
Call to Order – Lacyn Barton, FSL, Board President

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

Approval of Minutes (p. 4-58)

- Board Meeting – January 14, 2025
- Examination Committee Meeting – January 14, 2025
- Legislative/Regulatory Committee Meeting – March 28, 2025

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.

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 – M. Brent Saunders, Senior Assistant Attorney General

Committee and Board Member Reports

- Report from the Annual Meeting of the International Conference of Funeral Service Examining Boards – **Lacyn Barton, FSL, Eric Wray, FSL, Blair Nelsen, FSL**
- Legislative/Regulatory Committee Report – **Lacyn Barton, FSL**
- Examination Committee Report – **R. Thomas Slusser, FSL**

Legislative and Regulatory Reports (p. 60)

- Legislative Report - 2025 General Assembly Session - **Erin Barrett, Director of Legislative and Regulatory Affairs**
 - Report on Status of Regulatory Actions - **Matt Novak, Policy and Economic Analyst**
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Board Action - Erin Barrett, Matt Novak, Corie E. Tillman Wolf (p. 68-97)

- Withdrawal of Guidance Document - Guidance for Embalming and Refrigeration Pending Resolution of Dispute Involving the Identity of the Next of Kin
 - Consideration of Recommendations of the Legislative/Regulatory Committee
 - Initiation of Notice of Intended Regulatory Action (NOIRA) or Fast-Track Action - Requirements for Preparation Rooms When Embalming Not Performed - Board Regulations Governing the Practice of Funeral Services (18VAC65-20-10 et seq.)
 - Guidance to Board Staff on Equipment Required in Preparation Rooms for Licensure of Establishments Where Embalming Not Performed
 - Adoption of Revisions to Board Guidance Document 65-11 - Guidance for Inspectors and Licensees
 - Adoption of Revisions to Policy Documents
 - Board Bylaws
 - Guidelines for Processing Applications for Licensure
 - Consider Guidance for Licensees Related to the Use of Online, Self-Guided Funeral or Preneed Planning Tools
 - Review of Recommendations to Streamline Inspection Process for Establishments and Crematories
 - Advancement of 2026 Legislative Proposal - Funeral Service Interns - Criminal History, Internship Timeline - Virginia Code § 54.1-2817
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Board Member Recognition

Next Meeting - July 8, 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

The Virginia Board of Funeral Directors and Embalmers convened for a full board meeting on Thursday, January 14, 2025, at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room #4, Henrico, Virginia.

BOARD MEMBERS PRESENT:

Lacyn Barton, FSL, President
K. Scott Hickey, MD, Secretary-Treasurer
Jason Graves, FSL
Muhammad Hanif, Citizen Member
Blair Nelsen, FSL
John Piotrowski, FSL
R. Thomas Slusser, FSL
Eric Wray, II, FSL

BOARD MEMBERS NOT PRESENT:

S. Jonathan Hines, FSL, Vice-President

DHP STAFF PRESENT FOR ALL OR PART OF THE MEETING:

Alesia Baskin, Senior Licensing Program Coordinator
Sarah Georgen, Licensing and Operations Supervisor
Annette Kelley, MS, CSAC, Deputy Executive Director
Melody Morton, Inspections Manager, Enforcement Division
Matt Novak, Policy and Economic Analyst
Arne Owens, Agency Director
Brent Saunders, Senior Assistant Attorney General, Board Counsel
Corie E. Tillman Wolf, JD, Executive Director

OTHER GUESTS PRESENT:

Derik Adams, FSL*
Clarence W. Ash, FSL*
Paul Harris, Regulatory Support Services
William M. Hill, FSL*
Barry Robinson, Virginia Morticians' Association
Janet Stephens, FSL, Stephens Consulting
Ebony Watford, FD*

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

CALL TO ORDER

Ms. Barton 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.

Ms. Barton read the mission of the Board, which is also the mission of the Department of Health Professions (DHP).

Ms. Barton 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

Ms. Barton opened the floor to any edits or corrections regarding the draft minutes for the Board Meeting held on October 10, 2024. Hearing none, the minutes were approved as presented.

ORDERING OF THE AGENDA

Ms. Barton opened the floor to any additional items to add to the agenda.

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

PUBLIC COMMENT

Barry Robinson, Virginia Morticians' Association, provided public comment. He thanked the Board for participating in an Education Meeting in November 2024. He requested consideration from the Board of the accessibility of Board meetings to licensees by video stream and the reduction of fees for licensees.

Janet Stephens, FSL, provided public comment on student embalming assistance performed by persons enrolled in online funeral service or mortuary education programs. Ms. Stephens stated that she is a FSL and faculty member with the Gupton Jones program. She asked that the Board consider allowing students who reside in Virginia, but who are enrolled in online programs, to complete their clinicals in Virginia.

AGENCY REPORT

As Mr. Owens was required to attend a meeting during the General Assembly session, Mr. Owens' agency report was deferred until later in the agenda.

STAFF REPORTS

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

Board Updates

Ms. Tillman Wolf provided updates to the Board on activities since the last meeting, including monitoring of legislation, scheduling of an Examination Committee meeting, responding to requests for training by the professional organizations, and preparing for the forthcoming 2025 renewal cycle.

Data Updates

Ms. Tillman Wolf provided updated data related to Funeral Director and Embalmer-only applications and licenses since 2021, in comparison to FSL applications and licenses issued in 2024. Ms. Tillman Wolf answered questions from the Board.

International Conference Updates

Ms. Tillman Wolf provided an update regarding the upcoming annual meeting of the International Conference of Funeral Service Examining Boards (The Conference), which is scheduled for February 2025. She reported that Ms. Barton, Mr. Wray, and Mr. Nelsen would attend the meeting.

Ms. Tillman Wolf stated that she was working with The Conference and Pearson Vue on updates to the Laws, Rules, and Regulations examination based on recommended updates to questions from the Examination Committee.

2025 Board Meetings

Ms. Tillman Wolf announced the remaining 2025 Board meeting schedule.

- April 15, 2025
- July 8 or 10, 2025
- October 7, 2025

Notes and Reminders

Ms. Tillman Wolf reminded board members of the deadline for their annual statement of economic interests, which is due February 3, 2025. She also provided reminders regarding travel authorization requirements.

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

Discipline Report – Annette Kelley, MS, CSAC, Deputy Executive Director

As of November 30, 2024, Ms. Kelley reported the following disciplinary statistics:

- 8 Patient Care Cases

- 0 at Informal
- 0 at Formal
- 7 at Enforcement
- 1 at Probable Cause
- 0 at APD

- 68 Non-Patient Care Cases
 - 0 at Informal
 - 0 at Formal
 - 26 at Enforcement
 - 42 at Probable Cause
 - 0 at APD

- 12 at Compliance

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

- | | |
|-------------------|-------------------|
| ● Q1 2022 – 19/18 | ● Q4 2023 – 27/11 |
| ● Q2 2022 – 19/12 | ● Q1 2024 – 24/22 |
| ● Q3 2022 – 24/22 | ● Q2 2024 – 23/32 |
| ● Q4 2022 – 28/21 | ● Q3 2024 – 19/28 |
| ● Q1 2023 – 5/23 | ● Q4 2024 – 21/37 |
| ● Q2 2023 – 10/21 | ● Q1 2025 – 17/17 |
| ● Q3 2023 – 11/13 | |

With no questions, Ms. Kelley 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	June 30, 2024 (Q4 2024)	September 30, 2024 (Q1 2025)	Difference (+/-)
Funeral Service Licensees	1,554	1,586	+32
Funeral Director	58	61	-3
Embalmer Only	4	4	0
Supervisors	282	295	+13
Funeral Service Interns	193	184	-9
Funeral Directing Interns	37	40	+3
Embalmer Interns	5	4	-1

Funeral Establishments	412	421	+9
Branch Establishments	88	89	+1
Crematories	137	138	+1
CE Providers	13	10	-3
Courtesy Card Holders	137	144	+7
Surface Transport & Removal Svc.	49	53	+4
Total (*not incl. supervisors)	2,687	2,734	+47

Ms. Georgen reviewed the trends of licensure counts since Q4 – 2020.

2025 Licensure Renewal Notifications

Ms. Georgen provided information regarding the upcoming 2025 licensure renewal notifications.

Email Addresses on File

Ms. Georgen provided an update on the email addresses on file with the Board to ensure accurate communication with licensees during the renewal process.

Customer Satisfaction

Ms. Georgen provided information on the 2024 fiscal year customer satisfaction survey results.

Call Trends

Ms. Georgen provided information on the call trends since 2019.

Updates

Ms. Georgen provided information on the Board newsletter released in October 2024, website updates to frequently asked questions, and an updated application for funeral establishment or branch temporary change of manager notice.

On the Horizon

Ms. Georgen announced the creation of a continuing education audit bot to assist in providing notifications and correspondence to licensees.

Updates for Expense Reimbursement Vouchers

Ms. Georgen provided information regarding recent updates to the IRS standard mileage rate increase and the Federal General Services Administration per diem increase. She also provided a reminder regarding the Virginia Department of Accounts remittance electronic data interchange.

With no questions, Ms. Georgen concluded her report.

Inspections Report, Melody Morton, Inspections Manager, DHP Enforcement Division

Ms. Morton provided an update regarding Senior Inspector staffing changes in 2024.

Ms. Morton provided an overview of the Senior Inspectors' work related to the Board to include investigative case numbers and hours, inspection totals, and the nature of deficiencies noted.

Ms. Morton answered questions from the Board.

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

Mr. Saunders had no matters to report to the Board.

COMMITTEE AND BOARD MEMBER REPORTS

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

Ms. Barton provided an update regarding the recent activities of the International Conference of Funeral Service Examining Boards (The Conference) and the National Board Examination (NBE) national pass rate statistics for first-time test takers.

Ms. Barton stated that the Model Practice Act draft was available for review by practitioners and the public and that The Conference would consider any comments received.

Ms. Barton also announced the The Conference's 121st Annual Meeting, which will be held in Palm Springs, California, on February 26-27, 2025. She stated that online registration was available and that delegate grants for board members and staff to participate were available.

With no questions, Ms. Barton concluded her report.

LEGISLATIVE AND REGULATORY REPORT

Report on Status of Regulations and Legislative Report - Matt Novak, Policy and Economic Analyst

Mr. Novak provided an update on pending regulatory actions and the 2025 General Assembly.

Mr. Novak answered questions from the Board related to the legislative report.

Mr. Owens arrived at 11:05 a.m.

AGENCY REPORT

Mr. Owens reported on the beginning of the 2025 General Assembly. He stated that the agency bills introduced this year were geared primarily toward the healthcare workforce.

Mr. Owens provided a brief report about agency operations and employee retention efforts, including the recent conclusion of an agency salary study.

With no questions, Mr. Owens concluded his report.

BOARD ACTION

Adoption of Proposed Regulations for Regulatory Reduction (Chapters 18VAC65-20, 18VAC65-30, and 18VAC65-40)

Mr. Novak provided an overview of the draft proposed regulations for regulatory reduction found in Chapters 18VAC65-20, 18VAC65-30, and 18VAC65-40.

Ms. Tillman Wolf answered questions related to the proposed changes to 18VAC65-20-350(C) and stated that alternative language had been considered by the Legislative/Regulatory Committee, but that the Board had not finalized proposed amendments in this area. The proposed language paragraph C in the Board's agenda packet could be amended in line with that alternative language:

The board may grant licensure to an applicant who holds a valid license for the practice of funeral directing or an equivalent license in another state, territory, or the District of Columbia and who (i) has completed a board-approved funeral directing program with at least 30 credit hours of instruction and (ii) has engaged in the licensed, active practice of funeral directing in another jurisdiction for a period of not less than five years.

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

Mr. Novak provided information on proposed amendments to Chapter 30 regarding preneed contracts including sections that could be moved to Appendices. Ms. Tillman Wolf stated that the Board may wish to consider leaving in the language that appears in the current 18VAC65-30-110 regarding cancellation or transfer of contracts, as this language may get lost if moved to an Appendix.

Upon a **MOTION** by Mr. Nelsen, properly seconded by Mr. Wray, the Board voted to remove the proposed amendment to 18VAC65-30-110. The motion carried (8-0).

Mr. Novak stated that the content of 18VAC65-30-220 for preneed contracts is proposed to be moved to an Appendix which would be numbered Appendix IV or 4. The inclusion of the number is an amendment to the text in the agenda packet.

Upon a **MOTION** by Mr. Graves, properly seconded by Mr. Slusser, the Board voted to accept the amendment to 18VAC65-30-220, as amended. The motion carried (8-0).

Mr. Novak stated that the content of 18VAC65-30-230 for disclosure statements is proposed to be moved to an Appendix which would be numbered Appendix V or 5. The inclusion of the number is an amendment to the text in the agenda packet.

Upon a **MOTION** by Mr. Nelsen, properly seconded by Mr. Graves, the Board voted to accept the amendment to 18VAC65-30-230, as amended. The motion carried (8-0).

Mr. Novak provided information on proposed amendments to the Board's Chapter 40 regulations for internships.

Ms. Tillman Wolf provided clarification regarding the language in 18VAC65-40-185 that relates to embezzlement convictions and internship registration, stating that the regulatory language tracks the language in Code that currently exists for funeral service interns. She noted that the Legislative/Regulatory Committee and the full Board had previously considered and proposed legislative amendments related to embezzlement as a barrier for intern registration.

Mr. Novak provided information on a proposed change to the language in the Board's packet in 18VAC65-40-250 to clarify that the Board has discretion to deny applications for supervisor registrations where the licensee has had Board discipline within the previous two years. The proposed change would be to state "may deny" instead of "may approve."

Upon a **MOTION** by Mr. Wray, properly seconded by Mr. Slusser, the Board voted to accept the amendment to 18VAC65-40-250, as amended. The motion carried (8-0).

Ms. Tillman Wolf answered questions from the Board regarding 18VAC-65-20-70, which concerns required fees for licensure and renewal. She suggested that with any Board inquiry related to licensure and renewal fees, DHP's Finance and Budget Director be asked to provide a full picture of the Board's budget and finances for consideration.

Upon a **MOTION** by Mr. Wray, properly seconded by Mr. Piotrowski, the Board voted to adopt the proposed regulations for regulatory reduction (Chapters 18VAC65-20, 18VAC65-30, and 18VAC65-40) as amended. The motion carried (8-0).

Consideration of Petition for Rulemaking and Public Comments (Henniger)

Mr. Novak provided a summary of the petition for rulemaking and the Board's options for response. Mr. Novak noted that no public comments had been received regarding the petition. Mr. Novak further noted that, if the Board approved the petition and proceeded with rulemaking, the Board would be limited to making amendments to the one regulation cited in the petition. Ms. Tillman Wolf noted that, should the Board wish to clarify this area of the regulations for establishments that do not perform embalming, there would be other regulations that may need to be amended to address the concern raised in the petition.

Upon a **MOTION** by Mr. Nelsen, properly seconded by Mr. Slusser, the Board voted to deny the petition and refer the petition for further consideration by the Legislative/Regulatory Committee of regulatory amendments and guidance. The motion carried (8-0).

Consideration of Adoption of Guidance Documents

Embalming Pending Resolution of Disputes Involving Next-of-Kin (Virginia Code §§ 54.1-2806, 54.1-2807.01, 54.1-2811.1)

Mr. Novak provided information on the regulatory process related to guidance documents.

Ms. Tillman Wolf provided additional background on the proposed guidance document that arose from a potential conflict created by legislation passed in 2024 related to embalming of remains pending the resolution of a next-of-kin dispute. Ms. Tillman Wolf answered questions regarding the proposed guidance document.

Board members discussed the deletion of the fourth paragraph in the original draft to avoid creating more confusion for licensees.

Upon a **MOTION** by Mr. Wray, properly seconded by Mr. Graves, the Board voted to adopt Guidance for embalming and refrigeration pending resolution of a dispute involving the identity of next-of-kin as amended. The motion carried (8-0).

Embalming Assistance by Students Enrolled in Online Programs Outside of the Commonwealth of Virginia (Virginia Code § 54.1-2805)

Ms. Tillman Wolf provided a summary of and background regarding the proposed guidance document.

Upon a **MOTION** by Mr. Nelsen, properly seconded by Mr. Wray, the Board voted to adopt Guidance on student embalming assistance performed by persons enrolled in online funeral service or mortuary education programs outside of the Commonwealth of Virginia as presented. The motion carried (8-0).

NEW BUSINESS

Ms. Tillman Wolf provided information related to a question from a licensee regarding online, self-guided preneed planning tools.

Mr. Nelsen left at 12:11 p.m.

Upon a **MOTION** by Dr. Hickey, renewed by Mr. Nelsen, and properly seconded by Mr. Graves, the Board voted to refer the question to the Legislative/Regulatory Committee. The motion carried (7-0).

NEXT MEETING

The next meeting date is April 15, 2025.

ADJOURNMENT

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

Corie E. Tillman Wolf, JD, Executive Director

Date

Project 7556 - Proposed

Board of Funeral Directors And Embalmers

2023 Regulatory Reduction

18VAC65-20-110. Additional fee information.

A. There shall be a handling fee of \$50 for returned checks or dishonored credit cards or debit cards.

B. Fees shall not be refunded once submitted.

C. The fee for the ~~Virginia State Board Examination~~ Virginia State Examination on Laws, Rules, and Regulations shall be paid directly to the examination service contracted by the board for its administration.

18VAC65-20-140. Reinstatement of expired license or registration.

A. The board may consider reinstatement of an expired license or registration that has not been renewed within one year of expiration ~~for up to three years following expiration~~. An application request for reinstatement shall be submitted to the board and shall include payment of the reinstatement fee prescribed in 18VAC65-20-70.

B. If the Virginia license of a funeral service licensee, a funeral director, or an embalmer is lapsed three years or less and the applicant is seeking reinstatement, the applicant shall provide evidence of having completing the number of continuing competency hours required for the period in which the license has been lapsed.

C. ~~When~~ If a license is not reinstated within three years of its expiration date, ~~an~~ the applicant shall ~~reapply for licensure~~ apply for reinstatement and pass the state examination.

18VAC65-20-152. Continuing education providers.

A. Unless disqualified by action of the board, courses offered by the following providers are approved for continuing education credit:

1. Local, state, or federal government agencies;
2. Regionally accredited colleges and universities; or
3. Board-recognized national, regional, state, and local associations or organizations as follows:
 - a. National Funeral Directors Association and state chapters;
 - b. National Funeral Directors and Morticians Association and state chapters;
 - c. Association of Independent Funeral Homes of Virginia;
 - d. Cremation Association of North America;
 - e. American Board of Funeral Service Education;
 - f. International Conference of Funeral Service Examining Boards;
 - g. Virginia Morticians Association; and
 - h. Other similar associations or organizations as approved by action of the board.

B. Course providers not listed in subsection A of this section may apply for approval by the board as continuing education providers.

1. To be considered for board approval, a continuing education provider shall submit 60 days prior to offering a continuing education course:

- a. Documentation of an instructional plan and course objectives for the continuing education course that meets the criteria set forth in 18VAC65-20-151 B;

b. A syllabus or course outline of the course to be offered with the credentials of the course instructors, a description of each session, including number of continuing education hours; and

c. The continuing education provider fee set forth under 18VAC65-20-70.

2. Board approval of continuing education providers under this subsection shall expire on July 1 of each year and may be renewed upon resubmission of documentation on courses and instructors and the provider fee as required by the board.

3. Renewed approval of a continuing education provider may be granted without submission of an additional course review fee if the provider submits a statement that courses and instructors offered for the coming year will not change from the previous year. If there will be additions or alterations to the continuing education offerings of a provider, resubmission of course documentation and an additional course review fee is required.

4. If additional courses are submitted for board approval beyond those courses submitted with an initial or renewal application, the continuing education provider shall remit the fee for review under 18VAC65-20-70.

C. Continuing education providers approved under subsection A or B of this section shall:

1. Maintain and provide to the board upon request documentation of the course titles and objectives and of licensee attendance and completion of courses for a period of two years;

2. Monitor attendance at classroom or similar educational experiences for compliance with law and regulations; and

3. Provide a certificate of completion for licensees who successfully complete a course.

18VAC65-20-153. Documenting compliance with continuing education requirements.

A. All licensees with active status are required to maintain original documentation of continuing education for a period of three years after the corresponding annual renewal period.

B. After the end of each renewal period, the board may conduct a random audit of licensees to verify compliance with the requirement for that renewal period.

C. Upon request, a licensee shall provide documentation within 14 days as follows:

1. Official transcripts showing credit hours earned from an accredited institution; or

2. Certificates of completion from approved providers.

D. Compliance with continuing education requirements, including the subject and purpose of the courses as prescribed in 18VAC65-20-151 B, the maintenance of records, and the relevance of the courses to the category of licensure, is the responsibility of the licensee. The board may request additional information if such compliance is not clear from the transcripts or certificates.

~~E. Continuing education hours required by disciplinary order shall not be used to satisfy renewal requirements.~~

18VAC65-20-170. Requirements for an establishment license.

A. No person shall maintain, manage, or operate a funeral service establishment in the Commonwealth, unless such establishment holds a license issued by the board. The name of the funeral service licensee or licensed funeral director designated by the ownership to be manager of record for the establishment shall be included on the license.

B. Except as provided in § 54.1-2810 of the Code of Virginia, every funeral service establishment and every branch or chapel of such establishment, regardless of how owned, shall have a separate manager of record who has responsibility for the establishment as

prescribed in 18VAC65-20-171. The owner of the establishment shall not abridge the authority of the manager of record relating to compliance with the laws governing the practice of funeral services and regulations of the board.

C. ~~At least 30 days prior to opening an establishment, an~~ An owner or licensed manager seeking an establishment license shall submit simultaneously a completed application, any additional documentation as may be required by the board to determine eligibility, and the applicable fee. An incomplete package will be returned to the licensee. A license shall not be issued until an inspection of the establishment has been completed and approved.

D. Within 30 days following a change of ownership, the owner or licensed manager shall request a reinspection of the establishment, submit an application for a new establishment license with documentation that identifies the new owner, and pay the licensure and reinspection fees as required by 18VAC65-20-70. Reinspection of the establishment may occur on a schedule determined by the board, but shall occur no later than one year from the date of the change.

E. The application for licensure of a branch or chapel shall specify the name of the main establishment and contain an attestation of the affiliation of the branch or chapel and the main establishment.

F. In the event of an emergency requiring the evacuation or discontinued use of a funeral establishment, the impacted establishment may be approved by the board to continue operations out of another licensed funeral establishment for a period of no more than 60 days. The impacted establishment may request an extension of emergency operations for an additional 30 days upon good cause shown. In requesting approval for conducting emergency operations under this section, the impacted funeral establishment shall submit documentation that identifies the manager of record for both the impacted establishment and establishment for emergency operations and any agreement for emergency usage.

18VAC65-20-231. Requirements for a funeral director license by examination.

A. To qualify for licensure as a funeral director, a person shall:

1. Be at least 18 years of age and hold a high school diploma or its equivalent;
2. Have completed a funeral service or funeral directing internship as prescribed by the board in regulation;
3. Have graduated from a school of mortuary science or funeral service accredited by the American Board of Funeral Service Education, Incorporated or have completed an associate's degree or its equivalent, which consists of at least 60 credit hours of coursework, of which at least 30 hours shall be from a funeral directing program approved by the board;
4. Have successfully completed coursework in the area of pathology as approved by the board;
5. Have passed the National Board Examination in Arts or State Board Examination in Arts of the International Conference of Funeral Service Examining Boards; and
6. Have passed the Virginia State Board Examination on the laws, rules, and regulations for funeral practice.

B. Applicants shall submit school transcripts and National Board Examination or ~~State Board Examination~~ Virginia State Examination on Laws, Rules, and Regulations scores as part of an application package, including the required fee and any additional documentation as may be required to determine eligibility.

C. The board, in its discretion, may license an individual convicted of a felony if such individual has successfully fulfilled all conditions of sentencing, been pardoned, or has had his

civil rights restored. The board may refuse to license an individual who has a criminal or disciplinary proceeding pending against him in any jurisdiction in the United States.

18VAC65-20-232. Requirements for an embalmer license by examination.

A. To qualify for licensure as an embalmer, a person shall:

1. Be at least 18 years of age and hold a high school diploma or its equivalent;
2. Have completed a funeral service or an embalming internship as prescribed by the board in regulation;
3. Have graduated from a school of mortuary science or funeral service accredited by the American Board of Funeral Service Education, Incorporated or have completed an embalming program approved by the board;
4. Have passed the National Board Examination in Sciences or State Board Examination in Sciences of the International Conference of Funeral Service Examining Boards; and
5. Have passed the ~~Virginia State Board Examination on the laws, rules, and regulations for funeral practice~~ Virginia State Exam on Laws, Rules, and Regulations.

B. Applicants shall submit school transcripts and National Board Examination or State Board Examination scores as part of an application package, including the required fee and any additional documentation as may be required to determine eligibility.

C. The board, in its discretion, may license an individual convicted of a felony if such individual has successfully fulfilled all conditions of sentencing, been pardoned, or has had his civil rights restored. The board may refuse to license an individual who has a criminal or disciplinary proceeding pending against him in any jurisdiction in the United States.

18VAC65-20-240. Requirements for funeral service licensure by examination.

A. Application requirements. Applicants shall submit official mortuary school transcripts and national examination board scores as part of an application package, including the required fee and any additional documentation as may be required to determine eligibility.

B. National examination requirements. Prior to applying for licensure by examination, every applicant shall pass the National Board Examination of the International Conference of Funeral Service Examining Boards.

C. State examination requirements. All applicants shall pass the ~~Virginia State Board Examination~~ Virginia State Examination on Laws, Rules, and Regulations.

18VAC65-20-350. Requirements for licensure by reciprocity or endorsement.

A. Licenses for the practice of funeral service, funeral directing, embalming, or an equivalent license issued by other states, territories, or the District of Columbia may be recognized by the board and the holder of such license may be granted a license to practice funeral service, funeral directing, or embalming within the Commonwealth.

Licenses may be granted to applicants by the board on a case-by-case basis if the applicant holds a valid license for the practice of funeral service, funeral directing, embalming, or an equivalent license in another state, territory, or the District of Columbia and possesses credentials that are substantially similar to or more stringent than required by the Commonwealth for initial licensure at the time the applicant was initially licensed.

B. An applicant for licensure by reciprocity or endorsement shall pass the ~~Virginia State Board Examination~~ Virginia State Examination on Laws, Rules, and Regulations.

C. The board may grant licensure to an applicant who holds a valid license for the practice of funeral directing or an equivalent license in another state, territory, or the District of Columbia and who (i) has completed a board-approved funeral directing program with at least 30 credit

hours of instruction and (ii) has engaged in the licensed, active practice of funeral directing in another jurisdiction for a period of not less than five years.

18VAC65-20-435. Registration of crematories.

A. ~~At least 30 days prior to opening a crematory, any~~ Any person intending to own or operate a crematory shall apply for registration with the board by submitting a completed application and fee as prescribed in 18VAC65-20-70. The name of the individual designated by the ownership to be the crematory manager shall be included on the application. The owner of the crematory shall not abridge the authority of the crematory manager relating to compliance with the laws governing the practice of funeral services and regulations of the board. The designated crematory manager may be the manager of record of a funeral establishment co-located on the same premises. Once the crematory equipment is deemed functional and an initial crematory inspection is completed, the board may issue the crematory a registration to operate.

B. Every crematory, regardless of how owned, shall have a manager who has (i) achieved certification by the Cremation Association of North America (CANA); the International Cemetery, Cremation and Funeral Association (ICCFA); or other certification recognized by the board and (ii) received training in compliance with standards of the Occupational Health and Safety Administration (OSHA) for universal precautions and bloodborne pathogens.

C. The manager shall be fully accountable for the operation of the crematory as it pertains to the laws and regulations governing the practice of funeral services, to include but not be limited to:

1. Maintenance of the facility within standards established in this chapter;
2. Retention of reports and documents as prescribed by the board in 18VAC65-20-436 during the period in which he serves as crematory manager; and
3. Reporting to the board of any changes in information as required by 18VAC65-20-60.

D. All persons who operate the retort in a crematory shall have certification by the Cremation Association of North America (CANA); the International Cemetery, Cremation and Funeral Association (ICCFA); or other certification recognized by the board. Persons receiving training toward certification to operate a retort shall be allowed to work under the supervision of an operator who holds certification for a period not to exceed six months.

E. A crematory providing cremation services directly to the public shall also be licensed as a funeral service establishment or shall be a branch of a licensed establishment.

F. When a crematory application is pending and the conduct of a cremation is necessary to ensure the proper function of retort equipment, the board may authorize the crematory to conduct a test cremation prior to registration. ~~Once the crematory equipment is deemed functional and an initial crematory inspection is completed, the board may issue the crematory a registration to operate.~~

G. The board may take disciplinary action against a crematory registration for a violation of § 54.1-2818.1 of the Code of Virginia or for the inappropriate handling of dead human bodies or remains.

18VAC65-20-581. Refrigeration requirements.

A. If a dead human body is to be in the possession of a funeral establishment ~~or crematory~~ for more than 48 hours from the time the funeral establishment or crematory takes physical possession of the body until embalming, cremation, or burial, the body shall be placed and maintained in refrigeration in a mechanical refrigeration unit suitable for storing human remains in accordance with subsection B of § 54.1-2811.1 of the Code of Virginia. Crematories shall follow the requirements of 18VAC65-20-436 regarding refrigeration.

B. The mechanical refrigeration unit may be located in the funeral establishment or crematory, or the funeral establishment or crematory may enter into an agreement or contract with another funeral establishment, crematory, or other licensed entity for refrigeration in a mechanical refrigeration unit.

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

18VAC65-30-220. Content of preneed contracts.

The following information shall be contained in any contract for preneed funeral planning.

Date: _____

Contract: _____

~~PRENEED FUNERAL CONTRACT~~

~~for~~

~~(Name of Recipient of Services)~~

_____ (Zip) _____

~~I. SUPPLIES AND SERVICES PURCHASED~~

~~If goods and services are guaranteed and your contract is fully paid or funded at the time of your death, no additional cost will incur for your family or estate even though the actual prices of goods and services may increase between the date of this contract and the time of need. (Please see the disclosure document.)~~

~~If goods and services are nonguaranteed, your family or estate may incur additional costs for goods and services as the prices for these items may increase from the date of the contract to the time of need.~~

~~Cash advance items are not guaranteed. A cash advance item is any item obtained from a third party by the funeral home on your behalf. Cash advance items may include cemetery or crematory services, pall bearers, public transportation, clergy honoraria, flowers, musicians or singers, nurses, obituary notices, gratuities, and death certificates.~~

~~Charges are only for those items that you selected or that are required. If we are required by law or by a cemetery or crematory to use an item, we will explain the reasons in writing below. If you selected a funeral that may require embalming, such as a funeral with a viewing, you may have to pay for embalming. You do not have to pay for embalming you did not select if you select arrangements such as a direct cremation or immediate burial.~~

~~Guaranteed Services Purchased~~

~~I. BASIC SERVICES OF FUNERAL DIRECTOR AND STAFF~~

~~\$ _____~~

~~II. FUNERAL HOME FACILITIES~~

- A. Facilities and Staff for visitation/viewing \$ _____
- B. Facilities and Staff for funeral ceremony \$ _____
- C. Facilities and Staff for memorial service \$ _____
- D. Equipment and Staff for graveside service \$ _____

(NOTE TO FUNERAL HOME: If you have additional charges such as facilities and staff for home/church viewing, or a charge for additional staff person or through calculation of manhours, etc., add here as extra items. If you have a charge for equipment for interment, add here.)

III. EMBALMING

- A. Normal remains \$ _____
- B. Autopsy remains \$ _____

IV. OTHER PREPARATION OF THE BODY \$ _____

(NOTE: List all items that you placed under Other Preparation on your General Price List.)

V. IMMEDIATE BURIAL \$ _____

VI. DIRECT CREMATION \$ _____

VII. TRANSFER OF REMAINS TO FUNERAL ESTABLISHMENT \$ _____

VIII. FORWARDING REMAINS TO ANOTHER FUNERAL HOME \$ _____

IX. RECEIVING REMAINS FROM ANOTHER FUNERAL HOME \$ _____

X. AUTOMOTIVE EQUIPMENT

- A. Hearse \$ _____
- B. Limousine \$ _____

(NOTE: List all others that you placed on General Price List.)

XI. FUNERAL MERCHANDISE

- A. Casket (*describe)

 _____ \$ _____

- B. Outer Burial Container (*describe)

 _____ \$ _____

- C. List any others

 _____ \$ _____

Supplies Purchased

Clothing \$ _____

Temporary marker	\$ _____
Acknowledgment cards	\$ _____
Register/attendance books	\$ _____
Memorial folders	\$ _____
Other	\$ _____
SUBTOTAL COSTS OF (GUARANTEED) SUPPLIES PURCHASED:	\$ _____

XII. PACKAGE PRICES

(NOTE: List all package prices by name.)

SUBTOTAL COSTS OF (GUARANTEED) SUPPLIES PURCHASED:	\$ _____
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Nonguaranteed Goods and Services Purchased

The actual prices of goods and services below are NOT GUARANTEED. These items may include obituary notices, death certificates, cemetery fees, flowers, sales tax, etc. The prices are estimated and the estimates will be included in the Grand Total Contract Price. The differences between the estimated prices below and the actual cost will be settled with your family or estate at the time of need:

SUBTOTAL ESTIMATED COSTS OF NONGUARANTEED ITEMS:	\$ _____
---	-----------------

GRAND TOTAL FOR PRENEED ARRANGEMENTS

- 1. Total cost of (guaranteed) services purchased \$ _____
- 2. Total cost of (guaranteed) supplies purchased \$ _____
- 3. Total estimated cost of nonguaranteed items \$ _____

GRAND TOTAL	\$ _____
--------------------	-----------------

The only warranties, express or implied, granted in connection with the goods sold in this preneed funeral contract, are the express written warranties, if any, extended by the manufacturers thereof. No other warranties and no warranties of **MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE** are extended by the (funeral home)

GENERAL INFORMATION

In order that the Buyer may understand the relationship of all parties involved in this preneed arrangement and contract, the following is provided:

- A. Buyer:
- B. Funeral Home Providing Services:
- C. Contract seller:

Employed by: (Funeral Home)

Virginia Funeral Director or Funeral Service Licensee License Number:

II. METHOD OF FUNDING

~~A. Trust.~~

~~The following information will be given if a trust is used to fund this agreement:~~

- ~~1. Amount to be trusted:~~
- ~~2. Name of trustee:~~
- ~~3. Disposition of Interest:~~
- ~~4. Fees, expenses, taxes deducted from earned interest:~~
- ~~5. Buyer's responsibility for taxes owned on interest:~~

~~B. Insurance or annuity contract.~~

~~The following information will be given if an insurance policy or annuity contract is used to fund this agreement:~~

- ~~1. Buyer:~~
- ~~2. Insurance Company:~~
- ~~3. Insurance Agent:~~

~~Employed by: (Insurance Company)~~

~~Licensed Funeral Director or Funeral Service Licensee in Virginia: ___yes___no~~

~~Funeral Director or Funeral Service Licensee License Number (If Applicable):~~

~~Employed by Funeral Home (If Applicable):~~

~~4. The life insurance or annuity contract provides that the face amount of any life insurance policy issued to fund a preneed funeral contract shall not be decreased over the life of the life insurance policy except for life insurance policies that have lapsed due to the nonpayment of premiums or have gone to a nonforfeiture option that lowers the face amount as allowed for in the provisions of the policy.~~

~~III. CONSUMER INFORMATION~~

~~The Board of Funeral Directors and Embalmers is authorized by Chapter 28 (§ 54.1-2800 et seq.) of Title 54.1 of the Code of Virginia to regulate the practice of preneed funeral planning. Consumer complaints should be directed to:~~

~~The Board of Funeral Directors and Embalmers~~

~~9960 Mayland Drive, Suite 300~~

~~Richmond, Virginia 23233~~

~~Telephone Number: (804) 367-4479~~

~~Toll Free Number for complaints: 1-800-533-1560~~

~~FAX: (804) 527-4413~~

~~Website: www.dhp.virginia.gov~~

~~IV. DISCLOSURES~~

~~The disclosure statements will be available for your review. The General Price List shall be furnished to you by the contract seller. These contain information that you must receive by law and/or the authority of the Board of Funeral Directors and Embalmers. You are entitled to receive all information in clear and simple language including the language of the funding agreement for this preneed arrangement.~~

~~If any law, cemetery, or crematory requires the purchase of any of those items listed in Part I, the requirements will be explained in writing.~~

~~By signing this contract, buyer acknowledges availability of and opportunity to read a copy of all of the required documents.~~

~~By signing this contract, contract seller acknowledges that the General Price List and the required disclosures have been furnished to the contract buyer.~~

~~V. TERMINATION OF CONTRACT~~

~~This person who funds this contract through a trust agreement may terminate this preneed contract at any time prior to the furnishing of the services or supplies contracted for:~~

~~Within 30 days~~

~~If you terminate this preneed contract within 30 days of the date of this contract, you will be refunded all payments of whatever type you have made, plus any interest or income you may have earned.~~

~~More than 30 days~~

~~If you terminate this preneed contract more than 30 days after the date on this contract, you will be refunded whatever amount was required to be placed in a revocable trust fund, plus any interest or income it has earned.~~

~~Any person who funds this contract through a trust fund that is irrevocable or through an insurance/annuity policy or through the transfer of real estate/personal property may not be eligible for a refund.~~

~~VI. STATEMENT OF GUARANTEE~~

~~By signing this contract, (Funeral Home) _____ agrees to the statement checked below (check one):~~

~~_____ Prefinancing guarantees that no additional payment will be required from the family or estate for guaranteed services and supplies provided the Grand Total of these arrangements is paid in full and the interest is allowed to accumulate in your account (see page _____ for Grand Total amount). Payment of the difference will be required for the nonguaranteed estimated items if they increase in price.~~

~~_____ The prices for items under supplies and services are not guaranteed.~~

~~VII. AGREEMENT~~

~~In witness whereof, the Buyer and the Funeral Home have executed this contract, intending its terms to be in accordance with the Code of Virginia and any regulations implementing the Code. By signing this contract you acknowledge that you have been provided access to and the opportunity to read the Disclosure Statements.~~

~~(Designee of Funeral Home)~~

~~(Buyer)~~

~~(Funeral Home)~~

~~(Contract Date)~~

~~VIII. PENALTIES OR RESTRICTIONS~~

~~The (funeral home) _____, has the following penalties or restrictions on the provisions of this contract.~~

- ~~1. (Insert geographic restrictions);~~
- ~~2. (Insert an explanation of the Funeral Home's inability to perform the request(s) of the Buyer);~~
- ~~3. (Insert a description of any other circumstances that apply);~~

4. (Insert information that if particular goods and services specified in the contract are unavailable at the time of need):

A. The funeral home shall be required to furnish supplies and services similar in style and at least equal in quality of material and workmanship; and

B. The representative of the deceased shall have the right to choose the supplies or services to be substituted.

IX. ADDENDUM TO PRENEED CONTRACT

APPOINTEE AGREEMENT

I appoint _____ of (address) _____ to assist with the preneed arrangements in my behalf. The relationship of my appointee to me is _____.

Contract Beneficiary: _____ Date: _____

I accept the request of (contract beneficiary) _____ to assist with his/her preneed arrangements.

Appointee: _____ Date: _____

The foregoing was acknowledged before me this _____ day of _____, 20____

Notary: _____

Date Commission Expires: _____ The preneed contract shall include all content and disclosures included in Appendix 4 (IV) of this chapter.

18VAC65-30-230. Content of disclosure statements.

The following disclosure statements shall be provided as a part of any contract used for preneed funeral planning:

We are required by law and/or the Virginia Board of Funeral Directors and Embalmers to provide access to and the opportunity for you to read the following information to assist you in preplanning. A question and answer format is used for clarity and includes the most commonly asked questions.

PRENEED CONTRACTS

--Is there more than one type of preneed agreement?

Yes. Guaranteed contracts mean that the costs of certain individual items or the cost of the total package will never be more to your family or estate. Nonguaranteed contracts mean just the opposite. Nonguaranteed contracts mean costs may increase or decrease between the time of the agreement and the time of need. A preneed contract may have both guaranteed and nonguaranteed costs. (See the section entitled "General Funding Information" for more information on guaranteed and nonguaranteed costs.)

Contracts may be funded by insurance/annuity policies, trusts, or transfer of real estate/personal property.

--What are my protections?

You should take your completed preneed contract home before you sign it and review it with your family or your legal advisor. You have a right to this review before you sign the contract or pay any money.

You should also read carefully the information in this disclosure statement. If you have any questions, contact the seller for more information or contact your legal advisor.

CANCELLATION

--Can I cancel my preneed agreement if I change my mind? Will I get my money back?

~~You may cancel payment for supplies or services within 30 days after signing the agreement. If you funded your preneed arrangement through a trust (revocable or irrevocable), the contract seller will refund all the money you have paid plus any interest or income you have earned.~~

~~If you funded your preneed arrangement through a revocable trust and you cancel the preneed contract AFTER the 30-day deadline, you will be refunded all of your money on the items that are not guaranteed and 90% of all your money on the items that are guaranteed. You will also receive any interest or income on that amount. A revocable trust is a trust that you can cancel.~~

~~There may be a penalty to withdraw money from a revocable trust account which has already been established in your name. If there is, your contract will give you this information. (See the first question under the section entitled "Payment" below.)~~

~~If you have funded your preneed arrangement through an irrevocable trust, you will not be able to cancel the trust agreement or receive a refund after 30 days following the signing of the agreement except in accordance with §§ 64.2-729 and 64.2-730 of the Code of Virginia.~~

~~If you funded your preneed arrangement through an insurance policy/annuity contract which will be used at the time of your death to purchase the supplies and services you have selected, you will need to pay careful attention to the cancellation terms and conditions of the policy. You may not be eligible for a refund.~~

~~PAYMENT~~

~~—What happens to my money after the contract is signed?~~

~~Your money will be handled in one of several ways. It may be deposited in a separate trust account in your name. The trust account will list a trustee who will be responsible for handling your account. The funeral home you have selected as your beneficiary will also be listed. You have the right to change the funeral home and the trustee of your account prior to receiving the supplies and services under the preneed contract.~~

~~Your money may be used to purchase a preneed life insurance policy which may be used to pay for your arrangements upon your death. The proceeds of the policy will be assigned to the funeral home of your choice. You may change the funeral home assignment at any time prior to receiving the supplies and services under the preneed contract.~~

~~You may decide to choose a life insurance policy or a trust account that requires regular premium payments and not have to make an up-front, lump sum payment.~~

~~—May I pay for goods and services with real estate or personal property?~~

~~Yes. When you pay for these supplies and services in whole or in part with any real estate you may own, the preneed contract that you sign will be attached to the deed on the real estate and the deed will be recorded in the clerk's office of the circuit court in the city or county where the real estate is located.~~

~~If you pay for goods and services with personal property other than cash or real estate, the contract seller will declare in writing that the property will be placed in a trust until the time of your death and will give you written information on all the terms, conditions, and considerations surrounding the trust. The contract seller will confirm in writing that he has received property.~~

~~You may decide not to transfer the title of the personal property to the contract seller of your preneed contract. In this situation, you will have to submit information to the contract seller in writing that you are giving him the property without a title, and describe the property and where it will be kept until the time of your death.~~

In either case, the written statements will be recorded in the clerk's office of the circuit court of the city or county in which you live. The written statement does not have to be a separate document.

GENERAL FUNDING INFORMATION

~~--If the prices of the goods and services are affected by inflation between now and my death, will the funding I choose be adjusted accordingly?~~

~~There is a possibility that the funding may fail to keep up with inflation. This could mean that the funding you choose may not have enough value to cover all expenses at the time of need.~~

~~--What happens if my funding is not enough to cover the full cost of these arrangements?~~

~~If the entire funeral or specific items in the agreement are guaranteed by the contract seller, your family or estate will not have to pay any more for those items provided that you have paid the grand total in full and all interest earned is allowed to accumulate in your account. However, if you have not paid the account in full and have not allowed the interest to accumulate in the account and any items increase in price, your family or estate would be responsible for the extra amount if the funds are not sufficient. In some situations where you pay toward your funding with regular premiums rather than in one lump sum, your account may not be enough at the time of your death to cover everything.~~

~~--What happens to the extra money if my funding is more than what is needed to pay for these arrangements?~~

~~Sometimes, as explained in the answer above, your funding account may not have had the time to grow sufficiently before your death to cover items which are guaranteed in price to you, yet have increased in price for the funeral home.~~

~~After funeral expenses are paid, there may be money left over. Because of the ongoing risk that a funeral home takes in guaranteeing prices for you, the funeral home may not be required to return this excess money.~~

~~Some funding agreements and funeral homes, however, require that extra money be returned to the estate or family. Others do not. You should obtain information concerning this in writing before signing the preneed contract.~~

~~The answers to the following questions will depend upon the terms and conditions of the individual's funding and preneed agreements.~~

~~Please review your preneed contract and/or funding agreement for answers to these questions.~~

~~--What happens to my preneed contract if I change my assignment from one funeral home to another?~~

~~(Funeral home shall place answer here)~~

~~--What happens to my preneed contract if I change the beneficiary of my funding or the use of my proceeds from the funding?~~

~~If you make such changes, it could void your contract. You should request specific information from the contract seller and the funding arrangement.~~

~~--What will happen to my preneed contract if I fail to make agreed to premium payments to my funding source?~~

~~(Funeral home shall place answer here)~~

~~--Do I get any money back if I surrender or cancel my funding arrangements?~~

~~(Funeral home shall place answer here)~~

~~—What happens if the funeral home closes? Will I be able to transfer my contract to another funeral home?~~

~~You have the right to change the funeral home (contract provider) at any time prior to receiving services or supplies under the preneed contract. A funeral home is required to notify you in writing if it closes or is sold to a buyer that does not intend to honor your preneed contract.~~

~~TRUST ACCOUNT~~

~~—If my money goes into a trust account, what information will I receive about that account?~~

~~If you want your money to go into a trust fund, the trust agreement must furnish you with information about the amount to be deposited into the account, the name of the trustee, information about what happens to the interest your trust account will earn, and information about your responsibility to file and pay taxes on that interest.~~

~~If there are filing expenses connected with your trust account, you will be notified what the expenses are and whether you or the contract seller is the responsible party for paying those.~~

~~—What happens to the interest earned by the trust?~~

~~The interest earned by the trust may be handled in different ways by different trust arrangements. The interest may have to go back into your account if items on your contract are guaranteed. You may be responsible for reporting that interest to the Internal Revenue Service and paying taxes on it. You will be responsible to pay any taxes on the interest earned even if you cancel your trust account.~~

~~Some trust accounts cannot be cancelled.~~

~~There may be special fees deducted from your interest. However, you may still be responsible for paying taxes on the entire amount of interest earned before the fees were deducted. Please ask your contract seller for a written list of any fees so you will have a clear understanding about them before you sign the contract.~~

~~—If I pay my trust in premium payments, what happens if I die before the grand total of the funeral has been placed in trust?~~

~~(Funeral home shall place answer here)~~

~~CLAIMS AGAINST THIS CONTRACT~~

~~—Can someone to whom I owe money make a claim against the money, personal property, or real estate that I have used to pay for this contract?~~

~~No. This money or property cannot be used to settle a debt, a bankruptcy, or resolve a claim. These funds cannot be garnished.~~

~~—Can the money or property be taxed?~~

~~No. Currently, interest earned on the money you deposit in a trust, savings account, or the value of the property you used for payment can be taxed but not the original amount which you invested. Interest earned on annuities is generally deferred until withdrawal.~~

~~GENERAL GOODS AND SERVICES~~

~~—If I choose goods and services that might not be available at the time of my death, what is the provider required to do?~~

~~The funeral home that you select is required to furnish supplies and services that are similar in style and equal in value and quality if what you choose is no longer made or is not available at the time of your death.~~

~~Your representative or next of kin will have the right to choose the supplies or services to be substituted. However, if the substitute is more expensive than the item originally~~

~~selected by you, your designee or next-of-kin would be responsible for paying the difference. Under no circumstances will the funeral establishment be allowed to substitute lesser goods and services than the ones you chose.~~

~~If, before your death, the funeral home goes out of business or is otherwise unable to fulfill its obligation to you under the preneed contract, you have the right to use the proceeds at the funeral home of your choice.~~

~~If the inability to provide services does not become apparent until the time of your death, the individual that you named as your designee could use the funds for services at another funeral home.~~

~~--May I choose the exact item I want now and have the funeral home store it until my death?~~

~~If the funeral home or supplier has a storage policy you may ask for this service. If the funeral home or contract seller agrees to store these items, the risk of loss or damage shall be upon the funeral home during the storage period.~~

~~For example, what would happen if you select a casket that is in stock at the time you make these arrangements and the funeral home or supplier agrees to store it for you in their warehouse and: (i) damage occurs, (ii) the funeral home or supplier goes out of business, (iii) the funeral home or supplier is sold, etc.? You need to be assured in writing of protection in these types of situations.~~

~~--What happens if I choose to have a unique service that is not customary or routine in my community? Must the funeral home comply with my wishes?~~

~~The funeral home which you have chosen to conduct your service may be able to only provide certain types of services. They may not be able to fulfill your request. If there is a restriction on what they can provide, you will be notified in writing before you sign the preneed contract.~~

~~If the funeral home agrees in writing before you sign the contract to perform such services, the funeral home shall provide you a written, itemized statement of fees which you will be charged.~~

~~--Will the funeral home agree to transport my body to another area for burial?~~

~~Again, the funeral home may have restrictions on the distance they are willing to travel to conduct a burial. If restrictions apply, you will be notified in writing.~~

~~If the funeral home agrees in writing before you sign the contract to honor your wishes, the funeral home shall provide you a written, itemized statement of any penalties (fees) which you will be charged.~~

~~--I may die and be buried in a city other than one where the funeral home that I select for my goods and services is located. Will the funeral home that I select under this contract deliver my merchandise to the city where I die and am to be buried?~~

~~This is entirely up to the funeral home to decide. If the funeral home has restrictions on this, they will notify you in writing. If they agree to ship merchandise to another area for your funeral, you will be notified before signing this contract of the fees involved if they can be determined and guaranteed at this time.~~

~~However, the preneed contract arrangements and funding is considered portable. This means that they are available for transfer from one locality to another. It is unusual for actual goods and merchandise to be transferred.~~

PRICING

~~--How will I know that the prices of items which I select are the same for everyone?~~

The funeral home maintains a general price list and a casket and outer burial container price list. Your contract seller will give this to you before you begin talking about arrangements. After your discussion is finished, you will be given a copy of your preneed contract on which charges will be listed. Charges will only be made for the items you select. If there are any legal or other requirements that mandate that you must buy any items you did not specifically ask for, the contract seller will explain the reason for the charges to you in writing.

You may ask a funeral home to purchase certain items or make special arrangements for you. If the funeral home charges you for these services, you will receive an explanation in writing. The charges to you for these services may be higher than if you or your family purchased them directly.

At the time of your death, your family or estate will be given an itemized statement which will list all of the specific charges.

—What is meant by guaranteed and nonguaranteed prices?

Some contract sellers may agree that certain prices are guaranteed. Some may guarantee the price of the total package. Other funeral homes may not guarantee any prices.

Guaranteed prices are those that will not increase for your family or estate at the time of your death, provided your preneed contract is fully paid for or funded at the time of your death. Basically, this means that your funeral arrangement for those items will be covered by and will not exceed your funding and the interest it earns.

Nonguaranteed prices are those which might increase or decrease. The nonguaranteed prices may be written in at the time of this contract with your understanding that the price is an estimate only and may increase or decrease. A settlement of any difference in the estimated cost and the actual cost at death may have to be made with your family or representative after your death. Examples of prices that are often not guaranteed include cemetery or crematory services, pallbearers, public transportation, clergy honoraria, flowers musicians or singers, obituary notices, gratuities, and death certificates.

—Can the contract seller and I negotiate a projected charge for the nonguaranteed items based on the rate of inflation?

It is entirely up to the contract seller to inform you of the funeral home policy in that regard.

CASKETS AND CONTAINERS

—Do I have to buy a vault or a container to surround the casket in the grave?

In most areas of the country, state and local laws do not require that you buy a container to surround the casket in the grave. However, many cemeteries ask that you have such a container to support the earth above the grave. Either a burial vault or a grave liner will satisfy if such requirements exist.

—Is a casket required?

A casket is not required for direct cremation. If you want to arrange a direct cremation, you may use an unfinished wood box or an alternative container made of heavy cardboard or composition materials. You may choose a canvas pouch.

—Do certain cemeteries and crematoriums have special requirements?

Particular cemeteries and crematoriums may have policies requiring that certain goods and services be purchased. If you decide not to purchase goods and services required by a particular cemetery or crematorium, you have the right to select another location that has no such policy.

EMBALMING

~~—Is embalming always required?~~

~~Embalming is not required by law. Embalming may be necessary, however, if you select certain funeral arrangements such as viewing or visitation with an open casket. You do not have to pay for embalming you did not approve if you select arrangements such as a direct cremation or immediate burial. If the funeral home must charge to conduct an embalming, your designee will be notified of the reasons in writing.~~

RECORDS

~~—What should I do with my preneed contract and documents?~~

~~A preneed contract is a legal document. You should keep a copy of your preneed contract and related documentation as you would any similar legal document such as in a safe place or with the person designated to make arrangements at the time of your death.~~

~~—Will the funeral home keep a copy of the preneed contract?~~

~~The funeral home is required to maintain a copy of the preneed contract on file prior to and after need. Preneed contracts and related documents are required to be kept by the funeral home for three years after your death.~~

ASSISTANCE

~~—This is all very confusing to me. May I pick someone close to me to help with all of this? May this person also work with the funeral home to ensure that my wishes as written in the preneed contract are carried out?~~

~~You may designate in writing a person of your choice to work with the funeral home and contract seller either before or after your death to ensure that your wishes are fulfilled. You must sign the statement and have it notarized. The person that you designate must agree to this in writing. Under the laws governing preneed contracts, the individual whom you designate has final authority at the time of your death.~~

~~—Where can I complain if I have a problem concerning my preneed contract, the contract seller, or the funeral home?~~

~~You may direct your complaints or concerns to:~~

~~The Board of Funeral Directors and Embalmers~~

~~9960 Mayland Drive, Suite 300~~

~~Richmond, Virginia 23233~~

~~Telephone Number: (804) 367-4479~~

~~Toll Free Number for complaints: 1-800-533-1560~~

~~Fax: (804) 527-4413~~

~~Website: www.dhp.virginia.gov The preneed contract shall include all content and disclosures included in Appendix 5 (V) of this chapter.~~

18VAC65-40-40. Fees.

A. The following fees shall be paid as applicable for registration:

1. Funeral service, funeral directing, or embalming intern registration	\$150
2. Funeral service, funeral directing, or embalming intern renewal	\$125
3. Late fee for renewal up to one year after expiration	\$45
4. Duplicate copy of intern registration	\$25

5. Handling fee for returned check or dishonored credit card or debit card	\$50
6. Registration of supervisor	\$35
7. Change of supervisor	\$35
8. Reinstatement fee	\$195

~~B. Fees shall be made payable to the Treasurer of Virginia and shall not be refundable once submitted. refunded.~~

18VAC65-40-130. Funeral service, funeral directing, or embalming internship.

A. An internship for funeral service, funeral directing, or embalming shall consist of at least 2,000 hours of training to be completed within no less than 12 months and no more than 48 months. The board may grant an extension of time for completion of an internship only for extenuating circumstances.

B. The intern shall be assigned a work schedule of not less than 20 hours nor more than 60 hours per week in order to receive credit for such training. For good cause shown, the board may waive the limitation on an intern's work schedule.

C. A funeral service intern shall receive training in all areas of funeral service.

~~D. A funeral service intern shall be identified to the public as a funeral service intern in a title used, name tag worn, and any correspondence or communication in which the intern's name is used.~~

A funeral directing intern shall receive training in all areas of funeral directing, including assisting in at least 25 funerals, 25 arrangement conferences, as well as visitations and financing of funeral services.

E. An embalming intern shall receive training in all aspects of embalming practice, including assisting in at least 25 embalmings, as well as treatment, restorative art, safety and sanitation, and organ, tissue, or anatomical donation.

F. An intern registration shall expire upon issuance by the board of a license to practice as a funeral service licensee, a funeral director, or an embalmer. When an internship has been completed for licensure as a funeral director or as an embalmer, the approval of an additional internship to meet the requirements for licensure as a funeral service licensee may be approved by the board in accordance with § 54.1-2817 of the Code of Virginia and the regulations of the board. Any additional internship granted shall be limited in duration to the time required for completion of hours and cases required for licensure. An internship may not be used to expand the scope of practice of a licensee.

G. An intern shall be identified to the public as a funeral service intern, a funeral directing intern, or an embalming intern in a title used, name tag worn, and any correspondence or communication in which the intern's name is used.

18VAC65-40-185. Intern application for funeral directing or embalming licensure.

A. An applicant who attests to holding a high school diploma or its equivalent may seek registration with the board as a funeral directing or an embalming intern by submission of an application package, which shall include documentation of the qualifications to include school transcripts, the required fee, and signatures of any supervising licensees, and any additional documentation as may be required to determine eligibility.

~~B. Applicants shall submit school transcripts as part of an application package, including the required fee and any additional documentation as may be required to determine eligibility.~~

G. The board, in its discretion, may approve an application to be a funeral directing or an embalming intern for an individual convicted of a felony, if the applicant has successfully fulfilled all conditions of sentencing, been pardoned, or has had civil rights restored. The board shall not, however, approve an application to be an intern for any person convicted of embezzlement or of violating subsection B of § 18.2-126 of the Code of Virginia. The board, in its discretion, may refuse to approve an application to be a funeral directing or an embalming intern for an individual who has a criminal or disciplinary proceeding pending against him in any jurisdiction in the United States.

18VAC65-40-250. Requirements for supervision.

A. Training shall be conducted under the direct supervision of a licensee approved by the board. Credit shall only be allowed for training under direct supervision.

B. The board shall approve only funeral service licensees, licensed funeral directors, or licensed embalmers to give funeral training who have a full and unrestricted Virginia funeral license, have at least two consecutive years in practice as a funeral service licensee, funeral director, or embalmer and are employed full time in or under contract with the establishment, facility, or institution where training occurs. The board ~~will not approve~~ may deny registration of a supervisor who has been subject to board disciplinary action within the most recent two years.

C. A supervisor licensed as an embalmer or a funeral director shall provide supervision only in the areas of funeral practice for which he is licensed. A supervisor shall ensure that an intern receives training under the direct supervision of a licensee who has a current license in good standing.

D. A supervisor shall register with the board for each intern for whom the supervisor is providing supervision. Such registration shall expire 48 months after registration or at the completion of the intern's training, whichever occurs first. If the intern has been granted an extension beyond 48 months for extenuating circumstances, the supervisor may continue to provide supervision for a time period specified by the board.

E. Failure to register as a supervisor may subject the licensee to disciplinary action by the board.

F. If a supervisor is unable or unwilling to continue providing supervision, the intern shall obtain a new supervisor. Credit for training shall resume when a new supervisor is approved by the board and the intern has paid the prescribed fee for the change of supervisor.

G. No more than a combined total of two funeral service, funeral directing, or embalming interns shall be concurrently registered under any one person licensed for the practice of funeral service, funeral directing, or embalming. Each supervisor for a registered funeral directing intern or a registered embalming intern must be actively employed by or under contract with a funeral establishment.

VIRGINIA BOARD OF FUNERAL DIRECTORS AND EMBALMERS**Guidance for Embalming and Refrigeration Pending Resolution of Dispute Involving the Identity of the Next of Kin**

On July 1, 2024, new provisions of [Virginia Code § 54.1-2807.01](#) became effective, which outline actions that may be taken by a funeral service establishment in the event of a dispute concerning the identity of the person(s) who have the right to make arrangements for a decedent's funeral or for the disposition of a decedent's remains.

Virginia Code § 54.1-2807.01(D) states that, if a funeral service establishment retains a decedent's remains pending a dispute regarding the identity of the next of kin, "the funeral service establishment may embalm or refrigerate and shelter the decedent's body for preservation purposes until the dispute is resolved."

The Board of Funeral Directors and Embalmers (Board) does not interpret the new provision in Virginia Code § 54.1-2807.01(D) as an exemption to the pre-existing prohibition against embalming in the absence of express permission of a next of kin of the deceased or a court order found in Virginia Code §§ [54.1-2806\(B\)\(26\)](#) and [54.1-2811.1\(B\)](#). Rather, the authority to embalm under the new Virginia Code § 54.1-2807.01(D) is subject to the prohibitions against embalming absent "express permission by a next of kin of the deceased or a court order" found in Virginia Code §§ [54.1-2806\(B\)\(26\)](#) and [54.1-2811.1\(B\)](#).

The requirements for the refrigeration of unembalmed remains found in Virginia Code §§ 54.1-2806(B)(26) and 54.1-2811.1(B) are not altered by the new provisions of Virginia Code § 54.1-2807.01. Funeral licensees must comply with these refrigeration requirements during the pendency of a dispute regarding the identity of the next of kin.

VIRGINIA BOARD OF FUNERAL DIRECTORS AND EMBALMERS

Guidance on Student Embalming Assistance Performed by Persons Enrolled in Online Funeral Service or Mortuary Education Programs

Question:

Is a student who is located in Virginia, but enrolled in an online funeral service program located physically outside of the state, considered to be “enrolled in a mortuary education program in the Commonwealth” for purposes of assisting with embalming and completing embalming clinicals under supervision of a funeral service licensee or licensed embalmer in a Virginia licensed funeral establishment under Virginia Code § 54.1-2805 and 18VAC65-20-236?

Background:

In 2018, Chapter 186 of the 2018 Acts of Assembly amended [Virginia Code § 54.1-2805](#) to allow students who are “duly enrolled in a mortuary education program in the Commonwealth” and not otherwise registered with the Board as funeral service or embalming interns “to assist in embalming while under the immediate supervision of a funeral service licensee or embalmer...provided that such embalming occurs in a funeral service establishment licensed by the Board and in accordance with regulations promulgated by the Board.”

In 2019, the Board promulgated regulations to establish the requirements for students assisting with embalming in [18VAC65-20-236](#).

Answer:

The Board of Funeral Directors and Embalmers interprets Virginia Code § 54.1-2805 and 18VAC65-20-236 to allow students to assist in embalming in accordance with the requirements of Virginia Code § 54.1-2805 and 18VAC65-20-236 who are duly enrolled in a mortuary education program that either: 1) is physically located in the Commonwealth of Virginia; or 2) provides online programs and teaching to persons located in the Commonwealth of Virginia.

January 14, 2025

The Examination Committee of the Virginia Board of Funeral Directors and Embalmers convened for a meeting on Thursday, January 14, 2025, at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room #4, Henrico, Virginia.

BOARD MEMBERS PRESENT:

R. Thomas Slusser, FSL, Committee Chair
Lacyn Barton, FSL, Board President
K. Scott Hickey, MD, Board Secretary-Treasurer

DHP STAFF PRESENT FOR ALL OR PART OF THE MEETING:

Sarah Georgen, Licensing and Operations Supervisor
Annette Kelley, MS, CSAC, Deputy Executive Director
Corie E. Tillman Wolf, JD, Executive Director

CALL TO ORDER

Mr. Slusser called the meeting to order at 1:03 p.m. and asked the Board Members and staff to introduce themselves.

With three Committee Members present at the meeting, a quorum was established.

Mr. Slusser read the mission of the Board, which is also the mission of the Department of Health Professions (DHP).

Ms. Tillman Wolf then read the emergency egress instructions.

DISCUSSION – OPEN SESSION

Ms. Tillman Wolf provided an overview of the current examination process and the purpose of the Examination Committee's review.

DISCUSSION – CLOSED SESSION

Upon a *MOTION* by Dr. Hickey, properly seconded by Ms. Barton, the Committee voted to convene a closed meeting pursuant to §2.2-3711(A)(12) of the Code of Virginia for the purpose of discussing or considering tests, examinations, or other information used, administered, or prepared by a public body and the subject to the exclusion in subdivision 4 of §2.2-3705.1. Additionally, he moved that Ms. Tillman Wolf, Ms. Kelley, and Ms. Georgen attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee in its discussion. The motion carried (3-0).

The Committee took a break at 2:30 p.m. and reconvened in closed session at 2:34 p.m.

RECONVENE

Upon a *MOTION* by Ms. Barton, properly seconded by Dr. Hickey, the Committee voted to open the meeting. The motion carried (3-0).

Having unanimously certified (3-0) that the matters discussed in the preceding closed session met the requirements of §2.2-3712 of the Code, the Committee reconvened in open session.

NEXT MEETING

The next meeting of the Examination Committee is scheduled for April 15, 2025.

ADJOURNMENT

Mr. Slusser called for any objections to adjourn the meeting. Hearing no objections and with all business concluded, the meeting adjourned at 4:43 p.m.

Corie E. Tillman Wolf, JD, Executive Director

Date

March 28, 2025

The Virginia Board of Funeral Directors and Embalmers' Legislative/Regulatory Committee convened on Friday, March 28, 2025, at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room #3, Henrico, Virginia.

BOARD MEMBERS PRESENT

Lacyn Barton, FSL, Committee Chair
Jason Graves, FSL
Eric Wray, II, FSL

STAFF PRESENT FOR ALL OR PART OF THE MEETING

Erin Barrett, Director of Legislative and Regulatory Affairs
Sarah Georgen, Licensing and Operations Supervisor
Annette Kelley, MS, CSAC, Deputy Executive Director
Matt Novak, Policy and Economic Analyst
M. Brent Saunders, Senior Assistant Attorney General, Board Counsel
Corie Tillman Wolf, JD, Executive Director

OTHER GUESTS PRESENT

Barry Robinson, Virginia Morticians' Association

CALL TO ORDER

Ms. Barton called the meeting to order at 1:00 p.m. and asked the Board members and staff to introduce themselves.

With two Committee members present at the meeting, a quorum was established.

Ms. Barton reminded the Committee Members and audience about microphones, computer agenda materials, breaks, sign-in sheets, and attendance for continuing education requirements.

Ms. Barton read the mission of the Board, which is also the mission of the Department of Health Professions.

Ms. Tillman Wolf read the emergency egress instructions.

APPROVAL OF THE AGENDA

Ms. Barton opened the floor to any additional items to add to the agenda.

Upon a **MOTION** by Mr. Graves, properly seconded by Ms. Barton, the agenda was approved as presented. The motion passed unanimously (2-0).

PUBLIC COMMENT

Barry Robinson, Virginia Morticians' Association, provided public comment (Attachment A).

DISCUSSION AND COMMITTEE RECOMMENDATIONS

Review of Requirements for Preparation Rooms When Embalming Not Performed - Board Regulations Governing the Practice of Funeral Services (18VAC65-20-10 et seq.)

Amendments to Board Regulations

Ms. Tillman Wolf provided an overview of past discussions and considerations. The Committee discussed a staff draft of possible amendments for consideration.

Upon a **MOTION** by Mr. Graves, properly seconded by Ms. Barton, the Committee will submit the proposed amendments to preparation room provisions of Chapter 20 of the Board Regulations Governing the Practice of Funeral Services for consideration and action as presented and amended. The motion passed unanimously (2-0). (Attachment B)

Guidance to Staff on Approval of Applications for New Establishments Where Embalming Not Performed

Ms. Tillman Wolf provided information for the Committee's consideration. The Committee discussed possible guidance on the approval of applications for new establishments that have preparation rooms, but where embalming is not performed.

Upon a **MOTION** by Mr. Graves, properly seconded by Ms. Barton, the Committee will recommend that the Board provide guidance to staff on the approval of applications for new establishments where embalming is not performed as discussed. The motion passed unanimously (2-0).

Guidance to Inspectors on Equipment Required in Preparation Rooms for Establishments Where Embalming Not Performed

Ms. Tillman Wolf provided information for the Committee's consideration. The Committee discussed possible guidance to Inspectors on the equipment required in preparation rooms for establishments that have preparation rooms, but where embalming is not performed.

Upon a **MOTION** by Mr. Graves, properly seconded by Ms. Barton, the Committee will recommend that the Board incorporate guidance to Inspectors on the equipment required in preparation rooms for establishments where embalming is not performed as discussed. The motion passed unanimously (2-0).

Inspections of Funeral Establishments and Crematories

Review of Recommendations to Streamline Inspection Process

Ms. Tillman Wolf provided statistical information related to the inspection process. The Committee discussed a number of staff recommendations to streamline the overall inspection process for inspectors and for licensees.

Mr. Wray arrived at 1:37 p.m.

Upon a **MOTION** by Mr. Graves, properly seconded by Mr. Wray, the Committee will submit the recommendations to streamline the inspection process as presented and amended. The motion passed unanimously (3-0).

Updates to Board Guidance Document 65-11 – Guidance for Inspectors and Licensees

The Committee discussed staff draft amendments to Board Guidance Document 65-11, Guidance for Inspectors and Licensees.

Upon a **MOTION** by Mr. Wray, properly seconded by Graves, the Committee will submit the proposed amendments to the Board's Guidance Document 65-11 to the full Board for consideration and action as presented. The motion passed unanimously (3-0). (Attachment C)

Proposed Revisions to Policy Documents

Board Bylaws

The Committee discussed a staff draft of proposed revisions to the Board ByLaws policy document.

Upon a **MOTION** by Mr. Graves, properly seconded by Mr. Wray, the Committee will submit the proposed revisions to the Board's ByLaws to the full Board for consideration and action as presented. The motion passed unanimously (3-0). (Attachment D)

Guidelines for Processing Applications for Licensure

The Committee discussed a staff draft of proposed changes to the Guidelines for Processing Applications for Licensure.

Upon a **MOTION** by Mr. Wray, properly seconded by Mr. Graves, the Committee will submit the proposed amendments to the Board's Guidelines for Processing Applications for Licensure to the full Board for consideration and action as presented. The motion passed unanimously (3-0). (Attachment E)

2026 Legislative Proposal

Funeral Interns – Criminal History, Other – Virginia Code § 54.1-2817

Ms. Tillman Wolf provided information on recent legislative proposals put forward by the Board related to funeral internships, but which had not been included in previous agency legislative packets.

The Committee discussed whether to recommend that the legislation be put forward for consideration in 2026 and reviewed the staff draft of amendments.

Upon a **MOTION** by Mr. Graves, properly seconded by Mr. Wray, the Committee will submit the draft legislation and recommendations of the Committee regarding funeral service interns to the full Board for consideration as discussed and amended. The motion passed unanimously (3-0). (Attachment F)

Online, Self-Guided Funeral or Preneed Planning Tools – Guidance for Licensees

The Committee discussed the use and promotion of online, self-guided funeral or preneed planning tools and possible guidance for licensees.

Upon a **MOTION** by Mr. Graves, properly seconded by Mr. Wray, the Committee will advance recommendations to the full Board to adopt guidance for licensees as discussed. The motion passed unanimously (3-0).

NEXT STEPS

Ms. Barton stated that the recommendations of the Legislative/Regulatory Committee would be presented at the full business meeting of the Board scheduled for April 15, 2025.

ADJOURNMENT

With all business concluded, the meeting adjourned at 2:37 p.m.

Corie Tillman Wolf, J.D., Executive Director

Date

From: The Virginia Morticians' Association's Inc. (VMA)

To: Virginia Board of Funeral Directors and Embalmers –
Legislative/Regulatory Committee

Subject: Comments on Agenda Items

1. Preparation Room Requirement:

- a. Currently, The Virginia Morticians' Association's is opposed to any changes is the current regulations on this subject.
- b. The concerns are:
 - i. Will the establishment be able to serve non-religious families with non-embalming services? (i.e. direct burial, cremation, graveside, etc..)
 - ii. Will they be allowed to sell merchandise?
 - iii. Are you opening the doors for other religious / non-religious groups to create places of celebrations?
 - iv. Will a Memorandum of Agreement be required between the establishment and an embalming facility?

2. Funeral Interns – Criminal Records

- a. The Virginia Morticians' Association reserves the rights to comment on the conviction of embezzlement at a late time.
- b. The defilement of dead human body should remain.

Sub by;

Barry D. Robinson
The Virginia Morticians' Association, Inc.
Legislative Committee Chairman

18VAC65-20-540. Preparation room requirements.

A. Every **A** 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 ~~for burial, transportation, or other disposition.~~

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.

~~D. 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.~~

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.

18VAC65-20-580. Preparation room equipment.

A. 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 individual~~ 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.

B. Funeral service establishments at which the embalming of dead human bodies is not performed are not required to maintain embalming supplies or equip the preparation room(s) with the items in (A)(6) and (A)(11) herein.

DRAFT

Board of Funeral Directors and Embalmers

GUIDANCE FOR INSPECTORS AND LICENSEES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Yes. (See Appendix 1 – General Price List)

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

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

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

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

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

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

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

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

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

The proper time to add a name to the preneed list is when the funeral director and the buyer sign the preneed contract. The time to remove a name from the list is after the death of the contract beneficiary, provided services were rendered on behalf of the contract beneficiary.

What is a proper ventilation system?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Where embalming is not performed at a funeral service establishment, the Board interprets the relevant provisions of the Virginia Code and the Board’s Regulations to mean that the supplies and equipment specific only to the embalming process are not required to be present in the preparation room: e.g. instruments and apparatus for the embalming process (18VAC65-20-580(6)) and an electric aspirator or hydroaspirator equipped with a vacuum breaker (18VAC65-20-580(11)).

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VIRGINIA BOARD OF FUNERAL DIRECTORS AND EMBALMERS
BYLAWS

ARTICLE I: AUTHORIZATION

A. Statutory and Regulatory Authority.

The Virginia Board of Funeral Directors and Embalmers (“Board”) is established and operates pursuant to Sections 54.1-2400 and 54.1-2800 et seq., of the Code of Virginia. Regulations promulgated by the Board may be found in 18 VAC 65-20, Chapters 11, 20, 30, and 40.

B. Duties.

The Board is authorized to license individuals and establishments providing funeral and/or embalming services, to regulate and inspect funeral establishments and crematories, to supervise programs for funeral service interns, to regulate preneed funeral contracts and preneed funeral trust accounts, to register crematories, and to promulgate regulations to improve and promote standards of service and practice and otherwise carry out the licensing act.

C. Mission.

The mission of the Department of Health Professions is to ensure the delivery of safe and competent patient care by licensing health professionals, enforcing standards of practice, and providing information to healthcare practitioners and the public.

ARTICLE II: THE BOARD

A. Members and Duties.

1. The Board consists of nine members appointed by the Governor in accordance with Virginia Code § 54.1-2802.
2. Members ~~shall~~ are expected to attend all scheduled meetings of the Board and the committee(s) on which they serve unless prevented by illness or similar unavoidable cause. In the event of two consecutive unexcused absences at any meeting of the Board or its committees, the President shall make a recommendation about the Board member’s continued service to the Director of the Department of Health Professions for referral to the Secretary of Health and Human Resources and Secretary of the Commonwealth.
3. Members of the Board shall not hold a voting office in any related professional association within the Commonwealth of Virginia or one that takes a policy position on the laws or regulations of the Board. Members of the Board holding office in a

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national professional association shall abstain from voting on issues where there may be a conflict of interest present. This section shall not apply to board members who hold a committee membership or an office with the International Conference of Funeral Service Examining Boards.

B. Election of Officers.

1. The organizational year for the Board shall be from July 1st through June 30th.
2. During the first meeting of the organizational year, the Board shall elect from its members a President, Vice-President, and Secretary-Treasurer.
3. The term of office shall be one year; an officer may be re-elected in that same position for a second consecutive term.
4. Nominations for office shall be received from the floor and elections conducted by voice vote; election shall require a majority of the quorum of members present.
5. A vacancy occurring in any office shall be filled during the next meeting of the Board.

B. Duties of Officers.

1. The President presides at all meetings and formal administrative hearings in accordance with parliamentary rules and the Administrative Process Act and requires adherence to those rules on the part of the board members. The President shall appoint all committees and committee chairpersons unless otherwise ordered or delegated by the Board.
2. The Vice-President shall act as President in the absence of the President and assume the duties of President in the event of an unexpired term.
3. The Secretary-Treasurer shall perform those duties necessary and usually pertaining to such office and shall preside in the absence of the President and the Vice-President.
4. In the absence of the President, Vice-President and Secretary-Treasurer, the President shall appoint another board member to preside at the meeting and/or formal administrative hearing.

C. Duties of Executive Director.

The Executive Director ~~shall be is~~ the custodian of all Board records and all papers of value; and shall preserve a correct maintain a list of all applicants and licensees; ~~shall~~ manage the correspondence of the Board; ~~and shall~~ perform all such other duties as naturally pertain to this position.

ARTICLE III: MEETINGS.

A. For purposes of these Bylaws, the Board schedules full board meetings to take place during each quarter, with the right to change the date or cancel any board meeting, with the exception that the Board shall hold at least two meetings each year pursuant to Virginia Code § 54.1-2802.

~~B. Board members shall attend all board meetings in person, or by electronic means as permitted by law and Board policy, unless prevented by illness or similar unavoidable cause.~~
A majority of the members of the Board shall constitute a quorum for the transaction of business.

~~C. The current edition of Robert's Rules of Order, revised, shall apply unless overruled by these bylaws or when otherwise agreed.~~

~~D.~~ The order of the business shall be as follows:

1. Call to order with statement made for the record of how many and which board members are present and that it constitutes a quorum.
2. Approval of minutes.
3. The Executive Director and the President shall collaborate on the remainder of the agenda.

D. The order of business may be changed at any meeting by a majority vote.

ARTICLE IV: COMMITTEES

A. Standing Committees:

1. Special Conference Committee.

The committee shall consist of at least two board members. The committee shall hold informal conferences for licensee and applicant cases in accordance with §§ 2.2-4019, 2.2-4021, and 54.1-2400 of the Code of Virginia, with the right to change the date or cancel any meeting. The committee shall meet as necessary to adjudicate cases in a timely manner in accordance with agency standards for case resolution. The President may designate two additional board members as alternates on this committee who may be contacted to serve in the event one of the standing committee members becomes ill or is unable to attend a scheduled conference date. Further, should the caseload increase to the level that additional special conference committees are needed, the President may appoint additional committees.

2. Examination Committee.

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The committee shall consist of three board members, two funeral service licensees and one citizen member. The committee shall meet as required for the purpose of writing new items for the jurisprudence examination to maintain the integrity, defensibility and current status of the examination for the purpose of licensure.

3. Credentials Committee.

The committee shall consist of at least two board members. The members of the committee shall review non-routine licensure applications to determine the credentials of the applicant and the applicability of the statutes and regulations. The committee member who conducted the initial review shall provide guidance to staff on action to be taken. The Credentials Committee shall not be required to meet collectively to conduct initial reviews.

4. Legislative/Regulatory Committee.

The committee shall consist of at least three Board members. The committee is responsible for the development of proposals for new regulations or amendments to existing regulations; the recommendation in response to a petition for rulemaking; the development of proposals for legislative initiatives of the Board; the consideration of and recommended response to public comment as required in conjunction with rulemaking; the conduct of the required periodic review of all existing regulations as required by the Board's Public Participation Guidelines and any Executive Order of the Governor, and other required tasks related to regulations. Any proposed draft regulation or draft legislation shall be reviewed and approved by the full Board prior to publication.

5. Continuing Education Committee.

The committee shall consist of at least two board members. The members of the committee shall review requests from licensees for exemptions from continuing education requirements, from applicants for approval as funeral service continuing education providers and for approval of courses, and other matters related to continuing education. The Board delegates the approval of funeral service continuing education programs to the committee.

B. Ad Hoc Committees:

There may be Ad Hoc Committees consisting of at least two persons who are knowledgeable in the particular area of practice or education under consideration by the Board. The committee shall review matters as requested by the Board and advise or make recommendations for consideration by the Board.

ARTICLE V: GENERAL DELEGATION OF AUTHORITY

A. Delegation to Executive Director, Board staff, and/or Department of Health Professions staff.

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1. The Board delegates to Board staff the authority to issue and renew licenses, registrations and certificates where minimum statutory and regulatory qualifications have been met.
2. The Board delegates to the Executive Director the authority to reinstate licenses, registrations and certificates when the reinstatement is due to the lapse of the license, registration or certificate and not due to previous Board disciplinary action unless specified in the Board order.
3. The Board delegates to Board staff the authority to develop and approve any and all forms used in the daily operations of the Board business, to include, but not limited to, licensure applications, renewal forms, and documents used in the disciplinary process.
4. The Board delegates to the Executive Director the authority to sign as entered any Order or Board-approved Consent Order resulting from the disciplinary process.
5. The Board delegates to the Executive Director, who may consult with a special conference committee member, the authority to provide guidance to the agency's Enforcement Division in situations wherein a complaint is of questionable jurisdiction and an investigation may not be necessary.
6. The Board delegates to the Executive Director, who shall consult with a member of the Board, the authority to review information regarding alleged violations of law or regulations and determine whether probable cause exists to proceed with possible disciplinary action.
7. The Board delegates to the Executive Director the selection of the agency subordinate who is deemed appropriately qualified to conduct a proceeding based on the qualifications of the subordinate and the type of case being convened.
8. The Board delegates to the Department of Health Professions' inspectors the authority to issue a Compliance Notice upon completion of an inspection, and the Board delegates to the Executive Director the authority to issue letters regarding reported deficiencies to the facilities or licensees.
9. The Board delegates to the Executive Director the review and approval of hardship waiver applications. Should the Executive Director receive a non-routine application regarding the waiver provision, the application may be reviewed for approval by the Credentials Committee.
10. The Board delegates to the Executive Director, the authority to approve applications with criminal convictions in accordance with ~~Guidance Document 65-3~~ the Board's Guidelines on Processing Applications for Licensure.
11. The Board delegates to the Executive Director the authority to issue an Advisory Letter to the person who is the subject of a complaint pursuant to Virginia Code § 54.1-2400.2(G), when a probable cause review indicates a disciplinary proceeding will not be instituted.

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12. The Board delegates to the Executive Director the authority to offer a confidential consent agreement or a Consent Order for action consistent with any board-approved guidance document, or to negotiate a Consent Order in consultation with the chair of a Special Conference Committee or formal hearing.
13. The Board delegates to the Executive Director the authority to grant an individual extension for good cause shown for up to one (1) year for the completion of education requirements upon written request from the licensee prior to the renewal date.
14. The Board delegates to the Executive Director, who shall consult with the Board President, the authority to accept and to sign as entered any Consent Order for the surrender, suspension, or revocation of a license to end a pending disciplinary matter.
15. The Board authorizes the Executive Director to delegate tasks to the Deputy Executive Director.

B. Delegation to Board President.

The Board delegates to the President the authority to represent the Board in instances where Board “consultation” or “review” may be requested, where a vote of the Board is not required, and where a meeting is not feasible.

C. Delegation to Agency Subordinate.

The Board may delegate an informal fact-finding proceeding to any agency subordinate in accordance with 18VAC65-20-15 of the Regulations of the Board of Funeral Directors and Embalmers.

ARTICLE VI. AMENDMENTS

A board member or staff personnel may propose amendments to these Bylaws by presenting the amendment in writing to all Board members, the Executive Director of the Board, and the Board’s legal counsel prior to any regularly scheduled meeting of the Board. Such proposed amendment shall be adopted upon favorable vote of at least two-thirds of the Board members present at said meeting.

Virginia Board of Funeral Directors and Embalmers

Guidelines for Processing Applications for Licensure: Examination, Endorsement and Reinstatement

Applicants for licensure or registration by examination, endorsement and reinstatement who meet the qualifications as set forth in the law and regulations shall be issued a license, registration, or certificate pursuant to authority delegated to the Executive Director of the Board of Funeral Directors and Embalmers as specified in the Bylaws of the Board. (~~See Guidance Document 65-10~~, Bylaws, Article V.)

An applicant whose license, registration, or certificate has been revoked or suspended for any reason other than nonrenewal by another jurisdiction is not eligible for licensure or certification in Virginia unless the credential has been reinstated by the jurisdiction which revoked or suspended it. (Va. Code § 54.1-2408.) A suspension or revocation by another jurisdiction that has been stayed on terms is not considered to be reinstated for purposes of Virginia Code § 54.1-2408.

Affirmative responses to any questions on applications for licensure, registration, or certification that might constitute grounds for the Board to refuse to admit a candidate to an examination, refuse to issue a license, registration, or certificate, or impose sanction shall be referred to the Board President for guidance on how to proceed.

A criminal conviction for any felony may cause an applicant to be denied licensure or registration. Each applicant, however, is considered on an individual basis, and there are no criminal convictions or impairments that are an absolute bar to licensure or registration by the Board of Funeral Directors and Embalmers. The Board may, in its discretion, license an individual convicted of a felony if he or she has successfully fulfilled all conditions of sentencing, been pardoned, or had his or her civil rights restored. (Va. Code § 54.1-2813.) The Board shall not, however, approve an application to be a funeral service intern for any person convicted of embezzlement or of violating subsection B of Virginia Code § 18.2-126. (Va. Code § 54.1-2817.)

Applications for licensure, registration, and certification include questions about the applicant's history, including:

1. Any and all criminal convictions;
2. Any past action taken against the applicant in another state or jurisdiction, including denial of licensure, certification, or registration in another state or jurisdiction;
3. Whether the applicant has any reason to believe that they would pose a risk to the safety or well-being of patients or clients; and
4. Whether the applicant is able to perform the essential functions of a practitioner in their area of practice with or without reasonable accommodations.

Replying "yes" to any questions about convictions, past actions, or possible impairment does not mean the application will be denied. It simply means more information must be gathered and considered before a decision can be made. Sometimes an administrative proceeding is required before a decision regarding the application can be made. The Board of Funeral Directors and Embalmers has the ultimate authority to approve or deny an applicant for licensure, registration, or certification. (Va. Code § 54.1-2806.)

The following information will be requested from an applicant with criminal conviction:

- A certified copy of all conviction orders (obtained from the courthouse of record);

- Evidence that all court ordered requirements were met (i.e., letter from the probation officer if on supervised probation, evidence of paid fines and restitution, etc.); and
- A letter or written statement from the applicant explaining the factual circumstances leading to the criminal offense(s).

The following information will be requested from an applicant with past disciplinary action or licensure/certification/registration denial in another state (unrelated to criminal convictions):

- A certified copy of the Order for disciplinary action or denial from the other state licensing entity;
- A certified copy of any subsequent actions (i.e. reinstatement), if applicable; and
- A letter or written statement from the applicant explaining the factual circumstances leading to the action or denial.

The following information may be requested from an applicant with an identified impairment that may impact safety to practice:

- Evidence of any past treatment (i.e., discharge summary from outpatient treatment and inpatient hospitalizations);
- A letter from the applicant's current treating healthcare provider(s) describing diagnosis, treatment regimen, compliance with treatment, and an analysis of the applicant's ability to practice safely; and
- A letter or written statement from the applicant explaining the factual circumstances of the condition or impairment and addressing ongoing efforts to function safely (including efforts to remain compliant with treatment, maintain sobriety, attendance at AA/NA meetings, etc.).

The Executive Director may approve the application without referral to the Board President in the following cases:

1. The applicant's history of a criminal conviction does not constitute grounds for denial (any felony or any misdemeanor involving moral turpitude) ~~or constitute grounds for Board action~~ pursuant to §54.1-2806 of the Code of Virginia. (Article V, Bylaws; Va. Code § 54.1-2806.)
2. The applicant has a history of criminal conviction for felonies or misdemeanors involving moral turpitude, but the following criteria are met:
 - Conviction history includes only misdemeanors which are greater than 5 years old, as long as court requirements have been met;
 - If one misdemeanor conviction is less than 5 years old, the court requirements have been met, and the crime was unrelated to the license or registration sought; or
 - If the applicant was convicted of one felony more than 10 years ago, when that one felony was non-violent in nature and all court/probationary/parole requirements have been met.
3. The applicant has Rreported only juvenile convictions.
4. The Applicants has with disclosed a conviction history previously reviewed and approved by the Board of Funeral Directors and Embalmers, provided no subsequent criminal convictions exist. (~~Guidance Document 65-10~~, Bylaws, Article V.)

Draft Legislation

A BILL to amend the *Code of Virginia* by amending § 54.1-2817, regarding the funeral internship program.

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2817 of the *Code of Virginia* is amended as follows:

§ 54.1-2817. Funeral service interns.

A person desiring to become a funeral service intern shall apply on a form provided by the Board. The applicant shall attest that he holds a high school diploma or its equivalent. The Board, in its discretion, may approve an application to be a funeral service intern for an individual convicted of a felony, if he has successfully fulfilled all conditions of sentencing, been pardoned, or has had his civil rights restored. ~~The Board shall not, however, approve an application to be a funeral service intern for any person convicted of embezzlement or of violating subsection B of § 18.2-126.~~

The Board, in its discretion, may refuse to approve an application to be a funeral service intern for an individual who has a criminal or disciplinary proceeding pending against him in any jurisdiction in the United States.

When the Board is satisfied as to the qualifications of an applicant, it shall issue a certificate of internship. When a funeral service intern wishes to receive in-service training from a person licensed for the practice of funeral service, a request shall be submitted to the Board. If such permission is granted and the funeral service intern later leaves the proctorship of the licensee whose service has been entered, the licensee shall give the funeral service intern an affidavit showing the length of time served with him. The affidavit shall be filed with the Board and made a matter of record in that office. Any funeral service intern seeking permission to continue in-service training shall submit a request to the Board.

A certificate of internship shall be renewable as prescribed by the Board. The Board shall mail or send electronically at such time as it may prescribe by regulation, to each registered funeral service intern at his last known address, a notice that the renewal fee is due and that, if not paid by the prescribed time, a penalty fee shall be due in addition to the renewal fee.

The registration of any funeral service intern who is in the active military service of the United States may, at the discretion of the Board, be held in abeyance for the duration of his service. The Board may also waive the renewal fees for such military personnel.

All registered funeral service interns shall report to the Board on a schedule prescribed by the Board upon forms provided by the Board, showing the work which has been completed during the preceding period of internship. The data contained in the report shall be certified as correct by the person licensed for the practice of funeral service under whom he has served during this period and by the person licensed for the practice of funeral service owning or managing the funeral service establishment.

Before such funeral service intern becomes eligible to be examined for the practice of funeral service, evidence shall be presented along with an affidavit from any licensee under whom the intern worked showing that the intern has assisted in embalming at least 25 bodies and that the intern has assisted in conducting at least 25 funerals. In all applications of funeral service interns for licenses for the practice of funeral service, the eligibility of the applicant shall be determined by the records filed with the Board. The successful completion by any person of the internship shall not entitle him to any privilege except to be examined for such license.

Credit shall not be allowed for any period of internship that has been completed more than ~~three~~ five years prior to application for license ~~or more than five years prior to examination for license~~. If all requirements for licensure are not completed within five years of the initial application for internship, the Board may deny an extension or additional internship. A funeral service intern may continue to practice for up to ~~90~~ 180 days from the completion of his internship or until he has taken and received the results of all examinations required by the Board, whichever occurs first, but in no event more than five years from the date of the initial internship application or more than any extension granted. However, the Board may waive such limitation for any person in the armed service of the United States when application for the waiver is made in writing within six months of leaving service or if the Board determines that enforcement of the limitation will create an unreasonable hardship.

The Board shall have power to suspend or revoke a certificate of internship for violation of any provision of this chapter.

No more than two funeral service interns shall be concurrently registered under any one person licensed for the practice of funeral service, funeral directing or embalming. Each sponsor for a registered funeral service intern must be actively employed by or under contract with a funeral establishment.

Legislative and Regulatory Reports

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VIRGINIA ACTS OF ASSEMBLY — CHAPTER

An Act to amend and reenact § 54.1-2800 of the Code of Virginia, relating to declinable preneed funeral guarantee fee; definition.

[S 989]

Approved

Be it enacted by the General Assembly of Virginia:
1. That § 54.1-2800 of the Code of Virginia is amended and reenacted as follows:
§ 54.1-2800. Definitions.

- As used in this chapter, unless the context requires a different meaning:
- "Advertisement" means any information disseminated or placed before the public.
- "At-need" means at the time of death or while death is imminent.
- "Board" means the Board of Funeral Directors and Embalmers.
- "Cremate" means to reduce a dead human body to ashes and bone fragments by the action of fire.
- "Cremator" means a person or establishment that owns or operates a crematory or crematorium or cremates dead human bodies.
- "Crematory" or "crematorium" means a facility containing a furnace for cremation of dead human bodies.
- "Declinable preneed funeral guarantee fee" means an optional and declinable fee agreed to by a preneed funeral contract purchaser, if offered by a seller, for which the cost of the *preneed* supplies and services as described in the preneed funeral contract shall be guaranteed. A declinable preneed funeral guarantee fee, when offered by a seller (i) shall not exceed 25 percent of the *guaranteed preneed supplies and services included in the* funeral contract price, (ii) shall be refundable if the purchaser terminates the contract within 30 days of execution, (iii) shall not be considered a finance fee, and (iv) shall be listed on the general price list in accordance with § 54.1-2812.
- "Embalmer" means any person engaged in the practice of embalming.
- "Embalming" means the process of chemically treating the dead human body by arterial injection and cavity treatment or, when necessary, hypodermic tissue injection to reduce the presence and growth of microorganisms to temporarily retard organic decomposition.
- "Funeral directing" means the for-profit profession of directing or supervising funerals, preparing human dead for burial by means other than embalming, or making arrangements for funeral services or the financing of funeral services.
- "Funeral director" means any person engaged in the practice of funeral directing.
- "Funeral service establishment" means any main establishment, branch, or chapel that is permanently affixed to the real estate and for which a certificate of occupancy has been issued by the local building official where any part of the profession of funeral directing, the practice of funeral services, or the act of embalming is performed.
- "Funeral service intern" means a person who is preparing to be licensed for the practice of funeral services under the direct supervision of a practitioner licensed by the Board.
- "Funeral service licensee" means a person who is licensed in the practice of funeral services.
- "In-person communication" means face-to-face communication and telephonic communication.
- "Next of kin" means any of the following persons, regardless of the relationship to the decedent: any person designated to make arrangements for the disposition of the decedent's remains upon his death pursuant to § 54.1-2825, the legal spouse, child aged 18 years or older, parent of a decedent aged 18 years or older, custodial parent or noncustodial parent of a decedent younger than 18 years of age, siblings over 18 years of age, guardian of minor child, guardian of minor siblings, maternal grandparents, paternal grandparents, maternal siblings over 18 years of age and paternal siblings over 18 years of age, or any other relative in the descending order of blood relationship.
- "Practice of funeral services" means engaging in the care and disposition of the human dead, the preparation of the human dead for the funeral service, burial or cremation, the making of arrangements for the funeral service or for the financing of the funeral service and the selling or making of financial arrangements for the sale of funeral supplies to the public.
- "Preneed" means at any time other than at-need.
- "Preneed funeral contract" means any agreement where payment is made by the consumer prior to the receipt of services or supplies contracted for, which evidences arrangements prior to death for (i) the providing of funeral services or (ii) the sale of funeral supplies. "Preneed funeral contract" does not include transportation protection agreements.
- "Preneed funeral planning" means the making of arrangements prior to death for (i) the providing of

57 funeral services or (ii) the sale of funeral supplies.

58 "Solicitation" means initiating contact with consumers with the intent of influencing their selection of a
59 funeral plan or funeral service provider.

60 "Transportation protection agreement" means an agreement that provides for the coordination and
61 arranging of all professional services related to transportation of human remains or cremated remains beyond
62 the distance stated in the preneed funeral contract.

63 **2. That the Board of Funeral Directors shall amend its regulations to ensure that declinable preneed**
64 **funeral guarantee fees are used solely to guarantee the cost of preneed supplies and services as**
65 **described in preneed funeral contracts.**

VIRGINIA ACTS OF ASSEMBLY - 2025 SESSION

CHAPTER 253

An Act to amend and reenact § 54.1-2807.01 of the Code of Virginia, relating to funerals; disagreements among next of kin.

[H 2246]

Approved March 21, 2025

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2807.01 of the Code of Virginia is amended and reenacted 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. *If, after 30 days of learning of a dispute, the funeral service establishment has not received written notice of agreement among the next of kin or a court order resolving the dispute, the funeral service establishment may proceed with the funeral and disposition arrangements upon authorization from any next of kin or in accordance with § 54.1-2807.02. The funeral service establishment shall not be liable for complying with the provisions of this subsection.*

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 *pursuant to § 54.1-2811.1* 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.

VIRGINIA ACTS OF ASSEMBLY - 2025 SESSION

CHAPTER 115

An Act to amend and reenact §§ 32.1-274 and 54.1-2810 of the Code of Virginia, relating to funeral directors; requirement to report certain statistics removed.

[H 1571]

Approved March 19, 2025

Be it enacted by the General Assembly of Virginia:

1. That §§ 32.1-274 and 54.1-2810 of the Code of Virginia are amended and reenacted as follows:

§ 32.1-274. Persons in charge of institutions and funeral directors, etc., to keep records; lists sent to State Registrar.

A. Every person in charge of an institution shall keep a record of personal data concerning each person admitted or confined to such institution. This record shall include such information as required for the certificates of birth, death, and reports of spontaneous fetal death and induced termination of pregnancy required by this chapter. The record shall be made at the time of admission from information provided by the person being admitted or confined, but when it cannot be so obtained, the information shall be obtained from relatives or other persons acquainted with the facts. The name and address of the person providing the information shall be a part of the record.

B. When a dead human body is released or disposed of by an institution, the person in charge of the institution shall keep a record showing the name of the deceased, date of death, the name and address of the person to whom the body is released and the date of removal from the institution, or, if final disposal is by the institution, the date, place, and manner of disposition.

C. A funeral director, embalmer, or other person who removes from the place of death or transports or is in charge of final disposition of a dead body or fetus, in addition to filing any certificate, report or form required by this chapter, shall keep a record which shall identify the body, and such information pertaining to his receipt, removal, and delivery of such body as may be prescribed in regulations adopted by the Board.

D. Not later than the tenth day of the month following the month of occurrence, the administrator of each institution shall cause to be sent to the State Registrar a list showing thereon all births, deaths, and fetal deaths occurring in such institution during the preceding month. Such lists shall be on forms provided by the State Registrar.

~~E. Not later than the tenth day of the month following the month of occurrence, each funeral director shall send to the State Registrar a list showing thereon all caskets furnished, bodies prepared for disposition and transportation and funerals performed where no casket was furnished by the funeral director during the preceding month. Such lists shall be on forms provided by the State Registrar.~~

~~F. Records maintained under this section shall be retained for a period of not less than ten years and shall be made available for inspection by the State Registrar or his representative upon demand.~~

§ 54.1-2810. Licensure of funeral establishments.

No person shall conduct, maintain, manage or operate a funeral establishment unless a license for each such establishment has been issued by the Board. No license to operate a funeral establishment shall be issued by the Board unless each such funeral establishment has in charge, full time, a person licensed for the practice of funeral service or a licensed funeral director. Applications for funeral establishment licenses shall be made on forms furnished by the Board and filed by the owner or the registered agent of the corporation with the Board.

Each funeral establishment license shall expire annually at a time prescribed by Board regulation. A license may be renewed within 30 days of its expiration. Upon expiration of the license, the Board shall notify each licensee of the provisions of this section. Renewal of a license after the expiration of the 30-day period shall be in the discretion of the Board.

Violations of any provisions of this chapter or any Board regulations by any person, or an officer, agent or employee with the knowledge or consent of any person operating a funeral establishment shall be considered sufficient cause for suspension or revocation of the funeral establishment license.

An operator of a funeral establishment shall not allow any person licensed for the practice of funeral service to operate out of his funeral establishment unless the licensee is the operator or an employee of the operator of a licensed funeral establishment.

If the manager of the funeral service establishment is unable, for any reason, to exercise adequate supervision, direction, management, and control of the funeral establishment, the owner shall designate any funeral service licensee to serve as a temporary manager and notify the Board in writing within 14 days. If such inability of the manager exceeds 90 days or is expected to exceed 90 days, a new manager shall be designated and registered with the Board. At the conclusion of the 90-day period for designation of a new manager, a funeral service establishment which has failed to designate a new manager shall not operate as a

funeral service establishment.

When licensing funeral establishments, the Board may grant a hardship waiver from the requirement for a full-time manager licensed for the practice of funeral service or licensed as a funeral director, allowing the operation of two funeral establishments having in charge one full-time person licensed for the practice of funeral service or one licensed funeral director who divides his time between the two funeral establishments. Prior to granting a hardship waiver, the Board shall find that (i) the two establishments have been in operation for at least three years; (ii) the combined average number of funeral calls at the two establishments, ~~as submitted in monthly reports to the Division of Vital Records and Health Statistics of the Virginia Department of Health,~~ over the previous three years is no more than 135 per year; and (iii) the distance between the two establishments is 50 miles or less.

Prior to granting a renewal of a license granted under a hardship waiver, the Board shall determine whether the requirements for license renewal under such waiver continue to exist.

Board of Funeral Directors and Embalmers
Current Regulatory Actions
As of March 24, 2025

In the Governor’s Office

None.

In the Secretary’s Office

None.

At DPB/OAG

VAC	Stage	Subject Matter	Date submitted for Exec. Branch Review	Office; time in office	Notes
18VAC65-30	Emergency /NOIRA	Declinable preneed funeral guarantee fee amendments	7/22/2024	OAG; 245 days	Allows the addition of a declinable preneed funeral guarantee fee to a preneed agreement as created by Ch. 247 of the 2024 Acts of Assembly (SB521)
18VAC65-20 18VAC65-30 18VAC65-40	Proposed	2023 Regulatory Reduction	2/3/2025	OAG; 49 days	Encompasses the Board’s most significant reduction efforts that were started in 2023

Recently effective or awaiting publication

None.

Board Action

Withdrawal of
Guidance Document –
Guidance for
Embalming and
Refrigeration Pending
Resolution of Dispute
Involving the Identity
of the Next of Kin

VIRGINIA BOARD OF FUNERAL DIRECTORS AND EMBALMERS**Guidance for Embalming and Refrigeration Pending Resolution of Dispute Involving the Identity of the Next of Kin**

On July 1, 2024, new provisions of [Virginia Code § 54.1-2807.01](#) became effective, which outline actions that may be taken by a funeral service establishment in the event of a dispute concerning the identity of the person(s) who have the right to make arrangements for a decedent's funeral or for the disposition of a decedent's remains.

Virginia Code § 54.1-2807.01(D) states that, if a funeral service establishment retains a decedent's remains pending a dispute regarding the identity of the next of kin, "the funeral service establishment may embalm or refrigerate and shelter the decedent's body for preservation purposes until the dispute is resolved."

The Board of Funeral Directors and Embalmers (Board) does not interpret the new provision in Virginia Code § 54.1-2807.01(D) as an exemption to the pre-existing prohibition against embalming in the absence of express permission of a next of kin of the deceased or a court order found in Virginia Code §§ [54.1-2806\(B\)\(26\)](#) and [54.1-2811.1\(B\)](#). Rather, the authority to embalm under the new Virginia Code § 54.1-2807.01(D) is subject to the prohibitions against embalming absent "express permission by a next of kin of the deceased or a court order" found in Virginia Code §§ [54.1-2806\(B\)\(26\)](#) and [54.1-2811.1\(B\)](#).

The requirements for the refrigeration of unembalmed remains found in Virginia Code §§ 54.1-2806(B)(26) and 54.1-2811.1(B) are not altered by the new provisions of Virginia Code § 54.1-2807.01. Funeral licensees must comply with these refrigeration requirements during the pendency of a dispute regarding the identity of the next of kin.

Initiation of Notice of Intended Regulatory Action (NOIRA) or Fast-Track Action –

Requirements for Preparation
Rooms When Embalming Not
Performed – Board Regulations
Governing the Practice of
Funeral Services
(18VAC65-20-10 et seq.)

Agenda Item: Consideration of Fast-Track amendments to preparation room requirements

Included in your agenda packet:

- Draft amendments to 18VAC65-20-540

Staff Note: Due to the non-controversial nature of these changes, a fast-track action would be appropriate

Motion needed: Motion to amend 18VAC65-20-540 by fast-track action.

18VAC65-20-540. Preparation room requirements.

A. Every **A** 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 ~~for burial, transportation, or other disposition~~.

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.

~~D. 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.~~

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.

18VAC65-20-580. Preparation room equipment.

A. 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 individual~~ 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.

B. Funeral service establishments at which the embalming of dead human bodies is not performed are not required to maintain embalming supplies or equip the preparation room(s) with the items in (A)(6) and (A)(11) herein.

DRAFT

Adoption of Revisions
to Board Guidance
Document 65-11 –
Guidance for Inspectors
and Licensees

Agenda Item: Consideration of amendments to guidance document 65-11

Included in your agenda packet:

- Draft amendments to guidance document 65-11

Motion needed: Motion to amend guidance document 65-11

Board of Funeral Directors and Embalmers

GUIDANCE FOR INSPECTORS AND LICENSEES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Yes. (See Appendix 1 – General Price List)

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

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

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

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

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

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

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

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

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

The proper time to add a name to the preneed list is when the funeral director and the buyer sign the preneed contract. The time to remove a name from the list is after the death of the contract beneficiary, provided services were rendered on behalf of the contract beneficiary.

What is a proper ventilation system?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Where embalming is not performed at a funeral service establishment, the Board interprets the relevant provisions of the Virginia Code and the Board’s Regulations to mean that the supplies and equipment specific only to the embalming process are not required to be present in the preparation room: e.g. instruments and apparatus for the embalming process (18VAC65-20-580(6)) and an electric aspirator or hydroaspirator equipped with a vacuum breaker (18VAC65-20-580(11)).

Adoption of Revisions
to Policy Documents –

Board ByLaws

VIRGINIA BOARD OF FUNERAL DIRECTORS AND EMBALMERS
BYLAWS

ARTICLE I: AUTHORIZATION

A. Statutory and Regulatory Authority.

The Virginia Board of Funeral Directors and Embalmers (“Board”) is established and operates pursuant to Sections 54.1-2400 and 54.1-2800 et seq., of the Code of Virginia. Regulations promulgated by the Board may be found in 18 VAC 65-20, Chapters 11, 20, 30, and 40.

B. Duties.

The Board is authorized to license individuals and establishments providing funeral and/or embalming services, to regulate and inspect funeral establishments and crematories, to supervise programs for funeral service interns, to regulate preneed funeral contracts and preneed funeral trust accounts, to register crematories, and to promulgate regulations to improve and promote standards of service and practice and otherwise carry out the licensing act.

C. Mission.

The mission of the Department of Health Professions is to ensure the delivery of safe and competent patient care by licensing health professionals, enforcing standards of practice, and providing information to healthcare practitioners and the public.

ARTICLE II: THE BOARD

A. Members and Duties.

1. The Board consists of nine members appointed by the Governor in accordance with Virginia Code § 54.1-2802.
2. Members ~~shall~~ are expected to attend all scheduled meetings of the Board and the committee(s) on which they serve unless prevented by illness or similar unavoidable cause. In the event of two consecutive unexcused absences at any meeting of the Board or its committees, the President shall make a recommendation about the Board member’s continued service to the Director of the Department of Health Professions for referral to the Secretary of Health and Human Resources and Secretary of the Commonwealth.
3. Members of the Board shall not hold a voting office in any related professional association within the Commonwealth of Virginia or one that takes a policy position on the laws or regulations of the Board. Members of the Board holding office in a

Effective: ~~September 16, 2021~~

national professional association shall abstain from voting on issues where there may be a conflict of interest present. This section shall not apply to board members who hold a committee membership or an office with the International Conference of Funeral Service Examining Boards.

B. Election of Officers.

1. The organizational year for the Board shall be from July 1st through June 30th.
2. During the first meeting of the organizational year, the Board shall elect from its members a President, Vice-President, and Secretary-Treasurer.
3. The term of office shall be one year; an officer may be re-elected in that same position for a second consecutive term.
4. Nominations for office shall be received from the floor and elections conducted by voice vote; election shall require a majority of the quorum of members present.
5. A vacancy occurring in any office shall be filled during the next meeting of the Board.

B. Duties of Officers.

1. The President presides at all meetings and formal administrative hearings in accordance with parliamentary rules and the Administrative Process Act and requires adherence to those rules on the part of the board members. The President shall appoint all committees and committee chairpersons unless otherwise ordered or delegated by the Board.
2. The Vice-President shall act as President in the absence of the President and assume the duties of President in the event of an unexpired term.
3. The Secretary-Treasurer shall perform those duties necessary and usually pertaining to such office and shall preside in the absence of the President and the Vice-President.
4. In the absence of the President, Vice-President and Secretary-Treasurer, the President shall appoint another board member to preside at the meeting and/or formal administrative hearing.

C. Duties of Executive Director.

The Executive Director ~~shall be is~~ the custodian of all Board records and all papers of value; and shall preserve a correct maintain a list of all applicants and licensees; ~~shall~~ manage the correspondence of the Board; ~~and shall~~ perform all such other duties as naturally pertain to this position.

ARTICLE III: MEETINGS.

A. For purposes of these Bylaws, the Board schedules full board meetings to take place during each quarter, with the right to change the date or cancel any board meeting, with the exception that the Board shall hold at least two meetings each year pursuant to Virginia Code § 54.1-2802.

~~B. Board members shall attend all board meetings in person, or by electronic means as permitted by law and Board policy, unless prevented by illness or similar unavoidable cause.~~
A majority of the members of the Board shall constitute a quorum for the transaction of business.

~~C. The current edition of Robert's Rules of Order, revised, shall apply unless overruled by these bylaws or when otherwise agreed.~~

~~D.~~ The order of the business shall be as follows:

1. Call to order with statement made for the record of how many and which board members are present and that it constitutes a quorum.
2. Approval of minutes.
3. The Executive Director and the President shall collaborate on the remainder of the agenda.

D. The order of business may be changed at any meeting by a majority vote.

ARTICLE IV: COMMITTEES

A. Standing Committees:

1. Special Conference Committee.

The committee shall consist of at least two board members. The committee shall hold informal conferences for licensee and applicant cases in accordance with §§ 2.2-4019, 2.2-4021, and 54.1-2400 of the Code of Virginia, with the right to change the date or cancel any meeting. The committee shall meet as necessary to adjudicate cases in a timely manner in accordance with agency standards for case resolution. The President may designate two additional board members as alternates on this committee who may be contacted to serve in the event one of the standing committee members becomes ill or is unable to attend a scheduled conference date. Further, should the caseload increase to the level that additional special conference committees are needed, the President may appoint additional committees.

2. Examination Committee.

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The committee shall consist of three board members, two funeral service licensees and one citizen member. The committee shall meet as required for the purpose of writing new items for the jurisprudence examination to maintain the integrity, defensibility and current status of the examination for the purpose of licensure.

3. Credentials Committee.

The committee shall consist of at least two board members. The members of the committee shall review non-routine licensure applications to determine the credentials of the applicant and the applicability of the statutes and regulations. The committee member who conducted the initial review shall provide guidance to staff on action to be taken. The Credentials Committee shall not be required to meet collectively to conduct initial reviews.

4. Legislative/Regulatory Committee.

The committee shall consist of at least three Board members. The committee is responsible for the development of proposals for new regulations or amendments to existing regulations; the recommendation in response to a petition for rulemaking; the development of proposals for legislative initiatives of the Board; the consideration of and recommended response to public comment as required in conjunction with rulemaking; the conduct of the required periodic review of all existing regulations as required by the Board's Public Participation Guidelines and any Executive Order of the Governor, and other required tasks related to regulations. Any proposed draft regulation or draft legislation shall be reviewed and approved by the full Board prior to publication.

5. Continuing Education Committee.

The committee shall consist of at least two board members. The members of the committee shall review requests from licensees for exemptions from continuing education requirements, from applicants for approval as funeral service continuing education providers and for approval of courses, and other matters related to continuing education. The Board delegates the approval of funeral service continuing education programs to the committee.

B. Ad Hoc Committees:

There may be Ad Hoc Committees consisting of at least two persons who are knowledgeable in the particular area of practice or education under consideration by the Board. The committee shall review matters as requested by the Board and advise or make recommendations for consideration by the Board.

ARTICLE V: GENERAL DELEGATION OF AUTHORITY

A. Delegation to Executive Director, Board staff, and/or Department of Health Professions staff.

Effective: ~~September 16, 2021~~

1. The Board delegates to Board staff the authority to issue and renew licenses, registrations and certificates where minimum statutory and regulatory qualifications have been met.
2. The Board delegates to the Executive Director the authority to reinstate licenses, registrations and certificates when the reinstatement is due to the lapse of the license, registration or certificate and not due to previous Board disciplinary action unless specified in the Board order.
3. The Board delegates to Board staff the authority to develop and approve any and all forms used in the daily operations of the Board business, to include, but not limited to, licensure applications, renewal forms, and documents used in the disciplinary process.
4. The Board delegates to the Executive Director the authority to sign as entered any Order or Board-approved Consent Order resulting from the disciplinary process.
5. The Board delegates to the Executive Director, who may consult with a special conference committee member, the authority to provide guidance to the agency's Enforcement Division in situations wherein a complaint is of questionable jurisdiction and an investigation may not be necessary.
6. The Board delegates to the Executive Director, who shall consult with a member of the Board, the authority to review information regarding alleged violations of law or regulations and determine whether probable cause exists to proceed with possible disciplinary action.
7. The Board delegates to the Executive Director the selection of the agency subordinate who is deemed appropriately qualified to conduct a proceeding based on the qualifications of the subordinate and the type of case being convened.
8. The Board delegates to the Department of Health Professions' inspectors the authority to issue a Compliance Notice upon completion of an inspection, and the Board delegates to the Executive Director the authority to issue letters regarding reported deficiencies to the facilities or licensees.
9. The Board delegates to the Executive Director the review and approval of hardship waiver applications. Should the Executive Director receive a non-routine application regarding the waiver provision, the application may be reviewed for approval by the Credentials Committee.
10. The Board delegates to the Executive Director, the authority to approve applications with criminal convictions in accordance with ~~Guidance Document 65-3~~ the Board's Guidelines on Processing Applications for Licensure.
11. The Board delegates to the Executive Director the authority to issue an Advisory Letter to the person who is the subject of a complaint pursuant to Virginia Code § 54.1-2400.2(G), when a probable cause review indicates a disciplinary proceeding will not be instituted.

Effective: ~~September 16, 2021~~

12. The Board delegates to the Executive Director the authority to offer a confidential consent agreement or a Consent Order for action consistent with any board-approved guidance document, or to negotiate a Consent Order in consultation with the chair of a Special Conference Committee or formal hearing.
13. The Board delegates to the Executive Director the authority to grant an individual extension for good cause shown for up to one (1) year for the completion of education requirements upon written request from the licensee prior to the renewal date.
14. The Board delegates to the Executive Director, who shall consult with the Board President, the authority to accept and to sign as entered any Consent Order for the surrender, suspension, or revocation of a license to end a pending disciplinary matter.
15. The Board authorizes the Executive Director to delegate tasks to the Deputy Executive Director.

B. Delegation to Board President.

The Board delegates to the President the authority to represent the Board in instances where Board “consultation” or “review” may be requested, where a vote of the Board is not required, and where a meeting is not feasible.

C. Delegation to Agency Subordinate.

The Board may delegate an informal fact-finding proceeding to any agency subordinate in accordance with 18VAC65-20-15 of the Regulations of the Board of Funeral Directors and Embalmers.

ARTICLE VI. AMENDMENTS

A board member or staff personnel may propose amendments to these Bylaws by presenting the amendment in writing to all Board members, the Executive Director of the Board, and the Board’s legal counsel prior to any regularly scheduled meeting of the Board. Such proposed amendment shall be adopted upon favorable vote of at least two-thirds of the Board members present at said meeting.

Adoption of Revisions
to Policy Documents –

Guidelines for
Processing Applications
for Licensure

Virginia Board of Funeral Directors and Embalmers

Guidelines for Processing Applications for Licensure: Examination, Endorsement and Reinstatement

Applicants for licensure or registration by examination, endorsement and reinstatement who meet the qualifications as set forth in the law and regulations shall be issued a license, registration, or certificate pursuant to authority delegated to the Executive Director of the Board of Funeral Directors and Embalmers as specified in the Bylaws of the Board. (See ~~Guidance Document 65-10~~, Bylaws, Article V.)

An applicant whose license, registration, or certificate has been revoked or suspended for any reason other than nonrenewal by another jurisdiction is not eligible for licensure or certification in Virginia unless the credential has been reinstated by the jurisdiction which revoked or suspended it. (Va. Code § 54.1-2408.) A suspension or revocation by another jurisdiction that has been stayed on terms is not considered to be reinstated for purposes of Virginia Code § 54.1-2408.

Affirmative responses to any questions on applications for licensure, registration, or certification that might constitute grounds for the Board to refuse to admit a candidate to an examination, refuse to issue a license, registration, or certificate, or impose sanction shall be referred to the Board President for guidance on how to proceed.

A criminal conviction for any felony may cause an applicant to be denied licensure or registration. Each applicant, however, is considered on an individual basis, and there are no criminal convictions or impairments that are an absolute bar to licensure or registration by the Board of Funeral Directors and Embalmers. The Board may, in its discretion, license an individual convicted of a felony if he or she has successfully fulfilled all conditions of sentencing, been pardoned, or had his or her civil rights restored. (Va. Code § 54.1-2813.) The Board shall not, however, approve an application to be a funeral service intern for any person convicted of embezzlement or of violating subsection B of Virginia Code § 18.2-126. (Va. Code § 54.1-2817.)

Applications for licensure, registration, and certification include questions about the applicant's history, including:

1. Any and all criminal convictions;
2. Any past action taken against the applicant in another state or jurisdiction, including denial of licensure, certification, or registration in another state or jurisdiction;
3. Whether the applicant has any reason to believe that they would pose a risk to the safety or well-being of patients or clients; and
4. Whether the applicant is able to perform the essential functions of a practitioner in their area of practice with or without reasonable accommodations.

Replying "yes" to any questions about convictions, past actions, or possible impairment does not mean the application will be denied. It simply means more information must be gathered and considered before a decision can be made. Sometimes an administrative proceeding is required before a decision regarding the application can be made. The Board of Funeral Directors and Embalmers has the ultimate authority to approve or deny an applicant for licensure, registration, or certification. (Va. Code § 54.1-2806.)

The following information will be requested from an applicant with criminal conviction:

- A certified copy of all conviction orders (obtained from the courthouse of record);

- Evidence that all court ordered requirements were met (i.e., letter from the probation officer if on supervised probation, evidence of paid fines and restitution, etc.); and
- A letter or written statement from the applicant explaining the factual circumstances leading to the criminal offense(s).

The following information will be requested from an applicant with past disciplinary action or licensure/certification/registration denial in another state (unrelated to criminal convictions):

- A certified copy of the Order for disciplinary action or denial from the other state licensing entity;
- A certified copy of any subsequent actions (i.e. reinstatement), if applicable; and
- A letter or written statement from the applicant explaining the factual circumstances leading to the action or denial.

The following information may be requested from an applicant with an identified impairment that may impact safety to practice:

- Evidence of any past treatment (i.e., discharge summary from outpatient treatment and inpatient hospitalizations);
- A letter from the applicant's current treating healthcare provider(s) describing diagnosis, treatment regimen, compliance with treatment, and an analysis of the applicant's ability to practice safely; and
- A letter or written statement from the applicant explaining the factual circumstances of the condition or impairment and addressing ongoing efforts to function safely (including efforts to remain compliant with treatment, maintain sobriety, attendance at AA/NA meetings, etc.).

The Executive Director may approve the application without referral to the Board President in the following cases:

1. The applicant's history of a criminal conviction does not constitute grounds for denial (any felony or any misdemeanor involving moral turpitude) ~~or constitute grounds for Board action~~ pursuant to §54.1-2806 of the Code of Virginia. (Article V, Bylaws; Va. Code § 54.1-2806.)
2. The applicant has a history of criminal conviction for felonies or misdemeanors involving moral turpitude, but the following criteria are met:
 - Conviction history includes only misdemeanors which are greater than 5 years old, as long as court requirements have been met;
 - If one misdemeanor conviction is less than 5 years old, the court requirements have been met, and the crime was unrelated to the license or registration sought; or
 - If the applicant was convicted of one felony more than 10 years ago, when that one felony was non-violent in nature and all court/probationary/parole requirements have been met.
3. The applicant has Rreported only juvenile convictions.
4. The Applicants has with disclosed a conviction history previously reviewed and approved by the Board of Funeral Directors and Embalmers, provided no subsequent criminal convictions exist. (~~Guidance Document 65-10~~, Bylaws, Article V.)

Consider Guidance
for Licensees Related
to the Use of
Online, Self-Guided
Funeral or Preneed
Planning Tools

Virginia Board of Funeral Directors and Embalmers

Guidance to Licensees on Use of or Referral to Online Preneed or Funeral Planning Tools

The use of or referral of consumers to online planning tools that guide consumers through the funeral planning process does not alter the duty of the licensed funeral service provider to follow existing laws and regulations governing practice, including those related to the making and financing of arrangements, both preneed and at need. Licensees are required to adhere to all applicable laws and regulations, including those set forth by the Board and by the Federal Trade Commission. (Va. Code § 54.1-2800 et seq., 18VAC65-20, 18VAC65-30, 18VAC65-40.)

Funeral establishments that utilize or refer to online planning tools or services are required possess appropriate licensure in the jurisdiction where the consumer seeks the delivery of funeral goods and services. (Va. Code § 54.1-2805.)

Any guidance issued by the Board does not limit the Board's ability to determine that certain situations may violate the Board's laws and regulations governing funeral services or preneed funeral planning.

Review of
Recommendations to
Streamline Inspection
Process for
Establishments and
Crematories

Recommendations for Streamlining Inspections Process Legislative/Regulatory Committee – March 28, 2025

1. Follow Up Inspections for New Establishments

Issue:

Streamlining overall inspection process for new establishments and crematories and evaluation of whether a one-year follow-up inspection is needed for all new main, branch, and crematory licensees

Recommendations:

- Return dates for new main establishments continue be set at 1 year out; Co-located crematory set on same schedule
- Return date for branch establishments set for the same return date as the existing affiliated main establishment
- Return date for stand-alone crematory continue to be set at 1 year out
- Return date for affiliated crematory set for same date as main/branch

2. Alignment of Inspections for Affiliated Entities

Issue:

Inspection return date often set based upon inspection of individual facility; although facilities may be affiliated (main/branch/co-located crematory), inspections are not always on the same schedule which may impact both inspectors and licensees

Recommendation:

- To the extent possible, put main establishment, affiliated branch(es), and co-located or affiliated crematory(ies) on same inspection cycle

3. Facility Planning Assessment

Issue:

Current records for establishments do not always indicate certain features that may impact overall time needed for inspector to complete the inspection, as well as suitability for a virtual inspection or document review in lieu of in-person inspection

Recommendations:

- Collect and maintain information on certain features of establishments to aid in planning for inspections
 - i. Prep room on site
 - ii. Embalming on site
 - iii. Preneed contracts on site
 - iv. Refrigeration unit on site
 - v. Crematory (retort) on site

- Board Staff to collect and log information in licensure database on facility features during (1) initial application process; (2) inspection process; and (3) renewal survey

4. Preneed Information

Issue:

Calls to the Board from families who are trying to find information on how to locate an old preneed policy

Recommendation:

- Ask Inspectors to note on inspection report general information on what funding vehicles are used by the facility – e.g. “life insurance through Homesteaders”; “trust accounts at XYZ Bank”

5. Revisions to Inspection Report Document

Issue:

The current form is lengthy and includes some unnecessary subparts; additional information related to interns would be helpful during inspection process for educational purposes and to align with recent changes to regulations

Recommendation:

- Board staff to work with Enforcement staff to review form for possible revisions and to add/clarify two additional items for interns (posting and identification)

Advancement of
2026 Legislative
Proposal –

Funeral Service Interns
– Criminal History,
Internship Timeline –
Virginia Code

§ 54.1-2817

Draft Legislation

A BILL to amend the *Code of Virginia* by amending § 54.1-2817, regarding the funeral internship program.

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2817 of the *Code of Virginia* is amended as follows:

§ 54.1-2817. Funeral service interns.

A person desiring to become a funeral service intern shall apply on a form provided by the Board. The applicant shall attest that he holds a high school diploma or its equivalent. The Board, in its discretion, may approve an application to be a funeral service intern for an individual convicted of a felony, if he has successfully fulfilled all conditions of sentencing, been pardoned, or has had his civil rights restored. ~~The Board shall not, however, approve an application to be a funeral service intern for any person convicted of embezzlement or of violating subsection B of § 18.2-126.~~

The Board, in its discretion, may refuse to approve an application to be a funeral service intern for an individual who has a criminal or disciplinary proceeding pending against him in any jurisdiction in the United States.

When the Board is satisfied as to the qualifications of an applicant, it shall issue a certificate of internship. When a funeral service intern wishes to receive in-service training from a person licensed for the practice of funeral service, a request shall be submitted to the Board. If such permission is granted and the funeral service intern later leaves the proctorship of the licensee whose service has been entered, the licensee shall give the funeral service intern an affidavit showing the length of time served with him. The affidavit shall be filed with the Board and made a matter of record in that office. Any funeral service intern seeking permission to continue in-service training shall submit a request to the Board.

A certificate of internship shall be renewable as prescribed by the Board. The Board shall mail or send electronically at such time as it may prescribe by regulation, to each registered funeral service intern at his last known address, a notice that the renewal fee is due and that, if not paid by the prescribed time, a penalty fee shall be due in addition to the renewal fee.

The registration of any funeral service intern who is in the active military service of the United States may, at the discretion of the Board, be held in abeyance for the duration of his service. The Board may also waive the renewal fees for such military personnel.

All registered funeral service interns shall report to the Board on a schedule prescribed by the Board upon forms provided by the Board, showing the work which has been completed during the preceding period of internship. The data contained in the report shall be certified as correct by the person licensed for the practice of funeral service under whom he has served during this period and by the person licensed for the practice of funeral service owning or managing the funeral service establishment.

Before such funeral service intern becomes eligible to be examined for the practice of funeral service, evidence shall be presented along with an affidavit from any licensee under whom the intern worked showing that the intern has assisted in embalming at least 25 bodies and that the intern has assisted in conducting at least 25 funerals. In all applications of funeral service interns for licenses for the practice of funeral service, the eligibility of the applicant shall be determined by the records filed with the Board. The successful completion by any person of the internship shall not entitle him to any privilege except to be examined for such license.

Credit shall not be allowed for any period of internship that has been completed more than ~~three~~ five years prior to application for license ~~or more than five years prior to examination for license~~. If all requirements for licensure are not completed within five years of the initial application for internship, the Board may deny an extension or additional internship. A funeral service intern may continue to practice for up to ~~90~~ 180 days from the completion of his internship or until he has taken and received the results of all examinations required by the Board, whichever occurs first, but in no event more than five years from the date of the initial internship application or more than any extension granted. However, the Board may waive such limitation for any person in the armed service of the United States when application for the waiver is made in writing within six months of leaving service or if the Board determines that enforcement of the limitation will create an unreasonable hardship.

The Board shall have power to suspend or revoke a certificate of internship for violation of any provision of this chapter.

No more than two funeral service interns shall be concurrently registered under any one person licensed for the practice of funeral service, funeral directing or embalming. Each sponsor for a registered funeral service intern must be actively employed by or under contract with a funeral establishment.