

APPROVED

BOARD OF FUNERAL DIRECTORS AND EMBALMERS MINUTES OF LEGISLATIVE/REGULATORY COMMITTEE

**Tuesday, July 12, 2005
6603 West Broad Street
Richmond, Virginia 23230
Conference Room 3**

Department of Health Professions

CALL TO ORDER

A meeting of the Virginia Board of Funeral Directors and Embalmers was called to order at 9:24 a.m.

PRESIDING

Willard D. Tharp, Chair

MEMBERS PRESENT:

Randolph Minter
Robert Burger
Walter Ball

OTHER BOARD MEMBERS PRESENT:

Billie Watson Hughes
Barry Murphy
Michael Leonard

MEMBERS ABSENT:

Joseph Jenkins, Jr,
Rev. Alane C. Miles

COUNSEL PRESENT:

Jack E. Kotvas, Assistant Attorney General

STAFF PRESENT:

Elizabeth Young, Executive Director
Elaine Yeatts, Senior Policy Analyst
Annie B. Artis, Operations Manager

QUORUM:

With seven members of the Committee present, a quorum was established.

GUESTS PRESENT:

Caren Brown, F.S.L., Brown's Funeral Service
David Partridge, RSS, Inc.

ORDERING OF THE AGENDA:

A motion was made by Mr. Murphy to accept the agenda as written. The motion was properly seconded by Mr. Minter. The vote carried unanimously.

PUBLIC COMMENT:

There was no public comment.

Ms. Young stated that the previous meeting minutes were presented for review only. She stated they had previously been approved by the full board, except for the June 7, 2005 minutes.

REVIEW OF THE REGULATIONS

Ms. Yeatts stated that this meeting's purpose was to continue the Board period review of regulations and to examine its general regulations. She stated that a Notice of Intended Regulatory Action (NOIRA) has been submitted. Ms. Yeatts stated that one issue that needed to be discussed was the manager of record; the need to clarify his responsibility to the operation of the funeral service establishment.

Mr. Tharp gave a brief overview of the regulatory process to the new board members. Ms. Yeatts encouraged the new board members to attend the new board members training and orientation, later this year.

§18VAC65-20-10 Definitions

Under definitions, the Committee recommended changing "**Establishment manager**" to "Manager of Record". It will read as follows:

"Establishment Manager of record" means a funeral service licensee or licensed funeral director ~~designated as the manager of record~~ who is responsible for the direct supervision and management of a funeral service establishment or branch facility.

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

The Committee recommended adding the following:

B.

8. Felony convictions by an applicant.

9. and cases except by concurrence of the committee of the board

18VAC65-20-50 Accuracy of information.

The Committee recommended the following change:

A. All changes of mailing address, name, ~~place of employment,~~ or change in establishment ~~ownership, manager, or name~~ shall be furnished to the board within 30 days after change occurs.

B. The change in ownership and/or manager must be reported to the board within 14 days after the change occurs.

B,

C. All notices required by law and by this chapter to be mailed by the board to any registrant or licensee shall be validly given when mailed to the latest address on file with the board and shall not relieve the licensee, trainee, establishment, or firm of obligation to comply.

§18VAC65-20-70 Required Fees

Under B. Other fees, the Committee recommended the following

2. Change of manager, establishment name or name of surface transportation and removal service.

9. Additional continuing education course review

Mr. Tharp gave a brief overview of the process regarding the increase of board fees. Ms. Young stated that there has not been a fee increase for eight years; however, it was inevitable due to such increased costs as automation, salary, and postage and printing.

Mr. Kotvas gave the board a brief overview regarding the Callahan Act which mandates fee increases by law unless there is a great surplus; if this occurs, fees will then be decreased.

18 VAC 65-20-120. Expiration Dates.

The Committee recommended that all occupations' expiration dates change to March 31 of each year.

§18VAC65-20-110 (C). Additional fee information

Ms. Young stated that she is recommending that another examination service be selected after December of this year.

The board recessed for a brief break at 10:13 a.m. and reconvened at 10:25 a.m.

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

Ms. Hughes made a motion to mail letters to all of the state funeral associations offering information sessions by the Board at their district meetings. The motion was properly seconded by Mr. Murphy. The vote carried unanimously.

Ms. Young stated that the board will send out a second Letter to those licensees who failed to respond to the first audit letter and she will provide a report to the board at the September meeting.

§18VAC65-20-152 Continuing education providers.

Ms. Hughes gave a brief overview on the application process for continuing education providers. Mr. Kotvas spoke to the board regarding the anti-trust issues and the need to continue to approve sponsors. He believed that the current regulations are legally sound.

Ms. Hughes made a motion to have staff notify all approved sponsors listed under 18 VAC 65-20-152 (3. a-g) requesting that they submit a curriculum of the courses they will be offering for 2005-2006 year. The motion was properly seconded by Mr. Burger. The vote carried unanimously. Mr. Minter stated that this will make the associations accountable and ensure that the courses presented will provide the proper educational experiences for those taking the courses.

Ms. Hughes made a motion to recommend to the Board that it allow licensees to carryover up to three continuing education hours each renewal period. The motion was properly seconded by Mr. Minter. With a vote of 5-2, the voted passed.

Ms. Young recommended that Part III of the regulations be reviewed at the next board meeting.

The next legislative/regulatory meeting is scheduled for Wednesday, August 17, 2005 at 9:00 a.m.

ADJOURNMENT:

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

Willard D. Tharp, Chair

Elizabeth Young, Executive Director

Date

Date