

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 13, 2010 at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Conference Room 2, Henrico, Virginia.

BOARD MEMBERS PRESENT

Randolph T. Minter, FSP, President
Michael J. Leonard, FSP, Vice President
Robert B. Burger, Jr., FSP, Secretary-Treasurer
Walter S. Ball, Citizen Member
Billie Watson-Hughes, FSP
Rev. Yvonne Jones-Bibbs, Citizen Member
Willard. D. Tharp, FSP
Barry M. Murphy, FSP

BOARD MEMBERS ABSENT

Blair Nelsen, FSP

DHP STAFF PRESENT

Lisa R. Hahn, Executive Director
Elaine J. Yeatts, Senior Policy Analyst
Jeanette Meade, Licensing Administrative Assistant

BOARD COUNSEL

Amy Marschean, Senior Assistant Attorney General

QUORUM

With 8 members present a quorum was established.

GUESTS PRESENT

Bernie Henderson, Woody Funeral Home
Michael Nicodemus, CANA & Holloman-Brown Funeral Home
Barry D. Robinson, Virginia Morticians Association
David Partridge, Regulatory Support Services, Inc.
Bruce Keeney, Independent Funeral Homes of Virginia
Bo Keeney, Independent Funeral Homes of Virginia
Lacy Whittaker, Virginia Funeral Directors Association
Neal Kauder, President, VisualResearch, Inc.
Kim Langston, VisualResearch, Inc.

CALL TO ORDER

Mr. Minter, President, called the meeting of the Virginia Board of Funeral Directors and Embalmers to order at 10:00 a.m.

ORDERING OF AGENDA

Upon a motion by Mr. Leonard and properly seconded by Ms. Hughes, the Board voted to accept the amended agenda. The vote carried unanimously.

ACCEPTANCE OF MINUTES

Upon a motion by Ms. Hughes, the Board voted to accept the amended minutes. The motion was properly seconded by Mr. Tharp. The vote carried unanimously.

PUBLIC COMMENT PERIOD

During the public comment period the Board Chair asked the audience to introduce themselves. Mr. Robinson requested the Board to give clarification regarding depositing money in an escrow account.

EXECUTIVE DIRECTOR'S REPORT

Expenditure and Revenue Summary

Ms. Hahn stated that the beginning cash balance as of June 30, 2009 was \$19,797, revenue received for FY 10 was \$228,833, less the direct and allocated expenditures of \$336,802, leaving a cash balance as of February 28, 2010 of \$(88,172). Ms. Hahn indicated that the majority of revenue for this board is received in March from the yearly renewals.

Licensee Statistics

Ms. Hahn reported that there are 1,498 Funeral Service Providers, 161 Funeral Interns, 495 Funeral Establishments, 5 Embalmers, 87 Funeral Directors, 16 Branch Establishments, 85 Crematories, 30 Continuing Education Providers, 98 Courtesy Card and 56 Surface Transportation and Removal Services.

Discipline Statistics

Ms. Hahn stated we have 35 open cases; 29 cases are in the Enforcement Division at the Investigative stage; 4 cases are in the Probable Cause stage; 1 case is in the Administrative Proceedings Division stage; 1 case is at the Informal stage.

Virginia Performs

Ms. Hahn reported we have achieved a 100% rating for issuing licenses in less than 30 days and we achieved a 100% rating for patient care cases closed within 250 days. We did not have any customer satisfaction surveys returned this cycle.

Ms. Hahn reported that she presented at the Virginia Funeral Directors Association Winter Conference along with Ms. Hughes, which was held on January 26, 2010 and she presented again at their Central District meeting held on March 19, 2010. She also presented at the Blue Ridge Funeral Association on January 19, 2010. Ms. Hahn did a presentation for the Independent Virginia Funeral Home Association which was held on March 26, 2010.

Calendar

Ms. Hahn discussed the calendar regarding rescheduling the July 13, 2010 meeting and scheduling an additional meeting for the legislative committee to be held in May or July 2010.

NEW BUSINESS

Sanction Reference Point Evaluation-Neal Kauder

Mr. Kauder, provided the Board members a handout of the agreement monitoring, a profile of departure cases and sanction recommendation. He stated that the sanction reference form was a voluntary tool used to assist with maintaining consistency with the board cases. It has been used by the board for the past six years and now they want to check with the boards to discuss whether it is achieving its goal.

Upon a motion by Mr. Burger and properly seconded by Mr. Murphy, the Board recommend to amend the sanction reference form with regards to the multiple violations offense factors. The vote carried unanimously.

Discussion Regarding Refunds on Irrevocable Trusts- W. D. Tharp

Mr. Tharp stated after his research with the various funding companies and the Department of Social Services in the matter of irrevocable trust being used as the funding source in any contract cannot be cancelled. The Board reviewed the Preneed regulation regarding 18VAC-65-30-110 and 18VAC-65-30-230.

The Board wants 18VAC-65-30-110.D to be changed as follows:
If the contract buyer uses an irrevocable trust as the funding source and terminates the contract after 30 days, the contract buyer shall not be eligible for a refund.

Upon a motion by Mr. Tharp and properly seconded by Ms. Hughes, the Board voted to change 18VAC-65-30-110.D as amended above. The vote carried unanimously.

Legislative and Regulatory Report – Elaine Yeatts

Ms. Yeatts discussed each of the following House Bills 201, 278, 319, 382, 650, 662. She went over each change or addendum and she stated that these House Bills will become law on July 1, 2010.

We discussed House Bill 201 regarding the language “no more than approximately 40 degrees”. The board discussed allowing a 10% variance of the required temperature.

Upon a motion by Mr. Leonard and properly seconded by Mr. Tharp, the Board voted to accept a 10% variance of the required temperature and to place it in the inspection guidance document. The vote carried unanimously.

Withdraw the NOIRA related to Refrigeration

Ms. Yeatts asked the Board to consider withdrawing the NOIRA related to establish standards for refrigeration, transportation and storage of human remains.

Upon a motion by Mr. Tharp and properly seconded by Mr. Leonard, the Board voted to withdraw the NOIRA. The vote carried unanimously.

Final Exempt Action-Name Correction

Ms. Yeatts asked the Board for a motion on the final exempt action to correct the name with the regulation 18VAC-65-20-240.B.

Upon a motion by Ms. Hughes and properly seconded by Mr. Tharp, to correct the name in the final exempt action. The voted carried unanimously.

Discussion Regarding Unlicensed Funeral Personnel

The board discussed unlicensed funeral personnel but decided to allow board counsel to review and advise at the next board meeting.

Draft Inspection Guidance Document #65-11

The Board reviewed the inspection guidance document and made a few changes. They were very pleased with the document.

Upon a motion by Mr. Murphy and properly seconded by Mr. Leonard the guidance document will be amended. The vote carried unanimously.

Discussion Regarding Cremation Re-certification program

Based on the minutes from September 15, 2009 the Board voted that the managers and the crematory operators must be recertified every 5 years but voted to amend that decision and require only the initial certification course.

Upon a motion by Mr. Tharp and properly seconded by Mr. Leonard, the motion was unanimously approved.

Internship Subcommittee Summary

Ms. Hughes stated that the committee met with the mortuary colleges and discussed their program and how it works with our internship program. She referred the board members to the minutes of the internship meeting.

Other Business Updates

The Board would like to have a regulation added regarding an exemption for the requirement of continuing education for the first year renewal cycle for funeral service providers.

Blair Nelsen has offered to catalog and bury the unclaimed cremains from Kip Jordan's Funeral Home at no cost to the board.

Issues Raised About Preneed

The board received a letter regarding preneed issues, insurance issues and Medicaid spend down. The board plans to invite SCC-Bureau of Insurance along with Medicaid to a meeting to discuss these issues. The board members who volunteered to serve on this committee are Billie Watson Hughes, Mike Leonard, Barry Murphy, and Skip Tharp.

ADJOURNMENT:


With no further business before the Board, the meeting adjourned at 12:30 p.m.



Randolph T. Minter, President

7/20/10

Date



Lisa R. Mahn, Executive Director

7/20/10

Date