

Call to Order – Jason Graves, FSL, Board President

- Welcome and Introductions
 - Mission of the Board
 - Emergency Egress Procedures
-

Approval of Minutes (p. 4-25)

- Board Meeting – July 15, 2022
 - Formal Hearings – July 15, 2022
 - Alkaline Hydrolysis Workgroup – July 14, 2022 and August 12, 2022
-

Ordering of Agenda

Public Comment

The Board will receive public comment at this time. The Board will not receive comment on any pending regulation process for which a public comment period has closed or any pending or closed complaint or disciplinary matter.

Board Member Recognition

Agency Report – David E. Brown, DC, Director

Inspections Update – Melody Morton, Inspections Manager, Enforcement Division

Staff Reports

- Executive Director’s Report – **Corie E. Tillman Wolf, Executive Director** (p. 27-31)
 - Discipline Report – **Kelley Palmatier, Deputy Executive Director**
 - Licensing Report – **Sarah Georgen, Licensing and Operations Manager**
-

Board Counsel Report – Brent Saunders, Assistant Attorney General

Committee and Board Member Reports

- International Conference Report - **Blair Nelsen, FSL**
 - Alkaline Hydrolysis Workgroup (Ch. 191, 2022 Acts of Assembly) - **Blair Nelsen, FSL**
-
-

Legislative and Regulatory Report - Erin Barrett, Senior Policy Analyst (p. 33)

- Report on Status of Regulatory Actions
-
-

Board Discussion and Actions (p. 35-45)

- Review and Approval of Alkaline Hydrolysis Workgroup Study Report - **Corie Tillman Wolf, Executive Director, and Blair Nelsen, FSL**
 - Revisions to, Reorganization of, or Readoption of Guidance Documents - **Erin Barrett, Senior Policy Analyst**
 - 65-1, Time credit for continuing education courses
 - 65-2, Disposition of disciplinary cases for practicing on an expired license
 - 65-17, Initiating Disciplinary Action Against Funeral Homes for Failing to Submit Corrective Action to Deficiencies Noted During Routine Inspections
 - Discussion of Process for Review of Board Regulations - Regulations Governing the Practice of Funeral Services (18VAC65-20-10 et seq.), Regulations for Preneed Funeral Planning (18VAC65-30-10 et seq.), and Regulations for the Funeral Service Internship Program (18VAC65-40-10 et seq.) - **Erin Barrett, Senior Policy Analyst**
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-

Next Meeting - January 12, 2023

Meeting Adjournment

This information is in **DRAFT** form and is subject to change. The official agenda and packet will be approved by the public body at the meeting and will be available to the public pursuant to the Code of Virginia.

Approval of Minutes

July 15, 2022

The Virginia Board of Funeral Directors and Embalmers convened for a full board meeting on Friday, July 15, 2022, at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room #2, Henrico, Virginia.

BOARD MEMBERS PRESENT:

Jason Graves, FSL, Vice-President
Joseph Michael Williams, FSL, Secretary-Treasurer
Lacyn Barton, FSL
Muhammad Hanif, Citizen Member
S. Jonathan Hines, FSL
Mia F. Mimms, FSL, J.D.
Blair H. Nelsen, FSL
Joseph Frank Walton, FSL

BOARD MEMBERS ABSENT:

None

DHP STAFF PRESENT FOR ALL OR PART OF THE MEETING:

Jacquelyn Assi Abe, Intern, Healthcare Workforce Data Center and Data Analytics Division
Erin Barrett, Senior Policy Analyst
Sarah Georgen, Licensing and Operations Manager
Lisa Hahn, Chief Operating Officer
Kelley Palmatier, Deputy Executive Director
Greer Peacock, Policy Intern
James Rutkowski, Assistant Attorney General, Board Counsel
Yetty Shobo, Director, Health Workforce Data Center
Corie Tillman Wolf, Executive Director
Heather Wright, Program Manager

OTHER GUESTS PRESENT

Ben Traynham, Hancock, Daniel, & Johnson, P.C.
Twila Dickerson, Regulatory Support Services
Barry Robinson, Virginia Morticians' Association

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

CALL TO ORDER

Mr. Graves called the meeting to order at 10:00 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. Graves read the mission of the Board, which is also the mission of the Department of Health Professions.

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

Ms. Tillman Wolf then read the emergency egress instructions.

APPROVAL OF MINUTES

Mr. Graves opened the floor to any edits or corrections regarding the draft minutes for the Board meeting, and Formal Hearings held on April 15, 2022 and Formal Hearings held on June 16, 2022. With no edits or corrections, the minutes were approved as presented.

ORDERING OF THE AGENDA

Ms. Tillman Wolf stated that an updated agenda was sent to Board members electronically earlier in the week.

Upon a **MOTION** by Mr. Nelsen, properly seconded by Ms. Barton, the Board voted to accept the agenda as presented. The motion carried (8-0).

PUBLIC COMMENT

Barry Robinson, Virginia Mortician's Association, thanked Mr. Walton for providing information to the Virginia Mortician's Association regarding the Board's laws and regulations. Mr. Robinson welcomed the new Board member, Mr. Hines, and announced that John Tyler Community College changed its name to Brightpoint Community College effective July 1, 2022.

AGENCY REPORT

Lisa Hahn, Chief Operating Officer, provided the Agency Report in Dr. Brown's absence.

Ms. Hahn welcomed Mr. Hines to the Board.

Ms. Hahn announced that all Executive Branch entities have been tasked with initiating the regulatory process to reduce by at least 25 percent the number of regulations not mandated by federal or state statute.

Ms. Hahn spoke to the revised agency telework policy that became effective on July 5, 2022 and also stated that DHP will soon begin the budget review process which occurs biennially.

Ms. Hahn stated that there have been no updates regarding Dr. Brown's appointment at that time.

With no questions, Ms. Hahn concluded her report.

PRESENTATION

Yetty Shobo, PhD, Director of the Healthcare Workforce Data Center, provided the 2022 Workforce Report for Funeral Service Providers.

Upon a **MOTION** by Ms. Barton, properly seconded by Mr. Williams, the Board voted to accept the 2022 Workforce Report for Funeral Service Providers as presented. The motion passed unanimously (8-0).

STAFF REPORTS

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

Ms. Tillman Wolf welcomed Mr. Hines to the Board.

BOARD UPDATES

Ms. Tillman Wolf announced that the first meeting of the Alkaline Hydrolysis Workgroup occurred on July 14, 2022. She stated that Mr. Nelsen, Mr. Walton, and Mr. Williams participated in the workgroup and that a second meeting would be convened on August 12, 2022.

COVID Data

Ms. Tillman Wolf provided a brief update of the FEMA Funeral Assistance Program and stated that Virginians were awarded over \$64 million with 9,700 approved applications for assistance. She stated that equated to funds for approximately 47% of the COVID-related deaths in Virginia since April 2020.

Expenditure and Revenue Summary as of December 31, 2021

Ms. Tillman Wolf stated that the latest cash balance report was from February 28, 2022. She stated that new information will be forthcoming at the next meeting which will also reflect the Board's renewal cycle.

2022 Board Meeting Dates

Ms. Tillman Wolf announced that October 21, 2022 will be the next Board meeting date and that the 2023 meeting dates would be provided shortly.

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

Discipline Report – Kelley Palmatier, J.D., Deputy Executive Director

As of July 8, 2022, Ms. Palmatier reported the following disciplinary statistics:

- 62 Patient Care Cases
 - 1 at Informal
 - 1 at Formal

- 39 at Enforcement
- 20 at Probable Cause
- 1 at APD
- 27 Non Patient Care Cases
 - 2 at Informal
 - 2 at Formal
 - 9 at Enforcement
 - 13 at Probable Cause
 - 1 at APD
- 17 at Compliance

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

- Q3 2020 – 17/30
- Q4 2020 – 16/13
- Q1 2021 – 15/18
- Q2 2021 – 12/12
- Q3 2021 – 20/22
- Q4 2021 – 22/10
- Q1 2022 – 19/18
- Q2 2022 – 19/12
- Q3 2022 – 24/22

Percentage of all cases closed in 365 days

	Q2-21	Q3-21	Q4-21	Q1-22	Q2-22	Q3-22
FDE	87%	51.4%	69.2%	40.0%	76.0%	30.9%
Agency	64%	71.1%	68.8%	66.0%	70.7%	71.9%

With no questions, Ms. Palmatier concluded her report.

Licensure Report – Sarah Georgen, Licensing and Operations Manager

Ms. Georgen provided information regarding the 2022 renewals of Continuing Education Providers. She stated that the next renewals for funeral licensees would occur on March 31, 2023.

Ms. Georgen presented licensure statistics that included the following information:

Licensure Statistics – All Licenses

License	April 7, 2022	June 30, 2022	Difference (+/-)
Funeral Service Licensees	1,481	1,574	93
Funeral Director	34	37	3
Embalmer Only	3	3	0
Supervisors	543	583	40

Funeral Service Interns	215	258	43
Funeral Directing Interns	17	17	0
Embalmer Interns	0	0	0
Funeral Establishments	410	423	13
Branch Establishments	79	84	5
Crematories	123	124	1
CE Providers	11	11	0
Courtesy Card Holders	110	124	14
Surface Transport & Removal Svc.	42	57	15
Total (*not incl. supervisors)	2,525	2,712	187

Ms. Georgen announced an update to the Expense Reimbursement Voucher mileage amount.

With no questions, Ms. Georgen concluded her report.

BOARD COUNSEL REPORT – Jim Rutkowski, Assistant Attorney General

There was no Board Counsel report.

COMMITTEE AND BOARD MEMBER REPORTS

Report from the International Conference – Blair Nelsen, FSL

Mr. Nelsen reported that the International Conference is working to extend additional services to Boards to include educational opportunities. He encouraged attendance at the Annual meeting in Scottsdale, Arizona in early 2023.

Mr. Walton inquired about the National examination and Mr. Nelsen clarified that the State Board examination would retire as of January 2023 due to confusion between the two examinations – the State Board Exam (SBE) and the National Board Exam (NBE). The NBE with its two sections, Arts and Science, would remain as the only national level exam. Ms. Tillman Wolf clarified that additional information will be sent out by the Conference and she would pass that information along to Board members once received.

With no further questions, Mr. Nelsen concluded his report.

Alkaline Hydrolysis Workgroup Report – Blair Nelsen, FSL

Mr. Nelsen provided a report on the Alkaline Hydrolysis Workgroup meeting that occurred on July 14, 2022. He stated that the next Workgroup meeting would be held on August 12, 2022.

Mr. Nelsen reported that the workgroup consisted of representation from other State agencies, as well as trade associations. He stated that Alkaline Hydrolysis is different than normal cremation and the recommendation that it be regulated separately from cremation. Mr. Nelsen also spoke to the environmental and wastewater concerns between localities around Virginia and that further discussion would occur at the next meeting on August 12, 2022.

LEGISLATION AND REGULATORY ACTIONS – Erin Barrett, Senior Policy Analyst

Report on Status of Regulations

Ms. Barrett provided a report on the status of the Board’s pending regulations.

With no questions, Ms. Barrett concluded her report.

BOARD DISCUSSION AND ACTIONS

Adoption of Exempt Action Related to Preneed Funeral Planning CE (18VAC65-20-151)

Ms. Barrett provided an overview of the exempt action related to Preneed Funeral Planning Continuing Education (18VAC65-20-151). The exempt action addresses the change in statutory language resulting from HB 99, enacted during the 2022 General Assembly Session.

Upon a **MOTION** by Mr. Walton, properly seconded by Ms. Barton, the Board voted to adopt the exempt action related to preneed funeral planning continuing education (18VAC65-20-151) as presented. The motion carried (8-0).

Adoption of Fast-Track Action Related to Retention of CE Documents (18VAC65-20-153)

Ms. Barrett provided an overview of the fast-track action related to retention of continuing education documents (18VAC65-20-153), proposed for consistency in the regulations in light of the change in statutory language (HB 99) enacted during the 2022 General Assembly Session.

Upon a **MOTION** by Mr. Williams, properly seconded by Mr. Nelsen, the Board voted to adopt the fast-track action related to retention of continuing education documents as presented. The motion carried (8-0).

Revision of Guidance Document 65-15: Guidance for Granting Internship Extensions

Ms. Tillman Wolf provided an overview of the proposed revisions to Guidance Document 65-15, Guidance for Granting Internship Extensions. The revisions track the change in regulation language resulting from the Board’s periodic review of the Internship Regulations (effective March 3, 2022).

Upon a **MOTION** by Mr. Nelsen, properly seconded by Ms. Mimms, the Board voted to adopt the proposed revision of Guidance Document 65-15, Guidance for Granting Internship Extensions as presented. The motion carried (8-0).

BREAK

The Board took a break at 10:53 a.m. and returned at 11:03 a.m.

ELECTIONS

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

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

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

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

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

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

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

NEXT MEETING

The next meeting date is October 21, 2022.

ADJOURNMENT

With all business concluded, the meeting adjourned at 11:08 p.m.

Corie Tillman Wolf, J.D., Executive Director

Date

Unapproved

**VIRGINIA BOARD OF FUNERAL DIRECTORS & EMBALMERS
FORMAL ADMINISTRATIVE HEARING
MINUTES**

Friday, July 15, 2022

**Department of Health Professions
Perimeter Center
9960 Mayland Drive
Henrico, Virginia 23233**

CALL TO ORDER: The formal hearing of the Board was called to order at 1:30 p.m.

MEMBERS PRESENT: Jason Graves, FSL, Vice President (Chair)
Joseph Michael Williams, FSL
Joseph Frank Walton, FSL
Lacyn Barton, FSL
S. Jonathan Hines, FSL
Muhammad Hanif, Citizen Member

BOARD COUNSEL: James Rutkowski, Assistant Attorney General

DHP STAFF PRESENT: Kelley Palmatier, Deputy Executive Director
Sarah Georgen, Licensing & Operations Manager

COURT REPORTER: Andrea Pegram Court Reporting Services, LLC.

PARTIES ON BEHALF OF COMMONWEALTH: Claire Foley, Adjudication Specialist, Administrative Proceedings Division

COMMONWEALTH'S WITNESS: None

OTHERS PRESENT: Stephanie Morris
Eloise Satchell
Phyllis Gilliam

MATTER: **Satchell's Funeral Service, Inc.**
License No.: 0501-000492
Case Number: 208661

ESTABLISHMENT OF A QUORUM: With six (6) members present, a quorum was established.

DISCUSSION:

Thomas Satchell, MOR, was not present, nor was counsel or a representative for Satchell's Funeral Service Funeral Service.

The Board received evidence and sworn testimony on behalf of the Commonwealth regarding the allegations in the Notice.

CLOSED SESSION:

Upon a motion by Joseph Michael Williams and duly seconded by Frank Walton, the Board voted to convene a closed meeting, pursuant to §2.2-3711.A (27) of the Code of Virginia, for the purpose of deliberation to reach a decision in the matter of Satchell's Funeral Service, Inc. Additionally, he moved that Mr. Rutkowski, Ms. Palmatier and Ms. Georgen attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations.

RECONVENE:

Having certified that the matters discussed in the preceding closed session met the requirements of §2.2-3712 of the Code, the Board reconvened in open session.

DECISION:

Upon a motion by Joseph Michael Williams and duly seconded by Frank Walton, the Board voted to suspend the license of Satchell's Funeral Service, Inc. indefinitely. Should Satchell's Funeral Service seek reinstatement, a new Manager of Record would need to be named in addition the establishment would need to come into compliance with the 2020 Inspection. The motion carried.

VOTE:

The vote was unanimous. (6-0)

ADJOURNMENT:

The Board adjourned at 1:55 p.m.

For the Board:

Kelley W. Palmatier, JD, Deputy Executive Director

Date

Unapproved

**VIRGINIA BOARD OF FUNERAL DIRECTORS & EMBALMERS
FORMAL ADMINISTRATIVE HEARING
MINUTES**

Friday, July 15, 2022

**Department of Health Professions
Perimeter Center
9960 Mayland Drive
Henrico, Virginia 23233**

CALL TO ORDER:

The formal hearing of the Board was called to order at 2:08 p.m.

MEMBERS PRESENT:

Jason Graves, FSL, Vice President (Chair)
Joseph Michael Williams, FSL
Joseph Frank Walton, FSL
Lacyn Barton, FSL
R. Thomas Slusser, Jr., FSL
Muhammad Hanif, Citizen Member

BOARD COUNSEL:

James Rutkowski, Assistant Attorney General

DHP STAFF PRESENT:

Kelley Palmatier, Deputy Executive Director
Sarah Georgen, Licensing & Operations Manager

COURT REPORTER:

Andrea Pegram Court Reporting Services, LLC.

**PARTIES ON BEHALF OF
COMMONWEALTH:**

Claire Foley, Adjudication Specialist, Administrative
Proceedings Division

**COMMONWEALTH'S
WITNESS:**

Wendy Ashworth, Senior Investigator, DHP
Ashley Chapman

OTHERS PRESENT:

Angela Pearson
Krystina Wilson

MATTER:

**Antonio A. Tucker, FSL
License No.: 0502-900424
Case Number: 203835**

**ESTABLISHMENT OF A
QUORUM:**

With six (6) members present, a quorum was established.

DISCUSSION:

Mr. Tucker appeared before the Board in accordance with the Notice of Formal Hearing dated November 16, 2021. Mr. Tucker was represented by counsel, Charles Cuthbert.

The Board received evidence and sworn testimony on behalf of the Commonwealth and Mr. Tucker regarding the allegations in the Notice.

CLOSED SESSION:

Upon a motion by Joseph Michael Williams and duly seconded by Lacyn Barton, the Board voted to convene a closed meeting, pursuant to §2.2-3711.A (27) of the Code of Virginia, for the purpose of deliberation to reach a decision in the matter of Antonio A. Tucker, FSL. Additionally, he moved that Mr. Rutkowski, Ms. Palmatier and Ms. Georgen attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations.

RECONVENE:

Having certified that the matters discussed in the preceding closed session met the requirements of §2.2-3712 of the Code, the Board reconvened in open session.

DECISION:

Upon a motion by Joseph Michael Williams and duly seconded by Muhammed Hanif, the Board ordered a reprimand and a monetary penalty. The motion carried.

VOTE:

The vote was unanimous. (6-0)

ADJOURNMENT:

The Board adjourned at 3:25 p.m.

For the Board:

Kelley W. Palmatier, JD, Deputy Executive Director

Date

The Virginia Board of Funeral Directors and Embalmers convened an Alkaline Hydrolysis Workgroup meeting on Thursday, July 14, 2022, at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room #2, Henrico, Virginia.

WORKGROUP MEMBERS PRESENT:

Blair H. Nelsen, FSL, Board Member, Workgroup Chair
J. Frank Walton, FSL, Board Member
J. Michael Williams, FSL, Board Member
Ryder Bunce, PE, Virginia Department of Health
Deborah DeBiasi, Virginia Department of Environmental Quality
Marcia Degen, Ph.D., PE, Virginia Department of Health
William Gormley, MD, Ph.D., Virginia Department of Health
Barbara Kemmis, CAE, Cremation Association of North America (CANA)
Mike Martin, Hampton Roads Sanitation District
Mike Nicodemus, FSL, National Funeral Directors' Association (NFDA)
Richard Sikon, FSL, MLA, Virginia Department of Health

DHP STAFF PRESENT FOR ALL OR PART OF THE MEETING:

Sarah Georgen, Licensing and Operations Manager
Kelley Palmatier, Deputy Executive Director
Greer Peacock, Policy Intern
Corie Tillman Wolf, Executive Director

OTHER GUESTS PRESENT:

Angela Bezik, Principle Advantage
Eric Bliley, Association of Independent Funeral Homes of Virginia (IFHV)
Cindy DiFranco, Principle Advantage
Darrin Jones, Jones Funeral Home, Virginia Funeral Directors Association (VFDA)
Bo Keeney, Association of Independent Funeral Homes of Virginia (IFHV)
Ben Traynham, Hancock, Daniel, & Johnson, P.C.
Barry Robinson, Virginia Morticians' Association

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

CALL TO ORDER

Mr. Nelsen called the meeting to order at 9:31 a.m. Mr. Nelsen stated that the Alkaline Hydrolysis Workgroup convened to study the alkaline hydrolysis process as directed by Senate Bill 129, resulting from the 2022 General Assembly Session. He stated that the study results would be provided to the respective Chairs of the Senate Committee on Education and Health and the House Committee on Health, Welfare, and Institutions by November 1, 2022.

Mr. Nelsen asked the Workgroup members and Board staff to introduce themselves.

AGENDA

Mr. Nelsen requested proposed changes to the ordering of the agenda. Hearing none, he proceeded with the meeting.

PUBLIC COMMENT

There was no public comment.

EMERGENCY EGRESS

Ms. Tillman Wolf then read the emergency egress instructions.

CHARGE OF THE WORKGROUP

Mr. Nelsen stated that the Workgroup was convened pursuant to SB 129, which directs the Board of Funeral Directors and Embalmers to “convene a Workgroup consisting of relevant stakeholders” to determine:

- (i) regulatory and statutory changes needed to legalize, implement, and regulate the process of alkaline hydrolysis in the Commonwealth;
- (ii) necessary qualifications to enable a person to engage in the practice of alkaline hydrolysis;
- (iii) proper standards for the operation of a facility containing a pressure vessel for alkaline hydrolysis; and
- (iv) proper requirements for licensure as an owner or operator of such a facility.

Mr. Nelsen stated that the Workgroup is further tasked with considering “any necessary environmental precautions and safety measures to ensure proper (a) regulation and implementation of the alkaline hydrolysis process and (b) regulation and inspection of facilities where alkaline hydrolysis is conducted in the Commonwealth.”

Mr. Nelsen requested the Workgroup discuss the alkaline hydrolysis process, to look at the current laws and regulations related to funeral services, and discuss how other states have addressed alkaline hydrolysis in their statutes and regulations.

Mr. Nelsen asked the Workgroup members to think about the following questions for additional discussion toward the end of the meeting:

- How should alkaline hydrolysis be defined?
- How is alkaline hydrolysis similar to or different from cremation, which is already regulated as a means of disposition? How do those similarities or differences factor into the current laws and regulations (and need for amendments/new provisions)?
- What environmental concerns may exist related to alkaline hydrolysis in terms of effluent emissions?

PRESENTATIONS OF INFORMATION:

Mr. Sikon provided a presentation on the Alkaline Hydrolysis process, including the general mechanics and chemical process involved.

Ms. Kemmis provided information on the available training and resources, including the incorporation of alkaline hydrolysis into existing crematory operator training.

Mr. Nicodemus provided information on the resources available through the NFDA.

CURRENT LAWS AND REGULATIONS AND STATE COMPARISONS

Ms. Tillman Wolf provided information on how other states regulate alkaline hydrolysis – whether by definition, inclusion in the cremation process, or separate regulatory structure. She presented information on Virginia's current laws and regulations related to disposition of human remains and funeral services.

CONSIDERATIONS FOR RECOMMENDED REGULATORY/STATUTORY CHANGES

The Workgroup discussed the use of alkaline hydrolysis for the final disposition of human remains, with some focus on the aspects of environmental emissions and wastewater treatment.

The Workgroup recommended that alkaline hydrolysis be included as an accepted means of final disposition of human remains in the Code of Virginia.

The Workgroup recommended defining alkaline hydrolysis as a separate and distinct process within the Code of Virginia while using broad terminology that does not favor specific manufacturers or processes. The Workgroup will further discuss the definition of “alkaline hydrolysis” and related terms such as “hydrolyzed remains” and “alkaline hydrolysis facility” at the next meeting.

The Workgroup recommended creating a regulatory structure for “alkaline hydrolysis” that appropriately reflects and accounts for the differences and similarities in the processes for alkaline hydrolysis and cremation. The Workgroup will further discuss appropriate alkaline hydrolysis containers and language related to “commercially made” alkaline hydrolysis vessels based on other state comparisons.

The Workgroup recommended including licensure and registration requirements for alkaline hydrolysis facilities or operators that include appropriate consultation, authorization, and permits from state and local wastewater treatment authorities to minimize the potential for adverse environmental impact, to ensure appropriate equipment or vessels that discharge effluent into the wastewater system; and to ensure the proper and safe storage and handling of caustic chemicals that may impact water systems if leaked or spilled.

The Workgroup requested additional information from the Virginia Department of Health regarding the permit process related to septic systems. Additionally, the Workgroup requested additional information on how other states register alkaline hydrolysis facilities for discharge materials emitted into septic fields.

NEXT STEPS

Mr. Nelsen stated that the Board would start drafting initial recommendations for consideration by the Workgroup based on the discussion. He stated that the Workgroup would review the specific regulatory requirements and possible draft language for the study document at the next meeting. He asked Workgroup members to continue thinking about the same questions as they relate to the statutory and regulatory amendments that may be needed if the alkaline hydrolysis process were implemented.

NEXT MEETING

The next meeting date is August 12, 2022.

ADJOURNMENT

With all business concluded, the meeting adjourned at 11:19 a.m.

Corie Tillman Wolf, J.D., Executive Director

Date

August 12, 2022

The Virginia Board of Funeral Directors and Embalmers convened an Alkaline Hydrolysis Workgroup meeting on Friday, August 12, 2022, at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room #1, Henrico, Virginia.

WORKGROUP MEMBERS PRESENT:

Blair H. Nelsen, FSL, Board Member, Workgroup Chair
J. Michael Williams, FSL, Board Member
Ryder Bunce, PE, Virginia Department of Health
Marcia Degen, Ph.D., PE, Virginia Department of Health
William Gormley, MD, Ph.D., Virginia Department of Health
Mike Martin, Hampton Roads Sanitation District
Mike Nicodemus, FSL, National Funeral Directors' Association (NFDA)
Richard Sikon, FSL, MLA, Virginia Department of Health*

DHP STAFF PRESENT FOR ALL OR PART OF THE MEETING:

Erin Barrett, Senior Policy Analyst
Sarah Georgen, Licensing and Operations Manager
Kelley Palmatier, Deputy Executive Director
Corie Tillman Wolf, Executive Director

OTHER GUESTS PRESENT:

Angela Bezik, Principle Advantage
Eric Bliley, Association of Independent Funeral Homes of Virginia (IFHV)
Darrin Jones, Jones Funeral Home, Virginia Funeral Directors Association (VFDA)
Bo Keeney, Association of Independent Funeral Homes of Virginia (IFHV)
Allen Simpson, Simpson Funeral Home
Ben Traynham, Hancock, Daniel, & Johnson, P.C.

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

CALL TO ORDER

Mr. Nelsen called the meeting to order at 9:31 a.m. Mr. Nelsen asked the Workgroup members and Board staff to introduce themselves.

EMERGENCY EGRESS

Ms. Tillman Wolf then read the emergency egress instructions.

MINUTES FROM JULY 14, 2022 MEETING:

Mr. Nelsen requested proposed changes to the draft minutes of the July 14, 2022 Alkaline Hydrolysis Workgroup meeting. Hearing none, the minutes were approved.

AGENDA

Mr. Nelsen requested proposed changes to the ordering of the agenda. Hearing none, he proceeded with the meeting.

PUBLIC COMMENT

There was written public comment from Sandra Schlaudecker:

“I fully support Virginia offering alkaline hydrolysis (AH) as a mode of body disposition. Current cremation is not climate friendly, especially if using natural [sic] gas in the cremation chamber. Even if electricity is used, much electricity is still generated with fossil fuels. Many other states offer AH and I support Virginia offering the same. All the research I have done shows it to be a good alternative for the consumer.”

CHARGE OF THE WORKGROUP

Mr. Nelsen stated that the Alkaline Hydrolysis Workgroup was convened pursuant to SB 129, which directs the Board of Funeral Directors and Embalmers to “convene a Workgroup consisting of relevant stakeholders” to determine:

- (i) regulatory and statutory changes needed to legalize, implement, and regulate the process of alkaline hydrolysis in the Commonwealth;
- (ii) necessary qualifications to enable a person to engage in the practice of alkaline hydrolysis;
- (iii) proper standards for the operation of a facility containing a pressure vessel for alkaline hydrolysis; and
- (iv) proper requirements for licensure as an owner or operator of such a facility.

Mr. Nelsen stated that the Workgroup is further tasked with considering “any necessary environmental precautions and safety measures to ensure proper (a) regulation and implementation of the alkaline hydrolysis process and (b) regulation and inspection of facilities where alkaline hydrolysis is conducted in the Commonwealth.”

Mr. Nelsen requested the Workgroup discuss the alkaline hydrolysis process, to address any unresolved issues and to fine tune the study recommendations.

Mr. Nelsen stated that with the previous discussion, the Workgroup had developed a consensus related to recommendations in a number of areas:

- Inclusion of alkaline hydrolysis as an accepted means of final disposition of human remains in the Code

- Definition of “alkaline hydrolysis” as a separate and distinct process within the Code, using broad terminology
- Creation of a regulatory structure for alkaline hydrolysis that appropriately reflects and accounts for both the differences and similarities in the processes for alkaline hydrolysis and cremation
- Inclusion of licensure/registration requirements for alkaline hydrolysis facilities or operators that include appropriate consultation, authorization, and/or permitting from state and local wastewater treatment authorities

Mr. Nelsen tasked the Workgroup to finalize recommendations related to:

- How to define alkaline hydrolysis
- What environmental concerns may exist related to alkaline hydrolysis in terms of effluent emissions, particularly with regard to septic-based systems
- Are there additional facility-based concerns for entities that wish to install AH units – in terms of both environmental safety and inspection-based concerns, particularly with regard to septic systems
- Any additional areas where separate statutory or regulatory provisions may be needed to address the specifics of the alkaline hydrolysis process

OVERVIEW OF JULY 14, 2022 MEETING

Ms. Tillman Wolf provided an overview of recommendations from the July 14, 2022 meeting and the areas where additional information was needed from the Workgroup including: reference to the Title 32.1 provisions for disposition of remains; the definition of “alkaline hydrolysis” and related terms; clarification of the areas where language may parallel the requirements for the cremation process and the areas where new language is needed for alkaline hydrolysis; and recommendations for licensure/registration application requirements specific to wastewater treatment and septic emissions.

CONSIDERATIONS SPECIFIC TO SEPTIC SYSTEM EMISSIONS AND PANEL DISCUSSION OF STUDY RECOMMENDATIONS

Final Disposition of Human Remains

Workgroup members indicated agreement that the relevant Title 32.1 provisions related to disposition of dead human bodies were covered by the first recommendation, including means of and authorization for disposition of human remains and the definition of “final disposition” for death certificate purposes.

Definition of Alkaline Hydrolysis

Workgroup members discussed the recommended definition for “alkaline hydrolysis,” using the first part of the Minnesota definition as the base definition, to include reference to “and/or pressure” and “final disposition.”

“Alkaline hydrolysis” is a means of final disposition by reduction of a dead human body to essential elements through a water-based dissolution process using alkaline chemicals, heat, agitation and/or pressure to accelerate natural decomposition.

Workgroup members agreed that Board staff would develop recommendations for related definitions, as necessary.

Environmental Emissions and Wastewater Treatment

The Workgroup discussed septic-specific issues and questions related to wastewater treatment.

Dr. Marcia Degen, PE, PhD, and Ryder Bunce, PE, from the Virginia Department of Health provided an overview of concerns related to discharge of effluent into on-site septic systems, specifically the discharge of materials with a high organic content and nutrients that may impact the overall functioning of the system. While not necessarily prohibited by existing regulations, the emissions are not recommended for septic systems without additional feasibility studies to address advanced treatment and/or the use of a pump and haul mechanism to mitigate against high-impact discharges.

If facilities seek licensure or registration to implement an alkaline hydrolysis system and are on a septic system, those facilities should be directed to provide evidence during the application process that the septic emissions have been permitted or authorized by the Virginia Department of Health. During the alkaline hydrolysis inspection process, facilities should document ongoing compliance with VDH regulations for on-site sewage treatment and disposal and any additional permit requirements (pretreatment, monitoring, etc.). Dr. Degen noted that VDH relies on licensed private septic system operators to operate, maintain, and document septic field health on an ongoing basis for septic systems relying on advanced treatment and that documentation should be maintained on site and available for review.

Mike Martin, Hampton Roads Sanitation District, echoed that facilities on public wastewater system should provide evidence of current permitting/authorization from local wastewater utilities during the application process, as well as ongoing compliance with water regulations and requirements during the inspection process. Ultimately, the individual wastewater plants would determine compatibility of the alkaline hydrolysis process through their local permitting and authorization processes.

Workgroup members agreed to the following general rewording of Recommendation 4:

4. Include licensure/registration requirements for alkaline hydrolysis facilities or operators that include appropriate consultation, authorization, and/or permitting from state and local wastewater treatment authorities and/or health departments:
 - (1) to minimize the potential for adverse environmental impact;
 - (2) to ensure the use of appropriate equipment or units that discharge effluent into wastewater or septic systems; and
 - (3) to ensure the proper and safe storage and handling of caustic chemicals that may impact water and storm systems if leaked or spilled.

Board Statutes and Regulations

Workgroup members indicated agreement to the recommendation that there were areas where mirroring the existing statutory or regulatory process for cremation was appropriate. Workgroup members discussed the addition of two additional areas: authorization of next of kin for the hydrolysis process and requiring a “Board-approved” training program specifically for operators of alkaline hydrolysis units.

Where new regulatory or statutory provisions may be needed to address alkaline hydrolysis as a different process, workgroup members agreed that the use of the term “unit” was more appropriate than “vessel” when referring to the apparatus or machinery used for the alkaline hydrolysis process. Members further agreed that the recommendation should reflect that the unit be “commercially manufactured” and subjected to professional engineering certification or testing as appropriate.

Members discussed the wording related to alkaline hydrolysis containers and expressed agreement that any recommended definition include reference to a container that encloses the human remains, that is easily destroyed during the hydrolysis process, and that is otherwise resistant to spillage and leakage.

Members agreed that the provisions specific to alkaline hydrolysis include language that reflects the cleaning and removal of residue within the unit after a process cycle to prevent commingling of human remains.

NEXT STEPS

The Board will draft the study document with the recommendations from the July 14th meeting, as well as the additional recommendations from the meeting (Attachment A). The Board will consider and approve the study document at its next scheduled meeting on October 21, 2022.

The results of the study will then be transmitted to the respective Chairs of the State Committee on Education and Health and House Committee on Health, Welfare, and Institutions by November 1, 2022.

ADJOURNMENT

With all business concluded, the meeting adjourned at 10:48 a.m.

Corie Tillman Wolf, J.D., Executive Director

Date

Alkaline Hydrolysis Workgroup Recommendations

1. Include alkaline hydrolysis as an accepted means of final disposition of human remains in the Code
2. Define “alkaline hydrolysis” as a separate and distinct process within the Code, using broad terminology that does not favor specific manufacturers or processes:

“Alkaline hydrolysis” is a means of final disposition by reduction of a dead human body to essential elements through a water-based dissolution process using alkaline chemicals, heat, agitation and/or pressure to accelerate natural decomposition.
3. Create a regulatory structure for “alkaline hydrolysis” that appropriately reflects and accounts for both the differences and similarities in the processes for alkaline hydrolysis and cremation
 - 3.A. Mirror cremation statutes and regulations related to the following:
 - Disposition of remnants from process; also abandoned or unclaimed
 - Identification of remains and authorization of next of kin prior to process
 - ME authorization for process/method of disposition
 - Refrigeration of remains pending process
 - Documentation and record keeping
 - No commingling of human and animal remains
 - Safe, respectful handling of remains
 - Casket not required for alkaline hydrolysis process
 - Basic application requirements for registration of either facility
 - Board-approved training program for operators of units
 - 3.B. Include new statutory and regulatory provisions for the following:
 - Definition of “alkaline hydrolysis” (See #2)
 - Definitions, as appropriate, for related terms including alkaline hydrolysis container, alkaline hydrolysis unit, alkaline hydrolysis facility, hydrolyzed remains
 - Board authority to inspect alkaline hydrolysis facilities
 - Requirements for registration of alkaline hydrolysis facilities (see #4)
 - Requirements for alkaline hydrolysis units – commercially manufactured and professional engineering certification/testing as appropriate
 - Appropriate alkaline hydrolysis containers for transport/storage/process – to include containers that enclose the body, are easily hydrolysable, and are resistant to leakage or spillage
 - Requirements for disposal of waste from alkaline hydrolysis process
 - Wastewater emissions of effluent
 - Undissolved tissue or residue in unit – cleaning after each process to prevent commingling of human remains
 - Posting of relevant permits and approvals
4. Include licensure/registration requirements for alkaline hydrolysis facilities or operators that include appropriate consultation, authorization, and/or permitting from state and local wastewater treatment authorities and/or health departments:
 - (1) to minimize the potential for adverse environmental impact;
 - (2) to ensure the use of appropriate equipment or units that discharge effluent into wastewater or septic systems; and
 - (3) to ensure the proper and safe storage and handling of caustic chemicals and/or stored process effluent that may impact water or storm water systems if leaked or spilled

Staff Reports



Board of Funeral, yy <fanbd@dhp.virginia.gov>

FTC Consumer Guidance: Shopping for Funeral Services by Phone or Online

1 message

Nachtigal, Sammi <snachtigal@ftc.gov>

Wed, Jul 27, 2022 at 1:04 PM

To: "fanbd@dhp.virginia.gov" <fanbd@dhp.virginia.gov>

Good afternoon:

The Federal Trade Commission has issued new consumer guidance to assist consumers with shopping for funeral services by phone or online. We are hopeful that the guidance will be particularly helpful for consumers who have to make quick decisions about how to handle funeral arrangements for a loved one. (A copy of the guidance is attached above).

We want to make sure consumers know about this guidance – so they have it when they need it. We are hoping you can help us with that and share this guidance with your stakeholders. I am available for a call (202-330-1761) to discuss or if you have any questions.

Sincerely,

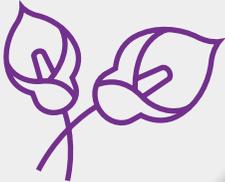
Sammi

Sammi Nachtigal

Attorney | Federal Trade Commission
East Central Region
[1111 Superior Avenue, Suite 200](#)
Cleveland, OH 44114
(202) 330-1761 | snachtigal@ftc.gov

 **1020A_Shopping for Funeral Services by phone or online.pdf**
128K

Shopping for Funeral Services by Phone or Online



[ftc.gov](https://www.ftc.gov)

When a loved one dies, family members and friends often need to make decisions about a funeral quickly and under emotional stress. If your loved one dies in another state, or you can't meet in person for any reason, you may need to plan a funeral by phone or online. Here are some steps to help you make arrangements at a distance.

► Learn About Funeral Homes in the Area

- Find local funeral homes that offer the type of service you want, whether that's a simple cremation, a traditional funeral, or something else.
- Search for information online. Many funeral homes have websites with information about their services and pictures of their facilities. Some include price information and let you make arrangements online.
- See what people say about their experiences with a funeral home. Search online for a business' name, plus words like "complaint" or "review."
- Make a list of several funeral homes to contact. You may find similar services and items for a lower price if you comparison shop.

► Call Funeral Homes and Ask for Information

- Funeral homes must answer questions over the phone about what they offer and their prices.
 - When you ask a funeral home about a service — for example, direct cremation — ask what's included in the price.
 - Ask if there will be other costs, like for transportation, death certificates, or obituaries.
 - They should let you take your time. It's ok to ask them to slow down, explain, or repeat something.
- Ask a funeral home to send you an email or text with information about prices, services, and merchandise. Funeral homes aren't required to send the information, but many will be happy to.
- If you don't want to go in person, tell a funeral home you want to make plans without visiting. If a funeral home won't send you information about prices, services, and merchandise, find a different business.

▶ Before You Accept the Arrangements, Ask for a Written Statement

A funeral home must give you an itemized list of the services and merchandise you choose and the price for each item. Ask the funeral home to send the statement by email or text. Check it and make sure the funeral home agrees to any changes or corrections before you agree to use the funeral home's services.

▶ Get More Information

Learn more about [funeral costs](#) and [shopping for funeral services](#) at ftc.gov/funerals.

▶ Report Problems

If a funeral home won't answer your questions or give you required information, look somewhere else. And, please tell the **FTC** at ReportFraud.ftc.gov and contact your [state attorney general](#) (consumerresources.org/file-a-complaint/). Most states have a licensing board that regulates the funeral industry. Contact your state board or local [Better Business Bureau \(bbb.org\)](https://bbb.org) for information or help resolving a problem with a funeral home.

- You can buy a casket, cremation container, or urn online — or somewhere else — to use at a funeral home. The funeral home can't charge a fee for using your item.
- You might have to pay fees because of state or local laws. A funeral home must list required items and their cost on the written statement it gives you.
- Some funeral homes offer discounted package funerals, but you don't have to buy a package that includes items you don't want. Ask about itemized prices. The funeral home must let you buy only the services you want and need.

The FTC works to stop deceptive and unfair business practices and scams, and to help consumers like you recognize and recover from them. You can sign up for email updates at ftc.gov/scams.

Report fraud, scams, and bad business practices to the FTC at ReportFraud.ftc.gov. The FTC uses and shares reports with law enforcement partners to help with investigations.



**FEDERAL TRADE
COMMISSION**

January 2022

Legislative and Regulatory Report

Board of Funeral Directors and Embalmers
Current* Regulatory Actions

Chapter	Action	Stage	Location	Duration
18VAC65-20; 18VAC65-30; and 18VAC65-40	Separate licenses for funeral directors and embalmers	Final	Governor	105 days
18VAC65-20	Adjustment of requirements related to documentation of continuing education pursuant to 2022 legislation	Fast-track	Secretary	8 days
18VAC65-30-20	Change related to face value adjustments to certain financial vehicles used to certain preneed funeral arrangements	Exempt Final – effective date August 3, 2022	Effective	
18VAC65-20	Implementation of continuing education changes regarding preneed funeral planning from the 2022 General Assembly	Exempt Final – effective September 28, 2022	Effective	

*As of September 29, 2022

Board Discussions and Actions

Agenda Item: Revision of Guidance Document 65-1: Guidance on Time Credit for Continuing Education

Included in your agenda package are:

- Redline of suggested changes to Guidance Document 65-1
- Clean version of changes to Guidance Document 65-1

Board Action:

- Vote to revise Guidance Document 65-1 as presented or amended.

Guidance document: 65-1

~~Re-adopted: April 17, 2018~~ Revised: October 2, 2022
Effective: December 22, 2022

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BOARD OF FUNERAL DIRECTORS AND EMBALMERS

Guidance on Time Credit for Continuing Education

Credit for one hour of live coursework in continuing education ("CE") must include at least 50 minutes of instruction.

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Credit for self-study courses or activities is limited to the actual amount of time it takes the licensee to complete the course or activity and may not exceed the time credit assigned by the approved ~~continuing education~~ CE provider. -For example, if a self-study course is assigned two hours of CE credit by the provider, but the licensee completes the course in one hour, he may only count one hour of credit toward completion of this CE requirement for renewal of licensure. If the course is assigned two hours of CE credit by the provider, but the licensee takes three hours to finish, he may only count two hours of CE credit.

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BOARD OF FUNERAL DIRECTORS AND EMBALMERS

Guidance on Time Credit for Continuing Education

Credit for one hour of live coursework in continuing education (“CE”) must include at least 50 minutes of instruction.

Credit for self-study courses or activities is limited to the actual amount of time it takes the licensee to complete the course or activity and may not exceed the time credit assigned by the approved CE provider. For example, if a self-study course is assigned two hours of CE credit by the provider, but the licensee completes the course in one hour, he may only count one hour of credit toward completion of this CE requirement for renewal of licensure. If the course is assigned two hours of CE credit by the provider, but the licensee takes three hours to finish, he may only count two hours of CE credit.

Agenda Item: Revision of Guidance Document 65-2: Practicing with an expired license

Included in your agenda package are:

- Current version of Guidance Document 65-2
- New draft of Guidance Document 65-2

Staff note: Guidance Document 65-2 was in an old version of Word. A new document had to be created, so no redline of the changes exists. No substantive changes were made.

Board Action:

- Vote to revise Guidance Document 65-2 as presented or amended.

VIRGINIA BOARD OF FUNERAL DIRECTORS AND EMBALMERS

DISPOSITION OF DISCIPLINARY CASES FOR PRACTICING ON EXPIRED LICENSES

The Board of Funeral Directors and Embalmers delegates to the Executive Director for the Board the authority to offer a prehearing consent order to resolve disciplinary cases in which a Funeral Service Licensee or Funeral Service Establishment has been found to be practicing with an expired license.

Disciplinary Action for Practicing with an Expired License

The Board adopted the following guidelines for resolution of cases of a Funeral Service Licensee or Funeral Director or Embalmer only practicing with an expired license:

Cause	Possible Action
First offense; 90 days or less	Confidential Consent Agreement
First offense; 91 days to 180 days	Consent Order; Monetary Penalty of \$1,000

Disciplinary Action for Practicing with an Expired License

The Board adopted the following guidelines for resolution of cases of a Funeral Establishment practicing with an expired license:

Cause	Possible Action
First offense; 90 days or less	Confidential Consent Agreement
First offense; 91 days to 180 days	Consent Order; Monetary Penalty of \$1,500

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

Disposition of Disciplinary Cases for Practicing on an Expired License

The Board of Funeral Directors and Embalmers delegates the authority to offer a pre-hearing consent order (“PHCO”) to resolve disciplinary cases in which a licensee or establishment has been found to be practicing with an expired license to the Executive Director of the Board.

I. Possible disciplinary action for practicing as a funeral service licensee, funeral director, or embalmer with an expired license.

Cause	Possible Action
First offense; 90 days or less	Confidential Consent Agreement
First offense; 91 days to 180 days	PHCO; monetary penalty of \$1,000

II. Possible disciplinary action for operating as a funeral establishment with an expired license.

Cause	Possible Action
First offense; 90 days or less	Confidential Consent Agreement
First offense; 91 days to 180 days	PHCO; monetary penalty of \$1,000

Agenda Item: Revision of Guidance Document 65-17: Initiating Disciplinary Action Against Funeral Homes for Failing to Submit Corrective Action to Deficiencies Noted During Routine Inspections

Included in your agenda package are:

- Redline of suggested changes to Guidance Document 65-17
- Clean version of changes to Guidance Document 65-17

Board Action:

- Vote to revise Guidance Document 65-17 as presented or amended.

Virginia Board of Funeral Directors and Embalmers

Initiating Disciplinary Action Against Funeral Homes 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 ~~of the inspection~~. 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 home and/or the MOR if there is no response.
 - c. ~~A Pre-hearing Consent Order based on the following guidelines may be sent to the MOR:~~
 - i. ~~\$100 monetary penalty for failing to respond in a timely manner plus \$100 additional penalty for each citation of deficiency.~~
 - ii. ~~The funeral home must submit acceptable corrective action within sixty days of the date of the Order.~~
 - d. ~~If the licensee fails to respond to the pre-hearing consent order or does not agree to it, the matter will be referred to an informal conference.~~

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, 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 home fails to respond with new 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 home and/or the MOR if there is no response or if no new corrections are submitted.

- ~~d. A Pre-hearing Consent Order based on the following guidelines will be sent 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 home must submit acceptable corrective action within sixty days of the date of the Order.~~~~
- ~~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 an informal conference.~~
- 4. If the Board initiates disciplinary action against the funeral home 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 home 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 home 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.
- ~~6. Nothing in this Guidance Document prevents the Board from taking disciplinary action against the Manager of Record.~~

Virginia Board of Funeral Directors and Embalmers

Initiating Disciplinary Action Against Funeral Homes 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 home 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, 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 home fails to respond with new 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 home and/or the MOR if there is no response or if no new corrections are submitted.
4. If the Board initiates disciplinary action against the funeral home 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 home 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 home 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.