

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 Tuesday, April 14, 2015 at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room 2, Henrico, Virginia.

BOARD MEMBERS PRESENT

Christopher P. Vincent, FSL, President, Chair
Connie B. Steele, FSL, Vice-President
J. Paul Welch, FSL, Secretary-Treasurer
Junius H. Williams, Jr., Citizen Member
Eric V. Wray, II, FSL
Robert Oman, FSL
Louis R. Jones, FSL
R. Thomas Slusser, Jr., FSL
Ibrahim A. Moiz, Esq., Citizen Member

DHP STAFF PRESENT FOR ALL OR PART OF THE MEETING

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

BOARD COUNSEL

Erin Barrett, Assistant Attorney General

QUORUM

With 9 members present a quorum was established.

GUESTS PRESENT

Paul Harris, Regulatory Support Services, Inc.
Karen McPherson, VMA
Abbey Shepperson, VFDA
Jim Dickerson, FSL

CALL TO ORDER

Chris Vincent, President, called the meeting of the Virginia Board of Funeral Directors and Embalmers to order at 10:02 a.m.

ORDERING OF AGENDA

Upon a motion by Eric Wray and properly seconded by Bob Oman, the board accepted the agenda as presented. The motion passed unanimously.

ACCEPTANCE OF MINUTES

Upon a motion by Junius Williams, Jr. and properly seconded by Eric Wray, the Board voted to accept the following Meeting Minutes:

- Board Meeting – January 13, 2015
- Formal Hearing – January 13, 2015

The motion passed unanimously.

PUBLIC COMMENT PERIOD

There was no public comment.

BOARD OF HEALTH PROFESSIONS – Dr. Elizabeth Carter

Dr. Carter stated that at the request of Senator Kenneth Alexander, the Board of Health Professions was to conduct a study on the bifurcation of the funeral license. She shared that they have pulled information from various states but that it was difficult to compare since each state has different laws and regulations. Dr. Carter furthered that hearing feedback from Virginia licensees on the subject will be provide a better view.

Dr. Carter stated that the Board of Health Professions will be holding a Public Hearing on the matter during their May 28th Board Meeting. Meeting information and details will be posted on the board's website closer to May 28th.

Chris Vincent, President concluded that he would be appointing an Adhoc Committee to work on this complex issue.

EXECUTIVE DIRECTOR'S REPORT – Lisa R. Hahn

Expenditure and Revenue Summary

Ms. Hahn stated she would begin her report with the bleak news but was looking forward to seeing positive changes in the budget soon, thanks to the regulatory fee increase that had been pending for more than 4 years.

FY15 Budget

- | | |
|---------------------------------------|------------------|
| • Cash Balance as of June 30, 2014 | \$(242,833) |
| • YTD FY15 Revenue | \$ 33,805 |
| • Less direct & In-Direct expenditure | <u>\$357,708</u> |
| • Cash Balance on January 31, 2015 | \$ (566,736) |

Discipline Statistics (as of 03/31/2015)

- 29 open cases
- 19 are in Investigations
- 6 in Probable Cause
- 1 in APD
- 0 Informal
- 3 Formals
- 22 Orders are being monitored for Compliance

Licensee Statistics (as of 03/31/15)

- Branch Establishments –69
- Continuing Education Providers – 25
- Courtesy Card Holders -75
- Crematories – 105
- Embalmer only – 5
- Funeral Director –51 Funeral Supervisors - 434
- Funeral Establishment – 439
- Funeral Service Licensee's – 1,554
- Funeral Intern – 213
- Surface Transport and Removal Services – 51
- Total – 3,021

Virginia Performs

2nd Quarter 2015:

- Licensing Standard less than 30 days – 100%
- Clearance Rate-600% (rec'd 1 – closed 6)
- Pending Caseload older than 250 days- 8% (1 case)
- % of cases closed within 250 days- 100%
- Customer Satisfaction – 100% (Q2 FY 2015)

Ms. Hahn stated how proud she was of her staff and all their hard work and dedication and high level of customer service. She pointed out that all three of her licensing boards just earned 100% customer satisfaction and attributes a lot of that from dedicated staff and everyone being cross trained so that they are able to assist at all times.

Conferences & Presentations

Ms. Hahn shared that Ms. Helmick attended the following meetings and was able to provide several presentations for the VFDA via live video conferencing technology:

Lynne Helmick –

- The Conference Annual Meeting in Dallas, Texas, February 2015
- Jan 26th – VFDA Winter Conference
- VFDA Traveling Caravan–
 - Feb 12 – Danville – video conference
 - March 10th – Germanna College, Fredericksburg
 - March 12th – John Tyler Community College
 - March 13th – Independent Funeral Homes (IFHV), Glen Allen, VA

Board Business

Ms. Hahn shared the following with the board;

- **Marta Ishmael, DHP Investigator** is retiring after 30 years of state service. She will be sorely missed by all especially those in the funeral service. We will present Marta with a plaque and card on behalf of the board during her retirement party.
- **Model Practice Act** for the Funeral Service has been officially published and you have all been provided with a copy. It is here for Virginia to utilize when needed.
- **Fee Increase** – Became effective on January 14th; information was posted on the website as well as emailing an informational letter prior to renewals.
- **Renewals** – deadline was March 31st.
- **Recent Supreme Court Decision** regarding NC Dental board vs. FTC – will discuss later in meeting.

2015 Board Meeting Calendar

- n January 13th
- n April 14th
- n July 14th
- n October 20th

NEW BUSINESS

Regulatory Report – Elaine Yeatts

Board of Funeral Directors and Embalmers					
Chapter	Action / Stage Information				
Regulations of the Board of Funeral Directors and Embalmers [18 VAC 65 - 20]	<table border="1"> <tr> <td><u>Action:</u></td> <td>Identification of human remains</td> </tr> <tr> <td><u>Stage:</u></td> <td>Final - <i>At Secretary's Office – 28 days</i></td> </tr> </table>	<u>Action:</u>	Identification of human remains	<u>Stage:</u>	Final - <i>At Secretary's Office – 28 days</i>
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Legislative Report – Elaine Yeatts

Ms. Yeatts gave the members a report of the 2015 General Assembly including the following Bills:

HB1435; HB1738; HB1803; HB1963; SB895; SB951; SB1434

BREAK

The board recessed at 10:55 a.m. and reconvened at 11:10 a.m.

CLOSED SESSION:

Upon a motion by Connie Steele, and duly seconded by Bob Oman, the Board voted to convene a closed meeting pursuant to §2.2-3711.A (7) of the Code of Virginia, for the purpose of consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. Additionally, she moved that Ms. Hahn, and Ms. Helmick, Ms. Currier and Ms. Yeatts attend the closed meeting because their presence in the closed meeting is deemed necessary and will aid the Board in its discussions and considerations.

The Committee entered into closed session at 11:12 a.m.

RECONVENE:

Upon a motion by Chris Vincent, and duly seconded by Eric Wray, the Board voted to re-convene at 12:00 p.m.

CERTIFICATION: Connie Steele certified that the matters discussed in the preceding closed session met the requirements of §2.2-3712 of the Code, the Board re-convened in open session at 12:00 p.m.

MOTION: Bob Oman moved that the Board of Funeral Directors and Embalmers request the 2016 General Assembly add the following language to the definition of the practice of funeral services in 54.1-2800: **“The practice of funeral services includes the sale of caskets to the public.”** I make this motion based on legal counsel and the risk of litigation to this Board and individual Board Members and our general concerns related to the regulation of the funeral service industry. The motion was properly seconded by Louis Jones. The motion carried unanimously.

ADJOURNMENT:

Junius Williams, Jr. thanked the board and staff for their expressions of kindness regarding the passing of his mother.

Upon a motion by Bob Oman and properly seconded by Eric Wray, the board concluded the meeting at 12:10 p.m.

Christopher P. Vincent, President

Lisa R. Hahn, Executive Director

Date

Date