

Board of Funeral Directors and Embalmers

GUIDANCE FOR INSPECTORS AND LICENSEES

If a funeral home or crematory transports a body from the hospital or place of death, does the body have to be in a cremation container?

The intent of the regulation is that upon arrival at the funeral home the decedent shall be placed in a cremation container for transfer to the crematory. 18VAC65-20-436(C).

Is the DEQ permit number of the retort required on every form in the deceased's cremation record?

No, it is only required to be listed on one form in the decedent's cremation record. 18VAC65-20-436(D).

Can a crematory that operates within a funeral establishment have a separate manager of record or can the establishment's manager serve as the manager of record for both?

Yes, a manager of record of the funeral establishment can also serve as manager of record of the crematory or they can have two separate managers. However if the manager of record of the crematory is not a licensee, the establishment's manager of record is ultimately responsible for both the establishment and the crematory. 18VAC65-20-435.

If a crematory is not a funeral establishment or a branch of a funeral establishment, can they sell preneed?

No, they must be licensed as a funeral establishment or a branch of a funeral establishment. Va. Code § 54.1-2805.

Do the regulations still require a contract number on a preneed contract?

No, however the funeral home must be able to show verification of the funding and payment. Va. Code § 54.1-2820.

What duties can unlicensed staff perform in the preparation of the body?

An unlicensed person may assist with cosmetizing, dressing and casketing the deceased. An unlicensed individual may wash or use soap and water to cleanse or prepare a dead human body for disposition by the authorized agents, family, or friends of the deceased who do so privately without pay or as part of the ritual washing and preparation of dead human bodies prescribed by religious practices.

When a funeral home takes arrangement instructions from another funeral home on an at-need contract, whose signature should be on the buyer's signature line?

It is not mandated by regulations but is suggested to have the calling funeral home's name and the name of the funeral director who is giving instruction on the buyer's signature line.

Can a funeral home keep a log or spreadsheet versus an individual embalming record?

No, 18VAC65-20-510 clearly requires that every funeral establishment shall record and maintain a separate, identifiable report for each embalming procedure conducted, which

shall at a minimum include the following: the deceased's name and date of death, the date and location of the embalming, the name and signature of the embalmer and the license number of the embalmer and if the embalming was performed by a funeral service intern and if so the signature of the supervisor, location of embalming, date of death, date of embalming.

If a funeral home lists the full price of a package on the Statement of Goods and Services must it also identify on the contract the specific items that are included in the package?

Yes, the funeral home may either list the items individually on the Statement of Goods and Services or place an asterisk around each item included in the package on the contract. The intent is that the reader can understand which items are included in the package. (Appendix III)

Is it acceptable to the board for a license to be posted in a private business office?

No, a public lounge or an arrangement room is acceptable. 18VAC65-20-50 states that each licensee shall post an original or photocopy of his license in a place conspicuous to consumers of funeral services in each establishment or branch where he is employed. In lieu of the original or a photocopy of the license, a licensee may post a print-out of current license information from the Department of Health Professions' License Lookup system.

Additionally, if the funeral establishment uses contract embalmers only on rare occasions, a funeral home does not have to post that embalmer's license as long as the funeral home keeps it on file (Board approved 12/06).

Can enamel based paint be used as a material impervious to water?

Enamel based paint is considered impervious to water and is an acceptable material for the floor and wall surfaces.

May a drainage tube be connected to the embalming table and run straight into the sewer?

Yes, the regulations states that the preparation room shall be equipped with a flush or slop sink connected with public sewer or with septic tank where no public sewer is available. 18VAC65-20-580.

Can the disinfectants and antiseptic solutions be stored on the floor in the preparation room in properly labeled containers?

Yes, both disinfectants and antiseptic solutions may be stored on the floor of the prep room in properly labeled containers. Inventories of embalming and preparation materials shall be stored in a container and in a manner that makes them impervious to water and protects them from contamination. 18VAC65-20-570.

What type of evidence does the board want regarding disposal of waste materials?

Disposal of all waste materials shall be in conformity with local, state, and federal law and regulation to avoid the possible spread of disease. The funeral service establishment shall provide evidence of a current contractual agreement with or of services provided by a licensed medical waste disposal company. Evidence may include a letter of agreement, a contract or a recent billing for the service. 18VAC65-20-590.

Will the board accept electronic copies of requested documents that are no longer current?

Yes, the Board will accept electronic copies of forms that are no longer current.

Can the main funeral service establishment maintain all records, including those for branch establishments?

Yes, with the exception of embalming reports, which must be maintained at the site of the embalming pursuant to 18VAC65-20-700(A).

If the funeral home charges the same price for embalming of normal remains and autopsy remains, is it only necessary to list the charge once on the general price list?

Yes. (See Appendix 1 – General Price List)

Can you provide guidance on the price range for the following categories?

Immediate Burial: A price range must be given for immediate burial. Your prices should range from the price for immediate burial with container provided by purchaser to the price for immediate burial plus your most expensive casket.

Direct Cremation: A price range must be given for a direct cremation. Your prices should range from the price of direct cremation with a container provided by the purchaser to the price for direct cremation plus the most expensive wooden casket acceptable for cremation or the most expensive cremation casket, whichever is higher. When in doubt, please refer to Appendix 1 for reference or call the board office.

Funeral Merchandise: The casket and outer burial container price ranges shall match the prices on the Casket and Outer Burial Container Price Lists. The price does not include tax on the merchandise. (See Appendix 1 – General Price List)

Is manufacturer information required for casket and outer burial container price lists?

Yes. Although the FTC does not require the manufacturers' names on the price lists, the Board does require this as means to identify the caskets and outer burial containers. 18VAC65-20-630; Appendix I and II.

Must the preneed list be separate from the insurance company's list and can a blanket statement be used indicating if 10% of the funds are retained?

The list may have a blanket statement indicating whether 10% of the funds are retained and if funeral merchandise is stored on the premises. 18VAC65-30-70. The preneed list must be separate from the insurance company's list and contain the required information stipulated by 18VAC65-30-70.

When do you add a name to the preneed list and when should you remove a name from the chronological list?

The proper time to add a name to the preneed list is when the funeral director and the buyer sign the pre-need contract. The time to remove a name from the list is upon notice that funds have been dispersed or transferred on behalf of the contract beneficiary.

What is a proper ventilation system?

The preparation room must have a ventilation system, which operates and is appropriate to the size and function of the room, and takes the air from the inside to the outside of the room. Holding a piece of paper near the vent usually will provide an adequate test for an operable ventilation system. *See, e.g., 18VAC65-20-580(1).*

The language in Virginia Code § 54.1-2811.1 (B) is somewhat vague in the actual refrigeration requirement. The language reads “no more than approximately 40 degrees.” What temperature will be within acceptable limits?

The Board accepts up to a 10% variance of the required temperature.

What constitutes evidence of placing and maintaining a body in refrigeration?

Evidence of compliance with the requirement for refrigeration shall be maintained as a log entry or other documentation indicating times of placement in and removal of a body from refrigeration. 18VAC65-20-581(C).

Can the preparation room for a funeral establishment be located in a separate building on the premises, or must the preparation room be contained within the main structure of the funeral establishment?

The Board's statutes and regulations do not specify that the preparation room be contained within the main establishment building, as long as it is part of the property licensed as the main or branch establishment and is encompassed by the certificate of occupancy issued by the local building official. A preparation room located at a separate premises or property with a separate or different address should be licensed as a separate funeral services establishment. The facility should ensure the appropriate care and handling of decedents who may be transported between separate buildings on the premises of the funeral establishment. *See Va. Code §§ 54.1-2800, 54.1-2811, 54.1-2811.1.*

Can a crematory open a second retort in a second building under the crematory's singular registration?

According to the *Code of Virginia*, a “crematory” or “crematorium” means “a facility containing a furnace for cremation of dead human bodies.” If the second retort is located on a separate property with a separate address, the retort in the second building should be registered separately as a crematory. A crematory that does not provide funeral services directly to the public is not required to obtain a separate license as a funeral establishment. *Va. Code §§ 54.1-2800, 54.1-2814.1.*

If embalming is included as a charge in a preneed contract, is this considered express permission to embalm at-need?

A dead human body shall not be embalmed in the absence of express permission by a next of kin of the deceased or a court order. *Va. Code §§ 54.1-2806(26), 54.1-2811.1 (B).* Express permission by a next of kin for embalming means written authorization to embalm as a specific and separate statement on a document or contract provided by the funeral establishment. 18VAC65-20-510.

The contract buyer or purchaser of a preneed contract may be the person who passes, not their next of kin, and the wording of the express permission language references permission given at-need rather than preneed (next of kin *of the deceased*). Accordingly, unless there is additional documentation indicating express permission to embalm, the inclusion of an embalming charge in a preneed contract alone would not constitute express permission.

What are the requirements for a preparation room in an establishment that does not perform embalming?

According to Virginia Code § 54.1-2811, a funeral service establishment is required to have a preparation room “equipped with a tile, cement or other waterproof floor, proper drainage and ventilation, the necessary instruments and supplies for the preparation and embalming of dead human bodies for burial, transportation or other disposition, and separate restroom facilities.” Where a funeral service establishment has more than one location at which it performs funeral services, it is not required to maintain more than one preparation room.

Every funeral service establishment at which embalming is performed is required to have at least one room used exclusively for embalming or preparation of the body with floors, walls, and surfaces that meet the requirements of 18VAC65-20-540 and 18VAC65-20-570, with the equipment specified in 18VAC65-20-580.

Where embalming is not performed at a funeral service establishment, the Board interprets the relevant provisions of the Virginia Code and the Board’s Regulations to mean that the supplies and equipment specific only to the embalming process are not required to be present in the preparation room: e.g. instruments and apparatus for the embalming process (18VAC65-20-580(6)).