

# **APPROVED**

## **BOARD OF FUNERAL DIRECTORS AND EMBALMERS MINUTES OF LEGISLATIVE/REGULATORY COMMITTEE**

**Tuesday, May 10, 2005  
6603 West Broad Street  
Richmond, Virginia 23230  
Conference Room 1**

**Department of Health Professions**

- CALL TO ORDER:** A meeting of the Virginia Board of Funeral Directors and Embalmers was called to order at 9:00 a.m.
- PRESIDING:** Willard D. Tharp, Chair
- MEMBERS PRESENT:** J. Michael Williams  
Joseph Jenkins, Jr,
- OTHER BOARD MEMBERS PRESENT:** Billie Watson Hughes
- MEMBERS ABSENT:** Randy Minter  
Robert Burger
- STAFF PRESENT:** Elizabeth Young, Executive Director  
Elaine Yeatts, Sr. Policy Analyst  
Annie B. Artis, Operations Manager
- QUORUM:** With four members of the Committee present, a quorum was established.
- GUESTS PRESENT:** David Partridge, RSS, Inc.  
Susan Motley, V.F.D.A.  
Bruce Keeney, I.F.H.V.  
Richard Long, Chesapeake Bank  
John Moore, Chesapeake Bank  
David Anderson, F.S.L., VFDA & VMA
- ORDERING OF AGENDA:** The agenda was accepted with no changes.
- PUBLIC COMMENT:** There was no public comment.
- APPROVAL OF MINUTES:** Ms. Hughes made a motion to approve the minutes of the April 12, 2005 Legislative/Regulatory meeting. The motion was seconded by Mr. Williams and carried unanimously.

**PROPOSED LEGISLATION** Ms. Yeatts gave a brief overview of the proposed legislation.

**RECOMMENDATION FROM THE TASK FORCE ON THE RESIDENT TRAINEE PROGRAM** There was discussion by the committee regarding the change of title “resident trainee” to “funeral service intern.” Mr. Williams stated he attended an open meeting of the Town Hall in Richmond, and the consensus was that the term “intern” sounded more professional; he also stated that other entities within the Department of Health Professions uses “intern.” He further stated that “intern” was more professional when trying to secure a loan.

**FDE – 1**

**§54.1-2800. Definitions**

The term of resident trainee is to be amended to funeral service intern.

**§54.1-2817. Funeral service interns**

Ms. Yeatts recommended that paragraph #6, first sentence be changed to read as follows: “All registered funeral service interns shall report to the Board on a schedule and on forms provided by the Board.

Mr. Williams made a motion to accept the amendments as recommended by Ms. Yeatts. The motion was seconded by Ms. Hughes and was carried unanimously.

**FDE – 2**

**SURFACE TRANSPORTATION AND REMOVAL SERVICES**

**§54.1-2819 Registration of surface transportation and removal services**

Ms. Yeatts recommended that the statute be changed to read as follows:

Any person or private business except a common carrier engaged in interstate commerce, the Commonwealth and its agencies, licensed Emergency Medical Service agencies licensed by the Department of Health under §54.1-111.4 and §54.1-111.5 of the *Code of Virginia* or funeral service establishments, shall apply for and receive

a registration as a transportation and removal service in order to be authorized to engage in the business of surface transportation or removal of dead human bodies in this Commonwealth.

Mr. Williams made a motion to move affirmatively to accept the change with amendments as recommended by Ms. Yeatts. The motion was seconded by Mr. Jenkins and was carried unanimously.

**FDE – 3**

**MANAGER OF RECORD**

**§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. The application for such license shall be made on a form provided by the Board and signed by a manager of record who will be in full and actual charge of the funeral service establishment and who will be fully engaged in the practice of funeral service at the location designated on the application furnished by the Board and filed by the owner or the registered agent of the corporation with the Board.

Mr. Williams made a motion to accept the changes as recommended by Ms. Yeatts, to combine the last two sentences and remove "Applications for funeral establishment licenses shall be made on forms" from the last sentence. The motion was seconded by Ms. Hughes. The motion carried unanimously.

**REPORT REGARDING  
THE ISSUE OF  
RECOVERY FUND**

**A** Ms. Young stated that since the last meeting she had not had an opportunity to visit North Carolina to discuss the recovery fund with Paul Harris. She stated that Mr. Harris is willing to discuss the issue with her. Ms. Young stated she brainstormed the matter with Mr. Nebiker and he has given his permission for the Board to examine the creation of a recovery fund.

Mr. Kenney asked how the Board would determine how

much of the fees would go into the recovery fund. He asked if preventive measures may be doing random audits to verify deposits on pre-need accounts as part of the inspection of funeral homes.

Mr. Williams made a motion to bring the discussions from the legislative/regulatory committee meeting regarding the Recovery Fund to the full board on June 7, 2005 and ask that they appoint a committee to study the issue. The committee will be appointed after July 1, 2005. The motion was seconded by Mr. Jenkins and was carried unanimously.

**PROPOSED  
REGULATIONS**

Ms. Yeatts gave a brief overview of the Notice of Intended Regulatory Action (NOIRA) and its recommended changes. She explained that the NOIRA requires a periodic review of the regulations; many recommendations for amendments to the regulations have been presented. No language needed to be adopted at this time. Ms. Yeatts stated that revised amendment adds more flexibility and accountability to the resident trainee program. There was discussion by the committee to tailor the program to include the following:

- 1) Total program – 3,000 hours
- 2) Minimum hours per week – 20 hours
- 3) Minimum time in program – 12 months
- 4) Maximum time in program – 48 months

**RECOMMENDATIONS  
FROM THE TASK FORCE  
ON THE RESIDENT  
TRAINEE PROGRAM**

Ms. Hughes made a motion to recommend the NOIRA on the resident trainee program be submitted to the full Board for approval. The motion was seconded by Mr. Williams and was carried unanimously.

**VFDA CONFERENCE**

There was discussion regarding the full board attending the VFDA/VMA conferences and offering C.E.U. credits. Mr. Williams made a motion to have the full Board meet at the Virginia Funeral Directors Association/Virginia Morticians Association conferences and give all persons who attend one hour of continuing competency credit. The motion was properly seconded by Ms. Hughes. The motion was carried unanimously. The Board charged Ms. Young to

contact Mr. Watson at VMA to discuss the matter.

## ISSUES TO STUDY

### Preceptorship

Ms. Young stated that the Board was fortunate to have Mr. Sikon from John Tyler Community College and Mr. Walton from Norfolk State University on the committee for the resident trainee program. Ms. Hughes made a motion to direct the task force to continue its study of preceptorships and report to the full Board at its December board meeting. The motion was properly seconded by Mr. Jenkins and was carried unanimously.

Ms. Young suggested that those who participated in the preceptorship training receive five (5) hours of continuing education credits.

### Felony Conviction

There was a brief discussion regarding the legislation regarding felony convictions. Ms. Yeatts stated that the current amended statute does grant the Board discretion in licensing individuals with prior felony convictions.

### Board Name Change

Mr. Tharp suggested that the Board review the possibility of changing the current name of the board. He stated that most boards are naming themselves after the profession not for the occupations regulated. Ms. Hughes made a motion to take into consideration, a name change in 2007. The motion was properly seconded by Mr. Jenkins and was carried unanimously.

## ADJOURNMENT:

With all business concluded, the Committee adjourned at 11:28 a.m.

**Virginia Board of Funeral Directors and Embalmers  
Legislative/Regulatory Committee Meeting  
May 10, 2005**

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Willard D. Tharp, Chair

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Beth Young, Executive Director

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Date

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Date