
Call to Order – Lacyn Barton, FSL, Board President

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

Approval of Minutes (p. 4-12)

- Board Meeting – July 16, 2024

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 – Arne Owens, Director

Staff Reports

- Executive Director’s Report – **Corie E. Tillman Wolf, Executive Director**
- Discipline Report – **Annette Kelley, Deputy Executive Director**
- Licensing Report – **Sarah Georgen, Licensing and Operations Supervisor**

Board Counsel Report – Brent Saunders, Senior Assistant Attorney General

Committee and Board Member Reports

- Report from the International Conference of Funeral Service Examining Boards – **Lacyn Barton, FSL**

Legislative and Regulatory Report – Erin Barrett, Director of Legislative and Regulatory Affairs and Matt Novak, Policy and Economic Analyst

- Report on Status of Regulatory Actions (p.14)

New Business/Board Discussion – Corie E. Tillman Wolf

- Draft Revisions to Appendix I – General Price List – Preneed Funeral Guarantee Fee
- Follow up – Reference to Performance of Embalming - HB652 (2024) (p. 17-18)
- Questions from Licensees
 - *Solicitation using in-person communication related to preneed contracts* (p. 20-23)
 - *Enrollment “in a mortuary education program in the Commonwealth” for purposes of student assistance with embalming in a licensed Virginia funeral establishment* (p.25-30)
 - *Presence of embalming equipment in preparation room where embalming is not performed* (p. 32-35)

Presentations

- Updates from the Virginia State Anatomical Program – **Raymond Rhodes, Anatomical Program Director, Virginia State Anatomical Program**
- Communication Policies – **Kelly Smith, Director of Communications**
- Sanctioning Reference Points Video

Next Meeting – January 14, 2025

Business 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 16, 2024

The Virginia Board of Funeral Directors and Embalmers convened for a full board meeting on Tuesday, July 16, 2024, at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room #4, Henrico, Virginia.

BOARD MEMBERS PRESENT:

Jason Graves, FSL, President
Lacyn Barton, FSL, Vice-President
S. Jonathan Hines, FSL, Secretary-Treasurer
Muhammad Hanif, Citizen Member
K. Scott Hickey, MD
Mia F. Mimms, FSL, JD
R. Thomas Slusser, FSL
Eric Wray, II, FSL

BOARD MEMBERS NOT PRESENT:

J. Michael Williams, FSL

DHP STAFF PRESENT FOR ALL OR PART OF THE MEETING:

Erin Barrett, Director of Legislative and Regulatory Affairs
Alesia Baskin, Senior Licensing Program Coordinator
Sarah Georgen, Licensing and Operations Supervisor
Barbara Hodgdon, PhD, Deputy Director, Healthcare Workforce Data Center
Annette Kelley, Deputy Executive Director
Arne Owens, Agency Director
Melanie Pagano, Deputy Executive Director
Melody Morton, Inspections Manager, Enforcement Division
Matt Novak, Policy and Economic Analyst
Sarah Rogers, Director, Enforcement Division
Brent Saunders, Senior Assistant Attorney General, Board Counsel
Corie Tillman Wolf, Executive Director

OTHER GUESTS PRESENT:

Angela Bezik, Virginia Funeral Directors Association
Oliver Buckner, Hancock, Daniel and Johnson, PC
Mary Church, DHP Inspector
Krystina Diman, Woody/Nelsen Funeral Home*
Paul Harris, Regulatory Support Services
W. Scott Johnson, Hancock, Daniel and Johnson, PC
Laura McHale, Association of Independent Funeral Homes of Virginia/Keeney Group
Blair Nelsen, Service Corporation International*

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 (DHP).

Mr. Graves reminded the Board Members and audience about 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 Hearing held on April 16, 2024, and the Regulatory Advisory Panel Meeting held on July 10, 2024. The minutes were approved as presented.

ORDERING OF THE AGENDA

Mr. Graves opened the floor to any additional items to add to the agenda.

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

PUBLIC COMMENT

Mr. Robinson, Virginia Morticians' Association (VMA), provided written public comment thanking Mr. Wray and Ms. Tillman Wolf for their presentations at the VMA Annual Meeting in June 2024.

AGENCY REPORT

Mr. Owens welcomed Board Members and thanked them for their service and contribution to the profession.

Mr. Owens spoke about the successful 2024 General Assembly Session and legislative efforts, including the formal acceptance of the state budget. Mr. Owens clarified that DHP does not receive any funds from the General Assembly, but rather the authority to spend as DHP is a special funded agency deriving funds from licensure fees.

Mr. Owens provided information regarding the transition of DHP management. He reported that Diane Powers, Director of Communications, had retired effective April 1, 2024. Mr. Owens also reported that Lisa Hahn, Chief Operating Officer, retired effective July 1, 2024, and that Jay Douglas, Executive Director for the Board of Nursing, would retire effective September 1, 2024. He stated that he anticipates a seamless transition of these positions.

Mr. Owens reported on staff retention efforts through the study of agency salaries.

With no questions, Mr. Owens concluded his report.

STAFF REPORTS

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

Welcome and Congratulations

Ms. Tillman Wolf announced Ms. Pagano's retirement effective August 2024, with her last day in the office on July 31, 2024. She welcomed Annette Kelley as the new Deputy Executive Director of the Board.

Board Updates

Ms. Tillman Wolf provided Board updates since the last quarterly meeting, to include mention of the Regulatory Advisory Panel meeting held on June 10, 2024, to discuss recommendations on emergency regulations to implement the declinable preneed funeral guarantee fee established by SB 521, Chapter 247 of the 2024 Acts of Assembly. She noted that a number of trainings were provided by Board members and staff in June 2024 to the Virginia Funeral Directors Association (VFDA) (Slusser) and to the VMA (Wray and Tillman Wolf).

Ms. Tillman Wolf stated that the next meeting of the Board's Examination Committee will be pushed to early 2025 due to the pending amendments to the regulations.

Data Updates

Ms. Tillman Wolf provided an update on the number of Funeral Director and Embalmer-only applications and licenses received and issued since the bifurcation of licenses was implemented in 2021.

International Conference Updates

Ms. Tillman Wolf provided brief updates from the International Conference of Funeral Service Examining Boards. Ms. Tillman Wolf is currently serving on the Bylaws Committee.

Additional Updates - CANA

Ms. Tillman Wolf highlighted recent information from the Cremation Association of North America (CANA) which has new resources available on its website related to natural organic reduction and alkaline

hydrolysis. CANA now offers a Natural Organic Reduction Operations Course/Certificate and has updated its Crematory Operations Certification Course to cover alkaline hydrolysis.

2024 Board Meetings

Ms. Tillman Wolf announced the remaining 2024 Board meeting schedule and the proposed 2025 Board meeting schedule.

- October 10, 2024
- January 14, 2025
- April 15, 2025
- July 8 or 10, 2025
- October 7, 2025

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

Discipline Report – Melanie Pagano, JD, Deputy Executive Director

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

- | | |
|-------------------|-------------------|
| • Q1 2022 – 19/18 | • Q3 2023 – 11/13 |
| • Q2 2022 – 19/12 | • Q4 2023 – 27/11 |
| • Q3 2022 – 24/22 | • Q1 2024 – 24/22 |
| • Q4 2022 – 28/21 | • Q2 2024 – 23/32 |
| • Q1 2023 – 5/23 | • Q3 2024 – 19/28 |
| • Q2 2023 – 10/21 | |

As of May 31, 2024, Ms. Pagano reported the following disciplinary statistics:

- 3 Patient Care Cases
 - 0 at Informal
 - 0 at Formal
 - 1 at Enforcement
 - 1 at Probable Cause
 - 1 at APD

- 59 Non-Patient Care Cases
 - 3 at Informal
 - 0 at Formal
 - 32 at Enforcement
 - 23 at Probable Cause
 - 1 at APD

- 9 at Compliance

With no questions, Ms. Pagano concluded her report.

Licensure Report – Sarah Georgen, Licensing and Operations Supervisor

Licensure Statistics – All Licenses

Ms. Georgen presented licensure statistics and trends in license count.

License	March 31, 2024 (Q3 2024)	June 15, 2024	Difference (+/-)
Funeral Service Licensees	1,618	1,562	-56
Funeral Director	54	59	+5
Embalmer Only	5	4	-1
Supervisors	280	287	+7
Funeral Service Interns	236	190	-46
Funeral Directing Interns	42	37	-5
Embalmer Interns	3	6	+3
Funeral Establishments	428	412	-16
Branch Establishments	89	89	0
Crematories	138	138	0
CE Providers	12	8	-4
Courtesy Card Holders	140	137	-3
Surface Transport & Removal Svc.	52	49	-3
Total (*not incl. supervisors)	2,817	2,691	-126

Ms. Georgen reviewed the trends of licensure counts since Q3 – 2020.

LRR Exam Scores

Ms. Georgen reported on the passage rates for the Laws, Rules, and Regulations (LRR) Examination in Virginia for FY 2023 and Quarter 1 FY 2024.

Licensure Renewals – CE Provider

Ms. Georgen reported on the licensure renewals of Continuing Education Providers that expired on July 1, 2024.

With no questions, Ms. Georgen concluded her report.

Inspections Update – Melody Morton, Inspections Manager

Ms. Morton provided an update on the inspections program at DHP, to include recent staffing changes, efforts to address backlogs in overdue inspections, and the most common deficiencies noted for funeral inspections.

BOARD COUNSEL REPORT – M. Brent Saunders, Senior Assistant Attorney General

Mr. Saunders reported that the Board had no pending legal matters. With no questions, Mr. Saunders concluded his report.

COMMITTEE AND BOARD MEMBER REPORTS

Report from the International Conference of Funeral Service Examining Boards – Lacyn Barton, FSL

Ms. Barton provide an update regarding recent activities of the International Conference of Funeral Service Examining Boards (The Conference). Ms. Barton thanked Ms. Tillman Wolf for her work on the Bylaws Committee.

Ms. Barton provided a brief review of the National Board Exam results for 2023.

Ms. Barton provided information on the Conference’s upcoming 121st Annual Meeting scheduled for February 28-29, 2025, in Palm Springs, California. She noted that delegate grants were available for those interested in attending.

With no questions, Ms. Barton concluded her report.

Regulatory Advisory Panel – R. Thomas Slusser, FSL

Mr. Slusser provided a summary of the Regulatory Advisory Panel meeting on June 10, 2024. Panel members provided recommendations on draft emergency regulations to effectuate the provisions of SB521, which created a declinable preneed funeral guarantee fee for preneed contracts. Mr. Slusser provided an overview of the areas where the panel members reached consensus on how the declinable preneed funeral guarantee fee would be implemented in practice.

BREAK

The Board took a break at 10:45 a.m. and returned at 10:55 a.m.

LEGISLATIVE AND REGULATORY REPORT

Report on Status of Regulations and Legislative Report - Erin Barrett, Director of Legislative and Regulatory Affairs

Ms. Barrett provided an update on pending regulatory actions. With no questions, Ms. Barrett concluded her report.

BOARD DISCUSSION AND ACTIONS

Consideration of Recommendations of the Regulatory Advisory Panel

Ms. Barrett presented the recommendations of the Regulatory Advisory Panel that was convened on July 10, 2024. She stated that the Panel discussed and compiled recommendations to the full Board regarding the content of the emergency regulations that are required by SB 521, Chapter 247 of the 2024 Acts of Assembly, which established a declinable preneed funeral guarantee fee.

Adoption of Emergency Regulations and Initiation of a Notice of Intended Regulatory Action (NOIRA) for Preneed Funeral Contracts – Declinable Preneed Funeral Guarantee Fee (SB 521 – Ch. 247 of the 2024 Acts of Assembly) (18VAC65-30-10 et seq.)

Upon a **MOTION** by Mr. Wray, properly seconded by Mr. Hanif, the Board voted to adopt emergency regulations and to initiate a Notice of Intended Regulatory Action to amend 18VAC65-30-10 et seq. related to the declinable preneed funeral guarantee fee and as required by Senate Bill 521, Chapter 247 of the 2024 Acts of Assembly as presented. The motion passed unanimously (8-0).

Mr. Slusser thanked Mr. Saunders, Ms. Barrett, and Ms. Tillman Wolf for their assistance with the Regulatory Advisory Panel meeting.

PRESENTATION

2024 Report – Virginia’s Funeral Service Provider Workforce - Barbara Hodgdon, PhD, Deputy Director, Healthcare Workforce Data Center

Dr. Hodgdon provided a summary of the findings of the 2024 Workforce Report for Funeral Service Providers.

Upon a **MOTION** by Ms. Barton, properly seconded by Dr. Hickey, the Board voted to accept the 2024 Workforce Report for Funeral Service Providers as presented. The motion carried unanimously (8-0).

BREAK

The Board took a break at 11:41 a.m. and returned at 11:47 a.m.

PRESENTATION

Introduction and Overview of the Enforcement Division - Sarah Rogers, PhD, Director, Enforcement Division

Dr. Rogers provided a presentation and overview of the Enforcement Division and Investigative Process.

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.

Ms. Barton was nominated for the position of President. There were no other nominations. The nominations were closed.

Upon a **MOTION** by Mr. Wray, properly seconded by Mr. Hines, the Board voted to elect Ms. Barton as President of the Board of Funeral Directors and Embalmers. The motion passed unanimously (8-0).

Mr. Graves opened the floor for nominations for Vice-President of the Board of Funeral Directors and Embalmers.

Mr. Hines was nominated for the position of Vice-President. There were no other nominations. The nominations were closed.

Upon a **MOTION** by Ms. Mimms, properly seconded by Mr. Wray, the Board voted to elect Mr. Hines as Vice-President of the Board of Funeral Directors and Embalmers. The motion passed unanimously (8-0).

Mr. Graves opened the floor for nominations for Secretary-Treasurer of the Board of Funeral Directors and Embalmers.

Dr. Hickey was nominated for the position of Secretary-Treasurer. There were no other nominations. The nominations were closed.

Upon a **MOTION** by Mr. Slusser, properly seconded by Ms. Barton, the Board voted to elect Dr. Hickey as Secretary-Treasurer of the Board of Funeral Directors and Embalmers. The motion passed unanimously (8-0).

NEXT MEETING

The next meeting date is October 10, 2024.

ADDITIONAL COMMENTS

Mr. Graves stated that the Board would conduct probable cause review directly following the adjournment of the meeting. He asked that all Board Members participate.

ADJOURNMENT

Mr. Graves called for any objections to adjourn the meeting. Hearing no objections and with all business concluded, the meeting adjourned at 12:13 p.m.

Corie Tillman Wolf, J.D., Executive Director

Date

Legislative and Regulatory Report

Board of Funeral Directors and Embalmers
Current Regulatory Actions
As of September 24, 2024

In the Governor’s Office

None.

In the Secretary’s Office

None.

At the OAG

VAC	Stage	Subject Matter	Submitted from agency	Time in current location	Notes
18VAC65-30	Emergency /NOIRA	Declinable preneed funeral guarantee fee amendments	722/2024	64 days	Adds a declinable preneed funeral guaranteed as per 2024 General Assembly legislation.

Recently effective or awaiting publication

VAC	Stage	Subject Matter	Publication Date	Effective Date	Notes
18VAC65-20	Fast-Track	Adjustment of requirements related to documentation of continuing education pursuant to 2022 legislation	8/12/2024	9/26/2024	Changes the amount of time documents related to continuing education must be kept from two to three years.
18VAC65-20 18VAC65-30 18VAC65-40	NOIRA	2023 Regulatory reduction	9/23/2024	10/23/2024	Reduces requirements related to practice, funeral interns, and preneed funeral planning.

New Business/ Board Discussions

Reference to Embalming in HB652 (2024)

VIRGINIA ACTS OF ASSEMBLY -- 2024 SESSION

CHAPTER 200

An Act to amend and reenact § 54.1-2807.01 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 54.1-2807.03, relating to funeral arrangements; disputes between next of kin; proof of next of kin status.

[H 652]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2807.01 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 54.1-2807.03 as follows:

§ 54.1-2807.01. When next of kin disagree.

A. In the absence of a designation under § 54.1-2825, when there is a disagreement among a decedent's next of kin concerning the arrangements for his funeral or the disposition of his remains, any of the next of kin may petition the circuit court where the decedent resided at the time of his death to determine which of the next of kin shall have the authority to make arrangements for the decedent's funeral or the disposition of his remains. The court may require notice to and the convening of such of the next of kin as it deems proper.

B. In determining the matter before it, the court shall consider the expressed wishes, if any, of the decedent, the legal and factual relationship between or among the disputing next of kin and between each of the disputing next of kin and the decedent, and any other factor the court considers relevant to determine who should be authorized to make the arrangements for the decedent's funeral or the disposition of his remains.

C. *When there is a disagreement among a decedent's next of kin concerning the arrangements for his funeral or the disposition of his remains, at least one of the next of kin shall, within 48 hours of the funeral service establishment receiving the decedent's remains, notify such funeral service establishment of the dispute, at which time the funeral service establishment shall immediately stop making arrangements for the decedent's funeral or for the disposition of the decedent's remains until such time as an agreement is reached by the disputing next of kin or a court of appropriate jurisdiction has ruled on any petition filed by such disputing next of kin.*

D. *If there is a dispute regarding the identity of any persons who have the right to make arrangements and otherwise be responsible for the decedent's funeral and the disposition of such decedent's remains, a funeral service establishment shall not be liable for refusing to dispose of the decedent's remains or complete the arrangements for the final disposition of such remains until the funeral service establishment receives a court order or written agreement signed by the disputing next of kin that establishes the final disposition of the decedent's remains. If the funeral service establishment retains the decedent's remains for final disposition while any such dispute is pending, the funeral service establishment may embalm or refrigerate and shelter the decedent's body for preservation purposes until the dispute is resolved. Any person or persons adjudged or agreed to have the right to make arrangements and otherwise be responsible for the decedent's funeral and the disposition of the decedent's remains shall be responsible for any costs incurred by the funeral service establishment pursuant to this subsection.*

§ 54.1-2807.03. Proof of next of kin status.

A. *A funeral service licensee may require that a person claiming next of kin status, in accordance with the definition of next of kin in § 54.1-2800, execute a document affirming that such person is the next of kin. Upon execution of this form, the funeral service licensee is exempt from any liability for allowing such person to proceed with funeral planning for the decedent.*

B. *A funeral service licensee may, as a part of affirming that such person is next of kin under this section, rely on the decedent's will that names such person as the individual the decedent wishes to serve as next of kin for making funeral and burial arrangements, regardless of whether the will has been probated.*

Code of Virginia

Title 54.1. Professions and Occupations

Subtitle III. Professions and Occupations Regulated by Boards within the Department of Health Professions

Chapter 28. Funeral Services

Article 2. Licensure of Funeral Establishments

§ 54.1-2811.1. Handling and storage of human remains

A. Upon taking custody of a dead human body, a funeral service establishment shall maintain such body in a manner that provides complete coverage of the body and that is resistant to leakage or spillage, except during embalming or preparation of an unembalmed body for final disposition; restoration and dressing of a body in preparation for final disposition; and viewing during any visitation and funeral service.

B. If a dead human body is to be stored for more than 48 hours prior to disposition, a funeral services establishment having custody of such body shall ensure that the dead human body is maintained in refrigeration at no more than approximately 40 degrees Fahrenheit or embalmed. A dead human body shall be maintained in refrigeration and shall not be embalmed in the absence of express permission by a next of kin of the deceased or a court order.

C. If a dead human body is to be stored for more than 10 days prior to disposition at a location other than a funeral service establishment, the funeral service establishment shall disclose to the contract buyer the location where the body is to be stored and the method of storage.

D. Funeral services establishments, crematories, or transportation services shall not transport animal remains together with dead human bodies. Further, animal remains shall not be refrigerated in a unit where dead human bodies are being stored.

2010, c. 823.

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

What constitutes
solicitation using in-
person communication
related to preneed
contracts?

Code of Virginia

Title 54.1. Professions and Occupations

Subtitle III. Professions and Occupations Regulated by Boards within the Department of Health Professions

Chapter 28. Funeral Services

Article 1. Board of Funeral Directors and Embalmers

§ 54.1-2806. Refusal, suspension, or revocation of license, registration, or courtesy card

A. As used in this section, "license" shall include any license, registration, or courtesy card issued by the Board.

B. The Board may refuse to admit a candidate to any examination, refuse to issue a license to any applicant and may suspend a license for a stated period or indefinitely, or revoke any license or censure or reprimand any licensee or place him on probation for such time as it may designate for any of the following causes:

1. Conviction of any felony or any crime involving moral turpitude;
2. Unprofessional conduct that is likely to defraud or to deceive the public or clients;
3. Misrepresentation or fraud in the conduct of the funeral service profession, or in obtaining or renewing a license;
4. False or misleading advertising or solicitation;
5. Solicitation at-need or any preneed solicitation using in-person communication by the licensee, his agents, assistants or employees; however, general advertising and preneed solicitation, other than in-person communication, shall be allowed;
6. Employment by the licensee of persons known as "cappers" or "steerers," or "solicitors," or other such persons to obtain the services of a holder of a license for the practice of funeral service;
7. Employment directly or indirectly of any agent, employee or other person, on part or full time, or on a commission, for the purpose of calling upon individuals or institutions by whose influence dead human bodies may be turned over to a particular funeral establishment;
8. Direct or indirect payment or offer of payment of a commission to others by the licensee, his agents, or employees for the purpose of securing business;
9. Use of alcohol or drugs to the extent that such use renders him unsafe to practice his licensed activity;
10. Aiding or abetting an unlicensed person to practice within the funeral service profession;
11. Using profane, indecent, or obscene language within the immediate hearing of the family or relatives of a deceased, whose body has not yet been interred or otherwise disposed of;
12. Solicitation or acceptance by a licensee of any commission or bonus or rebate in consideration of recommending or causing a dead human body to be disposed of in any crematory, mausoleum, or cemetery;

13. Violation of any statute, ordinance, or regulation affecting the handling, custody, care, or transportation of dead human bodies;
14. Refusing to surrender promptly the custody of a dead human body upon the express order of the person lawfully entitled to custody;
15. Knowingly making any false statement on a certificate of death;
16. Violation of any provisions of Chapter 7 (§ 32.1-249 et seq.) of Title 32.1;
17. Failure to comply with § 54.1-2812, and to keep on file an itemized statement of funeral expenses in accordance with Board regulations;
18. Knowingly disposing of parts of human remains, including viscera, that are received with the body by the funeral establishment, in a manner different from that used for final disposition of the body, unless the persons authorizing the method of final disposition give written permission that the body parts may be disposed of in a manner different from that used to dispose of the body;
19. Violating or failing to comply with Federal Trade Commission rules regulating funeral industry practices;
20. Violating or cooperating with others to violate any provision of Chapter 1 (§ 54.1-100 et seq.), Chapter 24 (§ 54.1-2400 et seq.), this chapter, or the regulations of the Board of Funeral Directors and Embalmers or the Board of Health;
21. Failure to comply with the reporting requirements as set forth in § 54.1-2817 for registered funeral service interns;
22. Failure to provide proper and adequate supervision and training instruction to registered funeral service interns as required by regulations of the Board;
23. Violating any statute or regulation of the Board regarding the confidentiality of information pertaining to the deceased or the family of the deceased or permitting access to the body in a manner that is contrary to the lawful instructions of the next-of-kin of the deceased;
24. Failure to include, as part of the general price list for funeral services, a disclosure statement notifying the next of kin that certain funeral services may be provided off-premises by other funeral service providers;
25. Disciplinary action against a license, certificate, or registration issued by another state, the District of Columbia, or territory or possession of the United States;
26. Failure to ensure that a dead human body is maintained in refrigeration at no more than approximately 40 degrees Fahrenheit or embalmed if it is to be stored for more than 48 hours prior to disposition. A dead human body shall be maintained in refrigeration and shall not be embalmed in the absence of express permission by a next of kin of the deceased or a court order; and
27. Mental or physical incapacity to practice his profession with safety to the public.

Code 1950, §§ 54-260.50, 54-260.59; 1956, c. 220; 1972, c. 797, § 54-260.74; 1979, c. 720; 1981, c. 258; 1986, c. 91; 1988, c. 765; 1989, c. 684; 1990, c. 363; 1996, c. 142; 2003, c. 505; 2006, c. 56;

2010, c. [324](#);2015, c. [534](#);2020, c. [885](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

Virginia Administrative Code
Title 18. Professional And Occupational Licensing
Agency 65. Board of Funeral Directors And Embalmers
Chapter 30. Regulations for Preneed Funeral Planning

Part II. Sale of Preneed Plans

18VAC65-30-50. Solicitation.

A. In accordance with provisions of § 54.1-2806 of the Code of Virginia, a licensee shall not initiate any preneed solicitation using in-person communication by the licensee or his agents, assistants, or employees.

B. After a request to discuss preneed planning is initiated by the contract buyer or interested consumer, any contact and in-person communication shall take place only with a funeral service licensee or a licensed funeral director. Funeral interns shall not engage in preneed planning or sales.

Statutory Authority

§54.1-2400 of the Code of Virginia.

Historical Notes

Derived from VR320-01-3 § 2.2, eff. March 1, 1991; amended, Virginia Register Volume 9, Issue 22, eff. August 25, 1993; Volume 11, Issue 14, eff. May 3, 1995; Volume 15, Issue 7, eff. January 20, 1999; Volume 20, Issue 21, eff. July 28, 2004; Volume 39, Issue 6, eff. December 7, 2022.

What constitutes enrollment “in a mortuary education program in the Commonwealth” for purposes of student assistance with embalming in a licensed Virginia funeral establishment?

Re: 18VAC65-20-236 _ Students Assisting with Embalming

From Janet Stephens <embalmer323@gmail.com>

Date Thu 9/12/2024 1:44 PM

To Tillman Wolf, Corie (DHP) <corie.wolf@dhp.virginia.gov>

 1 attachments (156 KB)

ABFSE Site Inspection Form.pdf;

Hi, Corie,

As a follow up to the previous email, I am attaching a copy of the ABFSE Site Inspection form that mortuary schools must use for off-campus embalming sites. It provides a checklist of items that must be met for the site visit which includes formaldehyde testing and various OSHA requirements. I think this would be good to share with the Board. Hopefully, their guidance will allow for Virginia students that attend online mortuary colleges that are ABFSE accredited to complete their embalming clinicals with a Virginia licensee. Let me know if you have any questions.

Regards,

Janet Stephens, Ed.S., CFSP, CCO
Education and Mortuary Consultant
Stephens Consulting
804.920.9583



CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information or otherwise be protected by law. Any access, use, disclosure or distribution of this email message by anyone other than the intended recipient(s) is unauthorized and prohibited. If you are not an intended recipient (or an agent acting on an intended recipient's behalf), please contact the sender by reply e-mail and immediately destroy all copies of the original message. Virus scanning is recommended on all email attachments.

On Tue, Sep 10, 2024 at 5:13 PM Janet Stephens <embalmer323@gmail.com> wrote:

Hi, Corrie,

Thanks for speaking with me today. I'm following up in regards to our conversation regarding student embalmings in Virginia. There are Virginia students who are attending fully online mortuary schools that are located in other states. These students need to be able to complete their embalming clinicals in a local Virginia funeral home under the supervision of a Virginia licensee.

As you seek guidance from the Board as to whether these Virginia students can complete their embalming clinicals under the current regulations, below are some things that can be brought to the Board's attention. All ABFSE accredited mortuary schools must adhere to the following criteria in regards to off-campus instruction:

7.2 The following is for off-campus instructional sites which includes instruction for management, funeral directing and embalming clinical. Whenever students receive program credit for work carried out off the main campus, the

following facilities requirements must be in effect:

7.2.1 The facility where students receive credit must be licensed by the appropriate authorities;

7.2.2 Off-campus instruction must take place in locations which offer adequate learning space for students. In the case of instruction in embalming, the facility must be of sufficient size to allow for satisfactory participation by each student.

7.2.3 Inspections of off-campus instructional sites must occur at least once every three years or prior to each use if the use occurs intermittently over a period of several years. Inspections must also occur whenever physical changes to the facility are reported.

7.2.3.a Inspections of off-campus instruction sites must ensure the location has a valid, current license.

7.2.3.b Inspections must ensure that off-campus sites are clean and adequate for instructional purposes.

7.2.3.c The inspection must ensure that appropriate equipment and protocols (drench shower, eye wash station, SDS and blood borne pathogen program, ventilation system, proper protective equipment, etc.) are in place and functioning.

Some mortuary schools with online programs such as Pierce Mortuary Colleges (Gupton-Jones, Dallas Funeral Service Institution & Mid-America) also require a recent formaldehyde test that meets OSHA guidelines.

I hope this is enough information to share with the Board in hopes that their guidance will allow for Virginia online mortuary students to complete their clinicals with a VA licensee.

Regards,

Janet Stephens, Ed.S., CFSP, CCO
Education and Mortuary Consultant

Stephens Consulting

804.920.9583



CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information or otherwise be protected by law. Any access, use, disclosure or distribution of this email message by anyone other than the intended recipient(s) is unauthorized and prohibited. If you are not an intended recipient (or an agent acting on an intended recipient's behalf), please contact the sender by reply e-mail and immediately destroy all copies of the original message. Virus scanning is recommended on all email attachments.



Clinical Site: _____

Address: _____

Date of site visit: _____ Method of visit: In-Person Virtual

Name of person conducting inspection visit: _____

Other person(s) present for inspection visit: _____

LICENSES:

Current establishment license(s) posted? Yes No

Current individual license(s) posted? Yes No

Licensee responsible for facility _____

Licensee(s) serving as preceptor _____

EQUIPMENT:

Number of embalming machines _____

Describe _____

Number of embalming tables _____

Describe _____

Aspiration equipment

Yes No Hydroaspirator describe _____

Yes No Electric aspirator describe _____

Yes No Sterilizer describe _____

Yes No Disinfection equipment describe _____

INSTRUMENTS:

Arterial tubes Yes No

Drainage instruments Yes No

Hemostats (lock forceps) Yes No

Forceps Yes No

Needle injector Yes No

Scalpel Yes No

Aneurysm hook/needle Yes No

Scissors Yes No

Suture needles Yes No

Trocar(s) Yes No

Autopsy aspirator Yes No

SUPPLIES:

Yes No Embalming chemicals and products

Describe _____

SAFETY/OSHA EQUIPMENT

Yes No Embalming machines safe and maintained? _____

Yes No Ventilation/exhaust system? Describe _____

Yes No Personal Protective Equipment available?

Yes No Eye-wash & drench shower station? Describe _____

Yes No OSHA signage posted?

Yes No SDS available? Location _____

Yes No Hazardous Waste receptacle present?

Yes No Bio-hazard labels in use?

Yes No Sharps container available?

Yes No First-Aid kit available and maintained?

Yes No Fire extinguisher available

Date and results of last formaldehyde test _____

OTHER:

Refrigeration available? Yes No

Crematory on-site? Yes No

Overall evaluation and/or comments: (to include general safety of work environment and cleanliness of preparation room)

Signature of person completing inspection

Signature of facility representative (title)

*This form is intended solely as an evaluation of a clinical site for educational purposes in compliance with ABSFE Standards. This form is not intended for any other purpose.

Code of Virginia

Title 54.1. Professions and Occupations

Subtitle III. Professions and Occupations Regulated by Boards within the Department of Health Professions

Chapter 28. Funeral Services

Article 1. Board of Funeral Directors and Embalmers

§ 54.1-2805. Engaging in the practice of funeral services or the business of preneed funeral planning or acting as a funeral director or embalmer without a license

A. It shall be unlawful for any person to engage in or hold himself out as engaging in the practice of funeral services or the business of preneed funeral planning, to operate a funeral service establishment, or to act as a funeral director or embalmer or hold himself out as such unless he is licensed by the Board. Engaging in the practice of funeral services, preneed funeral planning, operating a funeral service establishment, or acting as a funeral director or embalmer shall be recognized as that of a health profession.

B. Notwithstanding the provisions of subsection A, a person who is duly enrolled in a mortuary education program in the Commonwealth may assist in embalming while under the immediate supervision of a funeral service licensee or embalmer with an active, unrestricted license issued by the Board, provided that such embalming occurs in a funeral service establishment licensed by the Board and in accordance with regulations promulgated by the Board.

1974, c. 257, § 54-260.73:1; 1988, c. 765; 1989, c. 684; 2000, c. 773; 2018, c. 186.

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

Part III. Requirements for Licensure

18VAC65-20-236. Requirements for students assisting with embalming.

In accordance with § 54.1-2805 of the Code of Virginia, a student who is duly enrolled in a mortuary education program in the Commonwealth and who is not registered with the board as a funeral intern may assist in embalming in a funeral service establishment provided the following requirements are met:

1. The funeral establishment holds a current, unrestricted license issued by the board;
2. The funeral establishment and funeral service licensee or embalmer providing student supervision meet the accreditation standards of the American Board of Funeral Service Education and the Commission on Accreditation for off-campus embalming instruction;
3. Students shall receive instruction and shall observe embalming of a dead human body prior to assisting with an embalming in a funeral service establishment and shall assist with embalming in conjunction with an embalming laboratory course;
4. A funeral service licensee or embalmer may supervise up to three students under his immediate supervision, which shall mean the supervisor is physically and continuously present in the preparation room with the students to supervise each task to be performed;
5. A funeral service establishment shall include on the form granting permission to embalm information disclosing that the establishment is a training facility for mortuary education students and that a student may be assisting the licensee with embalming; and
6. The embalming report shall include the names of students assisting with an embalming and shall be signed by the supervisor.

Statutory Authority

§§ 54.1-2400 and 54.1-2805 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 35, Issue 10, eff. February 21, 2019.

Embalming equipment
in preparation rooms
where embalming is not
performed

Code of Virginia

Title 54.1. Professions and Occupations

Subtitle III. Professions and Occupations Regulated by Boards within the Department of Health Professions

Chapter 28. Funeral Services

Article 2. Licensure of Funeral Establishments

§ 54.1-2811. Facility requirements

A funeral service establishment shall contain 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.

A funeral service establishment having more than one location at which it performs funeral services shall not be required to maintain more than one preparation room.

The Board may adopt regulations and classifications to prescribe proper drainage and ventilation and necessary instruments and supplies in preparation rooms and separate restroom facilities.

Code 1950, §§ 54-260.39, 54-260.40; 1956, c. 220; 1972, c. 797, § 54-260.73; 1974, 164; 1978, c. 849; 1988, c. 765.

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

Part VII. Standards for Embalming and Refrigeration

18VAC65-20-540. Preparation room requirements.

- A. Every funeral service establishment at which embalming of dead human bodies is performed shall have at least one room used exclusively for embalming or preparation of the body.
- B. The following are required of the preparation room or rooms:
1. The walls shall extend floor to ceiling;
 2. The floor and wall surfaces shall be of a material or covered by a material impervious to water; and
 3. The material shall extend from wall to wall with all joints tight and sanitary.
- C. All functions connected with embalming shall be performed within the preparation room.

Statutory Authority

§ 54.1-2400 and Chapter 28 (§ 54.1-2800 et seq.) of Title 54.1 of the Code of Virginia.

Historical Notes

Derived from VR320-01-2 § 11.4, eff. October 24, 1990; amended, Virginia Register Volume 8, Issue 25, eff. October 7, 1992; Volume 11, Issue 14, eff. May 3, 1995; Volume 15, Issue 7, eff. January 20, 1999.

Virginia Administrative Code
Title 18. Professional And Occupational Licensing
Agency 65. Board of Funeral Directors And Embalmers
Chapter 20. Regulations Governing the Practice of Funeral Services

Part VII. Standards for Embalming and Refrigeration

18VAC65-20-570. Condition of preparation room.

A. The preparation room or rooms shall be kept in a clean and sanitary condition at all times, subject to inspection.

B. 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.

C. Any items or supplies not directly used in an embalming procedure shall not be stored in the preparation room.

Statutory Authority

§ 54.1-2400 and Chapter 28 (§ 54.1-2800 et seq.) of Title 54.1 of the Code of Virginia.

Historical Notes

Derived from VR320-01-2 § 11.7, eff. October 24, 1990; amended, Virginia Register Volume 8, Issue 25, eff. October 7, 1992; Volume 11, Issue 14, eff. May 3, 1995; Volume 20, Issue 8, eff. January 28, 2004; Errata 20:10 VA.R. 1060 January 26, 2004.

Part VII. Standards for Embalming and Refrigeration

18VAC65-20-580. Preparation room equipment.

The preparation room or rooms shall be equipped with:

1. A ventilation system which operates and is appropriate to the size and function of the room;
2. Running hot and cold water;
3. Flush or slop sink connected with public sewer or with septic tank where no public sewer is available;
4. Metal, fiberglass, or porcelain morgue table;
5. Covered waste container;
6. Instruments and apparatus for the embalming process;
7. A means or method for the sterilization or disinfection of reusable instruments by chemical bath or soak; autoclave (steam); or ultraviolet light;
8. Disinfectants and antiseptic solutions;
9. Clean gowns or aprons, preferably impervious to water;
10. Rubber gloves for each embalmer , intern, or student using the room;
11. An electric aspirator or hydroaspirator equipped with a vacuum breaker;
12. An eye wash station that is readily accessible; and
13. A standard first aid kit, that is immediately accessible, either in the preparation room or outside the door to the preparation room.

Statutory Authority

§§54.1-2400 and 54.1-2803 of the Code of Virginia.

Historical Notes

Derived from VR320-01-2 § 11.8, eff. October 24, 1990; amended, Virginia Register Volume 8, Issue 25, eff. October 7, 1992; Volume 11, Issue 14, eff. May 3, 1995; Volume 15, Issue 7, eff. January 20, 1999; Volume 20, Issue 8, eff. January 28, 2004; Volume 22, Issue 21, eff. July 26, 2006; Volume 29, Issue 25, eff. September 26, 2013; Volume 37, Issue 12, eff. March 3, 2021.