

Virginia Board of Funeral Directors and Embalmers

Initiating Disciplinary Action Against Funeral Establishments or Managers of Record for Failing to Respond to Inspection Deficiencies

1. Board staff reviews all inspection reports and responses to deficiencies cited during the inspections
 - a. Licensees are given information at the time of the inspection and upon receipt of the inspection summary document that they are to respond to the deficiencies within 14 days. To expedite the review process, responses may be sent to the Board's e-mail box for funeral inspections, funeralinspections@dhp.virginia.gov.
 - b. Board staff tracks receipt of the inspection reports and the deficiency corrections.
2. If the licensee fails to respond within 14 days of receiving the inspection summary document:
 - a. Board staff will send a certified letter and an e-mail to the Manager of Record's (MOR) address of record. A copy of the letter will be mailed and e-mailed to the establishment's address of record. The letter will include a new response deadline date, which will be 14 days after the date of the letter.
 - b. Board staff may initiate disciplinary action against the funeral establishment and/or the MOR if there is no response.
3. If the licensee responds with unacceptable corrective action
 - a. A letter will be sent to the MOR's address of record and email address of record, if any, and email address of record, if any, specifying the issues noted with the corrective action. The letter will include a new due date for additional corrections, which will be 14 days after the date of the letter.
 - b. If the funeral establishment fails to respond with new, acceptable corrections within the new deadline, a certified letter will be sent to the MOR's address of record, with a copy sent to the establishment's address of record.
 - c. Board staff may initiate disciplinary action against the funeral establishment and/or the MOR if there is no response or if no new, acceptable corrections are submitted in response to the letter in (3)(b).

4. If the Board initiates disciplinary action against the funeral establishment or the MOR, a Pre-hearing Consent Order based on the following guidelines may be offered:
 - a. To the facility:
 - i. \$100 monetary penalty for failing to respond in a timely manner plus \$100 additional penalty for each citation of deficiency.
 - ii. The funeral establishment must submit acceptable corrective action within sixty days of the date of the Order.
 - b. To the MOR:
 - i. \$100 monetary penalty for failing to respond in a timely manner plus \$100 additional penalty for every citation not addressed.
 - ii. The funeral establishment must submit acceptable corrective action within sixty days of the date of the Order.
 - iii. The MOR shall complete one (1) hour of continuing education in laws and regulations within 60 days of entry of the order, which hour shall not count toward license renewal.
 - c. If the licensee fails to respond to the pre-hearing consent order or does not agree to it, the matter will be referred to the Special Conference Committee for an informal conference.
5. If the licensee has been previously disciplined for failing to respond to inspection citations of deficiencies, the matter may be referred to the Special Conference Committee for an informal conference.