

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.

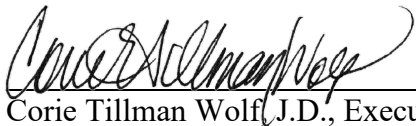
Upon a **MOTION** by Mr. Graves, properly seconded by Mr. Wray, the Committee will advance recommendations to the full Board to adopt guidance for licensees as discussed. The motion passed unanimously (3-0).

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

April 15, 2025

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.