

# **UNAPPROVED**

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

**Wednesday, September 27, 2005  
6603 West Broad Street, 5<sup>th</sup> Floor  
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 9:01 a.m.

### **PRESIDING**

Willard D. Tharp, Chair

### **MEMBERS PRESENT:**

Randolph Minter  
Barry Murphy  
Robert Burger

### **OTHER BOARD MEMBERS PRESENT:**

Billie Watson Hughes  
Barry Murphy  
Michael Leonard

### **COMMITTEE MEMBERS ABSENT:**

Rev. Alane C. Miles  
Joseph Jenkins, Jr.

### **COUNSEL:**

Jack E. Kotvas, Assistant Attorney General

### **STAFF PRESENT:**

Elizabeth Young, Executive Director  
Elaine Yeatts, Senior Policy Analyst  
Jeanette Meade, Administrative Assistant

### **QUORUM:**

With seven members present, a quorum was established.

### **GUESTS PRESENT:**

Bruce Keeney, Independent Funeral Homes of Virginia, Inc.  
Susan Motley, VFDA  
David Anderson, Advantus Strategies, Inc.  
David Partridge, RSS, Inc.

**ORDERING OF THE AGENDA:**

A motion was made by Mr. Murphy to accept the agenda as presented. The motion was properly seconded by Mr. Minter. The vote carried unanimously.

**PUBLIC COMMENT:**

There was no public comment.

**REVIEW OF MINUTES**

Mr. Minter made a motion to approve the minutes of the Legislative/Regulatory committee meeting held on August 17, as amended. The motion was properly seconded by Mr. Murphy. The vote carried unanimously.

**REVIEW OF THE PRENEED FUNERAL PLANNING REGULATIONS**

The Committee addressed major problem addressed in disciplinary actions within the last year:

- itemized statements minus funding source contract

**18 VAC65-30-10. Definitions.**

The Committee asked if the following definitions are still used: "Capper, steerer, etc." and "cash advance item".

The Committee recommended the revision of "Contract beneficiary", "contract buyer", "contract provider", and "contract seller".

With the definition of "contract seller", the Committee suggested the following revision: Contract seller means the funeral service licensee who is an agent of funeral home and who makes the preneed arrangements with the contract buyer for the funeral service and who makes financial arrangements for the service and the goods and supplies to be provided on behalf of the contract provider.

**18 VAC 65-30-50. Solicitation.**

Section A needs to be reflected in the statute also.

The Committee wishes to question its inspectors on the pros and cons of chronological listing of preneeds as opposed to an alphabetical listing.

**18 VAC65-30-70. Record reporting.**

B. The Committee recommended amending the section to ask the contract provider to provide evidence of notification to all preneed contract holders of closing of facility and ability to transfer contracts to another funeral home.

**18 VAC65-30-80. Content and format.**

B. The Committee recommends the change of one year to three years.

The Committee recommended deleting the contract form- "Addendum to Preneed Contract" and to state in regulations only what is required on the form. The Committee selected Barry Murphy as the technical preneed advisor to Ms. Young and Ms. Yeatts in drafting the wording of the regulations.

Also, the Committee recommended making the disclosure section as a form.

Lastly, within this section, the Committee recommended removing the notary requirement for the "Appointee Agreement" and adding a witness line.

**18 VAC65-30-90. Disclosures.**

The Committee recommended revising the following:

A. At the time of the inquiry, licensees shall furnish to each person inquiring about preneed arrangements a copy of the general price list and ~~preneed disclosure questions and answers.~~ the preneed disclosures questions and answers form provided by the Board.

The Committee recommended the following revision:

C. Immediately upon concluding the arrangement conference, licensees shall furnish to each person who makes a preneed arrangement a copy of the preneed contract that meets the requirements of 18 VAC-65-30-80 and contact funding.

**18 VAC65-30-200. Supplies and services.**

The Committee recommends revising A. to allow much needed clarification of contract seller, contract, and buyer.

**LEGISLATIVE AGENDA FOR 2005029/OTHER PRENEED PLANS**

Mr. Leonard led a discussion about the statute and preferably 54.1-2820 )B of the Code of Virginia. The 5 percent does not allow the principal to grow as fast as it did.

The next legislative/regulatory meeting is scheduled for Wednesday, January 25, 2006 at 9:00 a.m.

The Committee adjourned at 12:00 noon.

**Virginia Board of Funeral Directors and Embalmers  
Legislative/Regulatory Committee Meeting  
September 27, 2005**

**4**

---

Willard D. Tharp, Chair

---

---

Elizabeth Young, Executive Director

---