

APPROVED
VIRGINIA BOARD OF FUNERAL DIRECTORS AND EMBALMERS
BOARD MEETING MINUTES

The Virginia Board of Funeral Directors and Embalmers convened for a board meeting on Friday, October 22, 2010 at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room #4, Henrico, Virginia.

BOARD MEMBERS PRESENT

Michael J. Leonard, FSP, President
Robert B. Burger, Jr., FSP, Vice-President
Blair Nelsen, FSP, Secretary-Treasurer
Randolph T. Minter, FSP
Willard. D. Tharp, FSP
Billie Watson-Hughes, FSP
Barry M. Murphy, FSP
Walter S. Ball, Citizen Member
Junius Williams, Citizen Member

DHP STAFF PRESENT FOR ALL OR PART OF THE MEETING

Lisa R. Hahn, Executive Director
Lynne Helmick, Deputy Executive Director
Arne Owens, Agency Chief Deputy Director
Elaine J. Yeatts, Senior Policy Analyst
Missy Currier, Board Operations Manager

BOARD COUNSEL

Amy Marschean, Senior Assistant Attorney General

QUORUM

With 9 members present a quorum was established.

GUESTS PRESENT

Barry D. Robinson, Virginia Morticians Association
Meredyth Partridge, Regulatory Support Services, Inc.
Bo Keeney, Independent Funeral Homes of Virginia
David Anderson, Virginia Funeral Directors Association

CALL TO ORDER

Mr. Leonard, President, called the meeting of the Virginia Board of Funeral Directors and Embalmers to order at 10:05 a.m. and asked the members and guests to introduce themselves.

ORDERING OF AGENDA

The agenda was accepted as ordered.

ACCEPTANCE OF MINUTES

- Upon a motion by Mr. Minter and properly seconded by Ms. Hughes, the Board voted to accept the Board Meeting Minutes dated July 20, 2010. The motion carried unanimously.
- Upon a motion by Ms. Hughes and properly seconded by Mr. Burger, the Board voted to accept the Continuing Education Committee Meeting Minutes dated July 20, 2010. The motion carried unanimously.
- Upon a motion by Mr. Tharp and properly seconded by Mr. Minter, the Board voted to accept the Special Conference Committee Meeting Minutes dated August 10, 2010. The motion carried unanimously.

PUBLIC COMMENT PERIOD

Meredyth Partridge asked the board for clarification regarding Medicaid “Set Aside” funds and who the responsible party was for refunding excess money. Ms. Partridge also stated that the requirement was adding more burden and paperwork for the funeral homes. Ms. Hahn referred to the newsletter and article published by Cindy Olsen of DMAS regarding the issue and clarified that DMAS requested that funeral service providers to be aware of the law and to include notification to the contract buyer that if preneed arrangements for Medicaid burial set aside are reduced from the original contract amount, that the Department of Medical Assistance Services (DMAS) is entitled to receive the remainder of the funds. Likewise, if the contract is modified or terminated to reduce the original set aside amount, DMAS is entitled to receive any remaining funds resulting from the termination or modification of the contract.

Barry Robinson wanted clarification regarding whether or not only board members were accepted as continuing education providers on Preneed. Mr. Leonard clarified that associations listed in the regulations were able to offer classes.

EXECUTIVE DIRECTOR’S REPORT

Staffing

Ms. Hahn was delighted to introduce Lynne Helmick as her new Deputy Executive Director. Ms. Hahn shared that Ms. Helmick’s background as an agency inspector for funeral and veterinary establishments will be extremely valuable to the board. Ms. Helmick will be primarily handling the funeral inspection program as well as working closely with Kathy Truesdale, Discipline Manager and Annie Artis, Licensing Manager. Ms. Hahn reviewed staff positions and requested that the board continue to keep Ms. Meade in their prayers.

Board Members

Ms. Hahn gave congratulations to the new slate of officers for the 2010/2011 term; Michael Leonard as Board President, Robert Burger, Jr. as Vice-President, and Blair Nelsen as Secretary-Treasurer.

Expenditure and Revenue Summary

Ms. Hahn stated that the beginning cash balance as of June 30, 2009 was \$19,797, revenue received for FY 10 was \$536,948 less the direct and allocated expenditures of \$496,178, a one time cash transfer for FY10 Caboose Bill was \$11,268; a one time cash transfer for FY10 Administration Reduction was \$9,002, leaving a cash balance as of June 30, 2010 of \$40,298. Ms. Hahn indicated that although the board ended the fiscal year in the black, it will be the last time for many years to come unless a fee increase is implemented.

Licensee Statistics

Ms. Hahn provided a summary of current license statistics and added that out of the 1421 Funeral Service Providers; 5 were licensed as Embalmers and 75 were Funeral Directors.

Discipline Statistics

Ms. Hahn stated we have 53 open cases which was 15 more than the last meeting; 46 cases are in the Enforcement Division at the Investigative stage; 5 cases are in the Probable Cause stage; 1 case at the APD level; and 1 case is at the formal stage.

Virginia Performs

Ms. Hahn stated that she had not received updated information to report but shared again information from the last meeting. The board had achieved a 100% rating for issuing licenses in less than 30 days and a 100% rating for patient care cases closed within 250 days. No customer satisfaction surveys were returned during the last cycle. The Clearance Rate was at 150% and there were no cases older than 250 days.

Board Business

Ms. Hahn mentioned that she had provided a copy of the August 2010 issue of the newsletter in the agenda packets. She indicated that the newsletter highlighted the hard work and many achievements the board made especially regarding death certificate issues, preneed, the internship program, and regulatory matters.

Ms. Hahn pointed out that she included copies of all the letters that Dr. Reynolds-Cane and Dr. Remley had issued regarding death certificates. Members of the board mentioned that they have already seen a positive effect from these meetings due largely to increased communication and education on the issue.

Ms. Hahn announced that the Department of Health Professions will be holding a new board member orientation day on October 27th and that she will be giving two of the presentations. One presentation will be on the Top 10 Ways of Becoming an Effective Board Member and the other will be on reviewing disciplinary cases and rendering a probable cause determination. Ms. Hahn shared that new board member Mr. Junius Williams will be participating in the orientation.

Lynne Helmick will present on State laws and regulations at the Virginia Funeral Directors Association meeting on November 4th in Roanoke, Virginia and Bob Burger, Jr. will present in Danville, Virginia on November 18th.

Ms. Hahn updated the board members on a meeting she held with Sammy Johnson and the Inspectors. Collaboratively, they reviewed and edited the new inspection forms, discussed ways to improve the process and discussed preneed disclosures. Ms. Hahn will forward the members a copy of the final inspection form once complete. Any questions may be directed to Ms. Hahn or Ms. Helmick.

Ms. Hahn concluded her report by stating that she will invite Sammy Johnson to the January 2011 meeting for an overview of the inspection process.

Calendar

Ms. Hahn stated that the 2011 meeting calendar was provided in the agenda packets.

NEW BUSINESS

Sanction Reference Points Update – Kim Langston, VisualResearch, Inc.

Ms. Langston gave an overview of the effectiveness of the Sanction Reference Points System and stated that current results indicate that the numbers are right on target. Ms. Langston asked the board if they would like to re-train with SRP. Ms. Hahn stated that although she is a huge advocate of SRP, the actual cost for the training would be a strong factor in making the decision. Mr. Leonard concluded that the board would take the matter under advisement.

Consideration of Fee Increase – Charles Giles

Mr. Giles opened discussion by thanking the board for allowing him to speak regarding the updated financial position and to assist with the information they will need to make a decision on proposed fee increases. Mr. Giles pointed out that without a fee increase, the anticipated cash balance at the end of FY11 will be (42,168) and that by the end of FY2016 it would be approximately (785,323). He also stated that in her initial review through FY2016, Ms. Hahn was able to identify an approximate savings overall of about \$207,000. Throughout his budget presentation, Mr. Giles reminded the members that the numbers were projections and that it is unknown what the future holds. He stressed that it was imperative to have certain costs as “place holders” in the budget in the event certain expenses are approved by the General Assembly such as cost of living increases or raises.

Much of the discussion centered on the significant increase in fees charged to the agency by Northrop Grumman & Virginia Information Technologies Agency (VITA). Mr. Giles stated that the fees charged to the Agency increased approximately 323% from the year 2005 to 2011. The agency anticipates that by FY2012, the increase will be approximately 417%. He stated that the Agency Director has held numerous meetings and is making a large effort to remedy the increase costs

Ms. Yeatts led discussion on the methodology for the fee increases by offering two different options. She explained the difference in the two options was a matter of timing and anticipation of the need for another fee increase. Ms. Yeatts stated that Option II anticipates the shortfall the board may have again in FY2015 and instead of having to promulgate another fee increase and wait approximately two additional years before it becomes effective this option would include the additional fee increase.

Upon a motion by Mr. Tharp and properly seconded by Mr. Murphy, the board voted to accept option II for fee increases. The motion carried unanimously.

Current Regulatory Actions – Elaine Yeatts

Ms. Yeatts reviewed the status of the following regulations pertaining to 18VAC65-20:

- Identification of human remains – remains at the Secretary's Office
- NOIRA regarding fee increases – Board to adopt proposed fees
- Fast-Track regarding clarification of requirements - remains at the Governor's Office
- Conformity with the law on CE documentation – becomes final on 9/29/2010
- Repeal of 18VAC65-20-530 regarding documentation of embalming –becomes final on 9/29/2010
- Unprofessional Conduct – becomes final on 9/29/2010

Ms. Yeatts reviewed the status of regulations pertaining to 18VAC65-30;

- Fast-Track regarding termination of irrevocable trusts – remains at Secretary's Office

Ms. Yeatts concluded by sharing that the legislation regarding death certificates is at the Governor's office and that she does not anticipate hearing whether it will be approved to move forward until the first part of December.

BREAK

The Board took a recess at 11:45 a.m. and reconvened at 12:05 p.m.

Letter from Regulatory Support Services, Inc.

Ms. Hahn shared a letter she received from Meredyth Partridge, President of Regulatory Support Services, Inc. asking for clarification from the Board regarding whether or not nurse

practitioners have the authority to sign a death certificate. Amy Marschean, Board Counsel deferred Ms. Partridge to the Virginia Department of Health (VDH) for clarification.

Letter from Virginia Humaniteks

A letter from Virginia Humaniteks, Inc. petitioning the board for leniency in the regulations regarding crematories and the cremation of humans in the same retort as pets for those persons of extreme weight. The board requested that Ms. Hahn submit a response letter stating that they adhere to the current law without deviation or exception.

Alkaline Hydrolysis

Mr. Leonard led discussion on Alkaline Hydrolysis as a means of final disposition. During the discussion, many questions were asked and it soon became apparent that the board simply does not yet have enough information to take a position on this process. They did agree however, that because alkaline hydrolysis may be considered in legislation in the near future, that they should be proactive by gathering as much information as possible. Board members as well as affiliated associations were asked to collect and provide information to board staff. The board asked Ms. Hahn to submit a response stating that currently Alkaline Hydrolysis is not a legal means of final disposition and that the law in Virginia allows for only cremation and burial as a means of final disposition.

ADJOURNMENT:

With no further business before the Board, the meeting adjourned at 12:45 p.m.

Michael J. Leonard, President

Lisa R. Hahn, Executive Director

Date

Date