.

She also provided information about the changes to the National Board Examination (NBE), scheduled for January 1, 2023.

Ms. Tillman Wolf announced that the International Conference would offer virtual learning sessions in the future and encouraged Board members to attend as they were able.

Expenditure and Revenue Summary as of June 30, 2022

Ms. Tillman Wolf presented the Expenditure and Revenue Summary as of June 30, 2022

Cash Balance as of June 30, 2021	\$848,630
YTD FY 2022 Revenue	\$748,565
<u>Less: FY 2022 Direct and Allocated Expenditures</u>	<u>\$701,206</u>
Cash Balance as of June 30, 2022	\$895,989

2023 Board Meeting Dates

Ms. Tillman Wolf announced the 2023 Board meeting dates.

- January 12, 2023
- April 13, 2023
- July 11, 2023
- October 12, 2023

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

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

As of October 14, 2022, Ms. Palmatier reported the following disciplinary statistics:

- 53 Patient Care Cases
 - 1 at Informal
 - 1 at Formal
 - 15 at Enforcement
 - 34 at Probable Cause
 - 2 at APD
- 29 Non-Patient Care Cases
 - 2 at Informal
 - 2 at Formal
 - 4 at Enforcement
 - 18 at Probable Cause
 - 3 at APD
- 20 at Compliance

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

- | | |
|-------------------|-------------------|
| • Q3 2020 – 17/30 | • Q4 2021 – 22/10 |
| • Q4 2020 – 16/13 | • Q1 2022 – 19/18 |
| • Q1 2021 – 15/18 | • Q2 2022 – 19/12 |
| • Q2 2021 – 12/12 | • Q3 2022 – 24/22 |
| • Q3 2021 – 20/22 | • Q4 2022 – 28/21 |

Percentage of all cases closed in 365 days

	Q3-21	Q4-21	Q1-22	Q2-22	Q3-22	Q4-22
FDE	51.4%	69.2%	40.0%	76.0%	30.9%	43.8%
Agency	71.1%	68.8%	66.0%	70.7%	71.9%	65.8%

With no questions, Ms. Palmatier concluded her report.

Licensure Report – Sarah Georgen, Licensing and Operations Manager

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

Licensure Statistics – All Licenses

License	June 30, 2022	September 30, 2022	Difference (+/-)
Funeral Service Licensees	1,574	1,555	-19
Funeral Director	37	36	-1
Embalmer Only	3	3	0
Supervisors	583	570	-13

Funeral Service Interns	258	242	-16
Funeral Directing Interns	17	22	5
Embalmer Interns	0	1	1
Funeral Establishments	423	424	1
Branch Establishments	84	86	2
Crematories	124	129	5
CE Providers	11	10	-1
Courtesy Card Holders	124	124	0
Surface Transport & Removal Svc.	57	52	-5
Total (*not incl. supervisors)	2,712	2,684	-28

Ms. Georgen said she would review the reduced number of Funeral Service Licensees following renewal. She said she would provide more information at the next Board meeting if necessary.

With no questions, Ms. Georgen concluded her report.

BOARD COUNSEL REPORT – Brent Saunders, Senior Assistant Attorney General

There was no Board Counsel report.

COMMITTEE AND BOARD MEMBER REPORTS

Report from the International Conference – Blair Nelsen, FSL

Mr. Nelsen provided a report from the International Conference and provided information on upcoming examination changes, including the elimination of the State Board Examination (SBE) as a separate examination, the use of the National Board Examination (NBE) as the sole licensing examination in funeral arts and sciences effective January 1, 2023, the use of calculators during the examinations, the communication of more detailed score reports to mortuary schools, and the posting of exam results on the Conference’s website.

With no questions, Mr. Nelsen concluded his report.

Alkaline Hydrolysis Workgroup Report – Blair Nelsen, FSL

Mr. Nelsen provided a report on the Alkaline Hydrolysis Workgroup meeting on August 12, 2022.

LEGISLATION AND REGULATORY ACTIONS – Erin Barrett, Senior Policy Analyst

Report on Status of Regulations

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

With no questions, Ms. Barrett concluded her report.

BOARD DISCUSSION AND ACTIONS

Revisions to, Reorganization of, or Readoption of Guidance Documents – Erin Barrett

Ms. Barrett provided an overview of Guidance Documents 65-1, Time credit for continuing education courses, 65-2, Disposition of disciplinary cases for practicing on an expired license, and 65-17, Initiating Disciplinary Action Against Funeral Homes for Failing to Submit Corrective Action to Deficiencies Noted During Routine Inspections.

Upon a **MOTION** by Ms. Barton, properly seconded by Mr. Walton, the Board voted to revise Guidance Document 65-1, Time credit for continuing education courses as presented. The motion carried (8-0).

Upon a **MOTION** by Mr. Walton, properly seconded by Mr. Williams, the Board voted to revise Guidance Document 65-2, Disposition of disciplinary cases for practicing on an expired license, as presented. The motion carried (8-0).

Upon a **MOTION** by Mr. Nelsen, properly seconded by Mr. Williams, the Board voted to revise Guidance Document 65-17, Initiating Disciplinary Action Against Funeral Homes for Failing to Submit Corrective Action to Deficiencies Noted During Routine Inspections as amended. The motion carried (8-0).

Discussion of Process for Review of Board Regulations – Regulations Governing the Practice of Funeral Services (18VAC65-20-10 et seq.), Regulations for Preneed Funeral Planning (18VAC65-30-10 et seq.), and Regulations for the Funeral Service Internship Program (18VAC65-40-10 et seq.) – Erin Barrett

Ms. Barrett provided information on the Process for Review of Board Regulations – Regulations Governing the Practice of Funeral Services (18VAC65-20-10 et seq.), Regulations for Preneed Funeral Planning (18VAC65-30-10 et seq.), and Regulations for the Funeral Service Internship Program (18VAC65-40-10 et seq.).

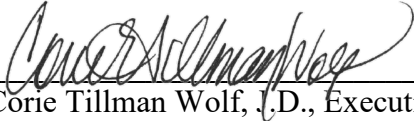
Ms. Tillman Wolf recommended that the Board convene a Legislative/Regulatory Committee meeting to review the regulatory reduction requirements, provide recommendations to the full Board, and consider the pending preneed questions from the Virginia Funeral Directors Association (VFDA).

NEXT MEETING

The next meeting date is January 12, 2023.

ADJOURNMENT

With all business concluded, the meeting adjourned at 11:14 a.m.



Corie Tillman Wolf, J.D., Executive Director

April 28, 2023

Date