



Virginia Department of
Health Professions
Board of Funeral Directors and Embalmers

Final Minutes
Full Board Meeting

October 12, 2021

The Virginia Board of Funeral Directors and Embalmers convened for a full board meeting on Tuesday, October 12, 2021 at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room #2, Henrico, Virginia.

BOARD MEMBERS PRESENT:

R. Thomas Slusser, Jr., FSL, President
Kenneth Scott Hickey, M.D., Citizen Member, Vice-President
Jason Graves, FSL, Secretary-Treasurer
Lacyn Barton, FSL
Muhammad Hanif, Citizen Member
Mia F. Mimms, FSL, JD
Joseph Frank Walton, FSL
Joseph Michael Williams, FSL

BOARD MEMBERS ABSENT:

Blair H. Nelsen, FSL

DHP STAFF PRESENT FOR ALL OR PART OF THE MEETING:

Barbara Allison-Bryan, M.D., Deputy Director, DHP
Erin Barrett, Assistant Attorney General, Board Counsel
Sarah Georgen, Licensing and Operations Manager
Kelley Palmatier, Deputy Executive Director
Corie Tillman Wolf, Executive Director
Heather Wright, Program Manager
Elaine Yeatts, Sr. Policy Analyst

OTHER GUESTS PRESENT

Tyler Cox, Service Corporation International
Paul Harris, Regulatory Support Services, Inc.
Bo Keeney, Association of Independent Funeral Homes of Virginia
Barry Robinson, Virginia Mortician's Association

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

CALL TO ORDER

Mr. Slusser called the meeting to order at 10:04 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. Slusser congratulated Mr. Hanif on his reappointment to the Board and welcomed Ms. Barton to the Board for her first term.

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

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

Ms. Tillman Wolf then read the emergency egress instructions.

APPROVAL OF MINUTES

Mr. Slusser opened the floor to any edits or corrections regarding the draft minutes for the Board meeting held on July 13, 2021, and formal hearing held on August 24, 2021. Ms. Barton noted a correction to the second paragraph of the report of Licenses for Funeral Directors and Embalmers. Upon a **MOTION** by Mr. Williams, properly seconded by Mr. Graves, the Board approved the meeting minutes from July 13, 2021 as amended. The motion carried (8-0).

ORDERING OF THE AGENDA

Ms. Tillman Wolf stated that Elaine Yeatts was unable to attend the meeting and asked that the agenda be flexible for the arrival of Janet Rainey, State Registrar, Office of the Vital Records, Virginia Department of Health.

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

PUBLIC COMMENT

There was no public comment.

AGENCY REPORT

Dr. Allison-Bryan provided statistics of the COVID-19 vaccines in the Commonwealth and announced that Virginia was listed number 13 in the nation for vaccinations. Dr. Allison-Bryan provided an update on COVID vaccines and noted that DHP was 80-85% vaccinated.

Dr. Allison-Bryan stated that DHP staff has been able to telework effectively during the pandemic. She said that staff will return to the building on January 3, 2022, but will be offered a more robust telework policy.

Dr. Allison-Bryan thanked Dr. Hickey for his service on the HB2300 Workgroup which reviewed the protocol for treatment and discharge of individuals experiencing a substance use-related emergency.

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

PRESENTATION

Ms. Tillman Wolf announced that Ms. Rainey was unable to attend the meeting and asked to defer her presentation to the Board to the January meeting.

STAFF REPORTS

Executive Director's Report – Corie E. Tillman Wolf, JD, Executive Director

Ms. Tillman Wolf offered congratulations to Mr. Hanif and Ms. Barton on their appointments to the Board.

Ms. Tillman Wolf welcomed Lynne Helmick back to the Board on a part-time basis as an Inspections Compliance Specialist.

COVID Data

Ms. Tillman Wolf provided an overview of the COVID Data statistics as of October 6, 2021 as provided by the Virginia Department of Health (VDH).

She also reported that the Mass Fatality Task Force had not convened since the last meeting.

Board Operations

Ms. Tillman Wolf provided information to the Board members regarding the continuity of Board operations and telework for Board staff.

Licenses for Funeral Directors and Embalmers

Ms. Tillman Wolf provided an update on licensing operations related to the issuance of funeral director and embalmer licenses to coincide with the Board's Emergency Regulations that became effective on January 5, 2021.

Ms. Tillman Wolf reported that the Board has received eleven (11) Funeral Director applications, nineteen (19) Funeral Director Intern applications, one (1) Embalmer application, and four (4) Embalmer Intern applications as of September 30, 2021.

Board Updates

Ms. Tillman Wolf provided updates on the Boards e-mail blasts to licensees which included an emails on Electronic Death Reporting System (EDRS) Trainings and a notice on the increase in cremation authorization fees through the Office of the Chief Medical Examiner (OCME) effective November 1, 2021.

She also reported on New Board Member Orientation which occurred on October 5, 2021, and agency training opportunities for Board members, including a recent training offered by DHP on the Health Practitioners' Monitoring Program (HPMP) on for October 6, 2021.

Updates – International Conference

Ms. Tillman Wolf reported that the International Conference has announced their 2022 Annual Meeting, which would occur from February 23-24, 2022 in Houston, Texas. She stated that Virginia would be provided with one Delegate Grant to fund attendance of one Board or staff member. She reminded Board members that travel would need to be preapproved.

Ms. Tillman Wolf stated that the International Conference will convene a volunteer committee on Job Task Analysis. She asked Board members to contact her with any interest in participating.

Exam Statistics

Ms. Tillman Wolf reported on the following Exam Statistics:

National Board Exam – NBE (first time test takers)

- Calendar Year 2020
 - Arts – 76.7% pass rate (National = 73%)
 - Sciences – 54.5% pass rate (National = 64%)
- Calendar Year 2021 (YTD)
 - Arts – 66.7% pass rate (National = 71%)
 - Sciences – 54.1% pass rate (National = 59%)

Laws, Rules, and Regulations (LRR) (first time test takers)

- Calendar Year 2020 – 91.7% pass rate
- Calendar Year 2021 – 94.4% pass rate

Expenditure and Revenue Summary as of June 30, 2021

Ms. Tillman Wolf presented the Expenditure and Revenue Summary as of June 30, 2021.

Cash Balance as of June 30, 2020	\$757,223
YTD FY21 Revenue	\$721,065
Less FY21 Direct & In-Direct Expenditures	\$629,658
Cash Balance as of June 30, 2021	\$848,630

2022 Board Meeting Dates

Ms. Tillman Wolf announced the upcoming 2022 Board meeting dates.

- January 28, 2022
- April 15, 2022
- July 15, 2022
- October 21, 2022 (tentative)

Ms. Tillman Wolf thanked members for all they do in support of the Board.

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

Discipline Report – Kelley Palmatier, JD, Deputy Executive Director

As of October 8, 2021, Ms. Palmatier reported the following disciplinary statistics:

- 56 Patient Care Cases
 - 0 at Informal
 - 1 at Formal
 - 23 at Enforcement
 - 31 at Probable Cause
 - 1 at APD
- 13 Non Patient Care Cases
 - 1 at Informal
 - 1 at Formal
 - 4 at Enforcement
 - 7 at Probable Cause
 - 0 at APD
- 18 at Compliance

Ms. Palmatier stated that the Clearance Rate was 35% (Goal is 100%) – 17 cases received, 6 cases closed. Ms. Palmatier stated that the caseload over 250 days was 20% (Goal under 20%) with 11 cases pending over 250 days. Ms. Palmatier stated that the cases closed within 415 days is 7% with 4 cases pending over 415 days. Ms. Palmatier stated that the Time to Disposition cases closed within 250 days was 67% with 4 cases closed. She reported cases closed within 415 days is 100% with 6 cases closed.

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

- Q4 2019 – 10/16
- Q1 2020 – 20/20
- Q2 2020 – 35/21
- Q3 2020 – 17/30
- Q4 2020 – 16/13
- Q1 2021 – 15/18
- Q2 2021 – 12/12
- Q3 2021 – 20/22
- Q4 2021 – 22/10

Percentage of all cases closed in 365 days

	Q3-20	Q4-20	Q1-21	Q2-21	Q3-21	Q4-21
FDE	68.1%	88.9%	75.8%	87%	51.4%	69.2%
Agency	74.3%	75.8%	70.1%	64%	71.1%	68.8%

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	October 6, 2021	July 8, 2021	Difference (+/-)
Funeral Service Licensees	1,549	1,526	23
Funeral Director	33	31	2
Embalmer Only	2	2	0
Supervisors	560	548	12
Funeral Service Interns	229	213	16
Funeral Directing Interns	12	5	7
Embalmer Interns	0	1	-1
Funeral Establishments	420	417	3
Branch Establishments	85	86	1
Crematories	119	117	2
CE Providers	9	8	1
Courtesy Card Holders	118	112	6
Surface Transport & Removal Svc.	53	52	1
Total (*not incl. supervisors)	2,629	2,570	59

Customer Satisfaction

Ms. Georgen reported on the customer satisfaction statistics for Quarter 4 2021 as 95.2%. She thanked Ms. Wright for her excellent customer service and processing of applications. Ms. Georgen read the recent feedback from applicants as provided on the Customer Service Satisfaction survey.

With no questions, Ms. Georgen concluded her report.

BOARD COUNSEL REPORT – Erin Barrett, Assistant Attorney General

Ms. Barrett provided an update on a pending court case involving the Board.

LEGISLATION AND REGULATORY ACTIONS

Report on Status of Regulations

Ms. Tillman Wolf provided an update on the regulatory actions in process.

She reported that the proposed regulations to replace the emergency regulations were currently at the Secretary's Office.

She reported that the final Regulations for the Funeral Service Internship Program (Chapter 40) would be voted on later in the agenda.

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

BOARD DISCUSSIONS AND ACTIONS

Adoption of Electronic Meeting Policy

Ms. Tillman Wolf provided an overview of the proposed Electronic Meeting Policy.

The Board discussed the Electronic Meeting Policy.

Upon a **MOTION** by Mr. Walton, properly seconded by Ms. Mimms, the Board voted to adopt the Electronic Meeting Policy as presented. The motion carried (8-0).

Adoption of Final Regulations from Periodic Review for the Funeral Service Internship Program (18VAC65-40-10 et seq.)

Ms. Tillman Wolf provided an overview of the final regulations from the Periodic Review for the Funeral Service Internship Program (18VAC65-40-10 et seq.).

Upon a **MOTION** by Ms. Mimms, properly seconded by Ms. Barton, the Board voted to adopt the final regulations from the Periodic Review for the Funeral Service internship program (18VAC65-40-10 et seq.) as presented. The motion carried unanimously (8-0).

Revision to Guidance Document 65-12, Board action on Confidential Consent Agreements

Ms. Tillman Wolf provided an overview of the proposed staff revisions for Guidance Document 65-12 titled "Board action on Confidential Consent Agreements."

Upon a **MOTION** by Mr. Williams, properly seconded by Mr. Graves, the Board voted to approve the revision to Guidance Document 65-12, Board Action on Confidential Consent Agreements, as presented. The motion carried unanimously (8-0).

Reaffirm of Guidance Documents 65-16, Procedures for Auditing Continuing Education and 65-19, Identification of Funeral Service Interns

Ms. Tillman Wolf provided an overview of Guidance Document 65-16 titled "Procedures for Auditing Continuing Education" and Guidance Document 65-19 titled "Identification of Funeral Service Interns."

Upon a **MOTION** by Mr. Walton, properly seconded by Ms. Barton, the Board voted to reaffirm Guidance Document 65-16 titled "Procedures for Auditing Continuing Education" and Guidance Document 65-19 titled "Identification of Funeral Service Interns," as presented. The motion carried unanimously (8-0).

Repeal of Documents as Board Guidance Documents 65-5, Reciprocal agreement with the District of Columbia Board of Funeral Directors and 65-6, Reciprocal agreement with the Maryland State Board of Morticians and Funeral Directors

Ms. Tillman Wolf provided an overview of the repeal of Guidance Documents 65-5, Reciprocal agreement with the District of Columbia Board of Funeral Directors and 65-6, Reciprocal agreement with the Maryland State Board of Morticians and Funeral Directors. Ms. Tillman Wolf noted that the request of the Board was to remove these documents as Board Guidance Documents, but that the agreements themselves would remain as active Board agreements.

Upon a **MOTION** by Mr. Walton, properly seconded by Ms. Barton, the Board voted to repeal as a Board Guidance Document the Memorandum of Understanding labeled as Guidance Document 65-5 titled "Reciprocal agreement with the District of Columbia Board of Funeral Directors" and Guidance Document 65-6 titled "Reciprocal agreement with the Maryland State Board of Morticians and Funeral Directors" as presented. The motion carried unanimously (8-0).

Motion and Adoption of Guidance Document 65-20, Department of Treasury Unclaimed Property Audit and Preneed Contracts

Ms. Barrett provided an overview of a recent issue raised by the Department of Treasury, Division of Unclaimed Property, related to unclaimed preneed contracts for individuals who are presumed to be long-deceased. Ms. Barrett outlined the proposed Guidance Document 65-20 titled "Department of Treasury Unclaimed Property Audit and Preneed Contracts."

Upon a **MOTION** by Mr. Hanif, properly seconded by Mr. Graves, the Board moved that, in the event the Division of Unclaimed Property determines that a licensee holds unfulfilled preneed contracts and requests that the licensee transfer those contract proceeds to the Division as part of a Department of Treasury initiative, such transfer will not be viewed by the Board as a violation of Virginia Code §§ 54.1-2806(B)(2), 54.1-2806(B)(3), or any of the provisions contained in 18VAC65-30. The motion carried unanimously (8-0).

Upon a **MOTION** by Mr. Hanif, properly seconded by Mr. Graves, the Board voted to adopt Guidance Document 65-20, Department of Treasury Unclaimed Property Audit and Preneed Contracts as presented. The motion carried unanimously (8-0).

BREAK

The Board took a break at 11:20 a.m. and returned at 11:34 a.m.

ELECTIONS

Mr. Slusser stated that in accordance with the Bylaws, during the first meeting of the organizational year, the Board shall elect from its members a President, Vice-President, and Secretary-Treasurer.

Mr. Slusser provided remarks regarding the process for making additional floor nominations.

Mr. Slusser opened the floor for nominations for President of the Board of Funeral Directors and Embalmers. Mr. Williams nominated Dr. Hickey for the position of President, which nomination was seconded by Mr. Walton. The nominations were closed.

Mr. Slusser called for a voice vote for the election of the one nominee, Dr. Hickey, for the position of President of the Board of Funeral Directors and Embalmers. By unanimous vote of 8-0, Dr. Hickey was elected as President of the Board of Funeral Directors and Embalmers.

Mr. Slusser opened the floor for nominations for Vice-President of the Board of Funeral Directors and Embalmers. Mr. Williams nominated Mr. Graves for the position of Vice-President, which nomination was seconded by Mr. Walton. The nominations were closed.

Mr. Slusser called for a voice vote for the election of the one nominee, Mr. Graves, for the position of Vice-President of the Board of Funeral Directors and Embalmers. By unanimous vote of 8-0, Mr. Graves was elected as Vice-President of the Board of Funeral Directors and Embalmers.

Mr. Slusser opened the floor for nominations for Secretary-Treasurer of the Board of Funeral Directors and Embalmers. Ms. Mimms nominated Mr. Williams for the position of Secretary-Treasurer. Ms. Barton nominated Mr. Hanif for the position of Secretary-Treasurer. The nominations were closed.

Mr. Slusser called for a voice vote for the election of the nominees, Mr. Williams and Mr. Hanif, for the position of Secretary-Treasurer of the Board of Funeral Directors and Embalmers. By vote of 6-2, Mr. Williams was elected as Secretary-Treasurer of the Board of Funeral Directors and Embalmers.

NEXT MEETING

The next meeting date is January 28, 2022.

ADJOURNMENT

Mr. Slusser thanked Board staff for their support and help during his time as President of the Board.

With all business concluded, the meeting adjourned at 11:41 a.m.


Corie Tillman Wolf, J.D., Executive Director

February 11, 2022
Date

