

The Virginia Board of Funeral Directors and Embalmers convened for a full board meeting on Wednesday, April 26, 2023, at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room #1, Henrico, Virginia.

BOARD MEMBERS PRESENT:

Jason Graves, FSL, President
Joseph Michael Williams, FSL, Vice-President
Lacyn Barton, FSL, Secretary-Treasurer
Muhammad Hanif, Citizen Member
Mia F. Mimms, FSL, J.D.
Blair H. Nelsen, FSL
Joseph Frank Walton, FSL

BOARD MEMBERS NOT PRESENT:

Steve Clemons, CPA, Citizen Member
S. Jonathan Hines, FSL

DHP STAFF PRESENT FOR ALL OR PART OF THE MEETING:

Alesia Baskin, Senior Licensing Program Coordinator
Sarah Georgen, Licensing and Operations Supervisor
Lynne Helmick, Inspections Compliance Specialist
Melanie Pagano, Deputy Executive Director
Matt Novak, Policy and Economic Analyst
Brent Saunders, Senior Assistant Attorney General, Board Counsel
Corie Tillman Wolf, Executive Director
Florence Venable, Discipline Operations Supervisor

OTHER GUESTS PRESENT:

William Baker, Funeral Consumer Alliance of the Virginia Blue Ridge
Paul Harris, Regulatory Support Services, Inc.
Bo Keeney, Association of Independent Funeral Homes of Virginia
Barry Robinson, Virginia Morticians' Association
Richard Sikon, Department of Health, Virginia State Anatomical Program*

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

CALL TO ORDER

Mr. Graves called the meeting to order at 10:00 a.m. and asked the Board members and staff to introduce themselves.

With seven board members present at the meeting, a quorum was established.

Mr. Graves read the mission of the Board, which is also the mission of the Department of Health Professions.

Mr. Graves reminded the Board members and audience about microphones, computer agenda materials, breaks, sign-in sheets, and attendance for continuing education requirements.

Ms. Tillman Wolf then read the emergency egress instructions.

APPROVAL OF MINUTES

Mr. Graves opened the floor to any edits or corrections regarding the draft minutes for the Board meeting and Formal Hearings held on October 21, 2022, and a Legislative/Regulatory Committee meeting on March 20, 2023. With no edits or corrections, the minutes were approved as presented.

ORDERING OF THE AGENDA

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

Ms. Tillman Wolf stated that Mr. Owens may be unable to attend the meeting due to an unanticipated conflict. She asked the Board for flexibility in his report if he could attend later in the meeting. She also noted that Matt Novak, Policy and Economic Analyst, would be present to provide the Legislative/Regulatory Report and discuss Board regulatory actions.

Upon a **MOTION** by Ms. Barton, properly seconded by Mr. Walton, the Board voted to accept the agenda as amended. The motion carried (7-0).

PUBLIC COMMENT

Mr. Robinson provided public comment announcing that the Virginia Morticians' Association Annual Conference is scheduled for June 29 – July 1, 2023, in Roanoke, Virginia. He thanked Mr. Walton and Mr. Nelsen for their years of service and commitment to the Board.

STAFF REPORTS

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

Ms. Tillman Wolf welcomed Melanie Pagano as the new Deputy Executive Director and Florence Venable as the new Discipline Operations Supervisor for the Board.

Board Updates

Ms. Tillman Wolf provided board updates, noting the end of the renewal cycle on March 31, 2023. Additionally, she said that Board Members and staff have participated in trainings through provider associations, including the Association of Independent Funeral Homes of Virginia with Ms. Tillman Wolf

and Mr. Sikon, the Virginia Funeral Directors Association with Mr. Walton and Mr. Williams, and the Virginia Morticians’ Association with Mr. Walton.

Ms. Tillman Wolf also stated that, on the horizon for the Board, is a request made during the 2023 General Assembly session from the House Committee on Health, Welfare, and Institutions for the Board to study natural organic reduction or human composting. She announced that, upon receipt of the letter requesting the study, the Board would convene a workgroup to develop recommendations for the General Assembly’s review.

Federal Updates

Ms. Tillman Wolf provided an update on the recent legal action by the Federal Trade Commission (FTC) against the Funeral and Cremation Group of North America, LLC., Legacy Cremation Services, LLC, d/b/a Heritage Cremation Provider.

Ms. Tillman Wolf provided an update related to Funeral Funds available through the Federal Emergency Management Agency (FEMA). FEMA recently issued a memorandum that established the end of the incident period for funeral assistance funds to coincide with the end of the COVID-19 pandemic emergency on May 11, 2023. She reported that FEMA will continue to assist applicants until September 30, 2025.

Licenses for Funeral Directors and Embalmers

Ms. Tillman Wolf provided the licensing data of applications received and licenses/registrations issued as of April 21, 2023, for the following license types:

	Applications Received	Licenses/Registrations Issued*
Funeral Director	29	19
Funeral Director Intern	46	37
Embalmer	2	1
Embalmer Intern	3	2
Funeral Service Intern	231	201
Funeral Service Licensee	157	163*

International Conference Updates

Ms. Tillman Wolf provided information on the International Conference’s 2023 Annual Meeting occurring from March 1-2, 2023, in Chandler, Arizona. She stated that Mr. Graves attended as the Board Voting Delegate, and Lacyn Barton was the Board Alternate. She announced that Ms. Barton had been elected to the Board of Directors. She also said that Mr. Nelsen and herself were in attendance as the Immediate Past President and Board staff, respectively.

She provided a brief reminder about changes to the National Board Examination (NBE), effective January 1, 2023.

2023 Board Meeting Dates

Ms. Tillman Wolf announced the remaining 2023 Board meeting dates.

- July 11, 2023
- October 12, 2023

Discipline Report

As of February 28, 2023, Ms. Tillman Wolf reported the following disciplinary statistics:

- 45 Patient Care Cases
 - 1 at Informal
 - 3 at Formal
 - 1 at Enforcement
 - 40 at Probable Cause
 - 0 at APD
- 35 Non-Patient Care Cases
 - 2 at Informal
 - 0 at Formal
 - 15 at Enforcement
 - 18 at Probable Cause
 - 0 at APD
- 20 at Compliance

Ms. Tillman Wolf reported the following Total Cases Received and Closed:

- | | |
|-------------------|-------------------|
| • Q1 2021 – 15/18 | • Q3 2022 – 24/22 |
| • Q2 2021 – 12/12 | • Q4 2022 – 28/21 |
| • Q3 2021 – 20/22 | • Q1 2023 – 5/23 |
| • Q4 2021 – 22/10 | • Q2 2023 – 10/21 |
| • Q1 2022 – 19/18 | • Q4 2023 – 11/13 |
| • Q2 2022 – 19/12 | |

Ms. Tillman Wolf provided a reminder that applicant or licensee inquiries or questions should be directed to Board staff for a response. She also reminded Board Members to update their contact information with Board staff if anything changes.

Mr. Graves requested further information from Ms. Tillman Wolf on the data regarding Funeral Director-only and Embalmer-only licenses. Ms. Tillman Wolf stated that limited Embalmer-only applications were received since the legislative change to separate licenses. There was insufficient data to provide to the Board on the low interest related to these separate Embalmer licenses. Mr. Nelsen further stated that a number of Funeral Director-only licenses have been issued to applicants who have been unsuccessful in passing the NBE-Sciences portion of the national exam.

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

Licensure Report – Sarah Georgen, Licensing and Operations Manager

Licensure Statistics – All Licenses

Ms. Georgen presented licensure statistics that included the following information:

License	September 30, 2022 (Q1 2023)	March 31, 2023 (Q3 2023)	Difference (+/-)
Funeral Service Licensees	1,555	1,595	+40
Funeral Director	36	45	+9
Embalmer Only	3	3	0
Supervisors	570	600	+30
Funeral Service Interns	242	256	+14
Funeral Directing Interns	22	33	+11
Embalmer Interns	1	2	+1
Funeral Establishments	424	425	+1
Branch Establishments	86	86	0
Crematories	129	133	+4
CE Providers	10	11	+1
Courtesy Card Holders	124	136	+12
Surface Transport & Removal Svc.	52	54	+2
Total (*not incl. supervisors)	2,684	2,779	+95

Ms. Georgen provided information on the trends of licensure for individuals and facilities since Q3 2020.

Laws, Rules, and Regulations (LRR) Examination Scores

Ms. Georgen provided a snapshot of information on the pass/fail rate of the LRR examination for January through September 2022. She noted that the fourth quarter results had yet to be released.

Licensure Renewal Notifications

Ms. Georgen provided information on the 2023 license renewal notifications, including reminders and notices sent to licensees.

Licensure Renewals – All Licenses, as of April 24, 2023

License	Renewed	Not Renewed	Renewed Percentage
Funeral Service Licensees	1456	68	95.54%
Funeral Director	32	5	86.49%
Embalmer Only	3	0	100%
Funeral Service Internship	155	60	72.09%
Funeral Directing Internship	18	4	81.82%
Embalmer Internship	1	1	100%
Funeral Establishments	413	3	99.28%
Branch Establishments	81	2	97.59%
Crematories	120	1	99.17%
Courtesy Card Holders	111	9	92.50%
Surface Transport & Removal Svc.	40	12	76.92%

Ms. Georgen said electronic notifications are often sent to licensees attributable to the “Going Green” initiative, which began in 2021 and provided a snapshot of the percentage of licensees with email addresses on file. She stated that the Board is attempting to raise those percentages through updates in the renewal process and incoming communication to the Board.

2023 Renewals – Continuing Education Providers

Ms. Georgen announced the upcoming renewal of Continuing Education Providers and reminded the Board of their July 1, 2023, expiration date. She said renewal reminders and notices would be sent in May and June.

Customer Satisfaction

Ms. Georgen reported the customer satisfaction statistics for Q2 2022 to Q3 2023.

Ms. Georgen summarized the written comments from the customer satisfaction survey sent to new licensees.

Call Trends

Ms. Georgen provided a brief report on the call trends from 2019 to 2022. She stated that an average of 5,000 calls are received by the Board each year.

On the Horizon

Ms. Georgen provided information on upcoming changes to the Board processes, including automated notifications of applications, new online applications, updated forms and checklists, reinstatement applications, the continuing education audit, and updates to the frequently asked questions.

Updates for Expense Reimbursement Vouchers

Ms. Georgen provided information on changes to the Internal Revenue Service (IRS) Standard Mileage Rate increase effective January 1, 2023. She provided information to the Board Members on using an optional Virginia Department of Accounts Remittance Electronic Data Interchange (REDI) system for pending deposit notifications.

Mr. Nelsen inquired about the data of supervisors included in the licensure statistics. He requested staff to review ways to more accurately reflect that data since inactive supervisors are included in the statistics.

Additionally, Mr. Nelsen reported his attendance at a continuing education course that lacked impactful course content and deficient hour certification. Ms. Tillman Wolf and Ms. Georgen urged licensees to contact the Board with concerns regarding continuing education courses for further investigation.

Lastly, Mr. Nelsen inquired about the Board’s role in following up on establishments that have allowed their license to expire. Ms. Tillman Wolf stated that expired licensees receive additional notices from the Board after the renewal deadline on March 31st, which generally serves to resolve most instances where an establishment license has expired. Discovery of continued practice on an expired license may occur during the inspection process. Further, Ms. Tillman Wolf clarified that the Board does investigate complaints made through the Enforcement Division, including complaints related to an establishment continuing to operate on an expired license.

With no further questions, Ms. Georgen concluded her report.

Inspection Report – Lynne Helmick, Inspections Compliance Specialist

Number of Inspections

Type of Facility	Change of Location	New	Routine
Main Establishment	3	7	63
Branch Establishment	1	3	17
Crematory	0	7	31

Ms. Helmick provided statistics on the number of inspections conducted since April 2022, which included 111 inspections.

Number of Routine Inspections with Deficiencies

Main Establishment	Branch Establishment	Crematory
44	11	14

Ms. Helmick provided an overview of the 2022 routine inspections with deficiencies, including issues related to records keeping, General Price Lists, repeat deficiencies, and multiple attempts to correct deficiencies. Ms. Helmick stressed the importance of facilities accurately reflecting information and costs on the General Price List, noting that many deficiencies were miscalculations of the price ranges for the services provided.

With no questions, Ms. Helmick concluded her report.

BREAK

The Board took a break at 10:57 a.m. and returned at 11:05 a.m.

BOARD COUNSEL REPORT – Brent Saunders, Senior Assistant Attorney General

Mr. Saunders provided an update on two pending court cases involving the Board.

With no questions, Mr. Saunders concluded his report.

COMMITTEE AND BOARD MEMBER REPORTS

Legislative/Regulatory Committee – J. Frank Walton, FSL, Committee Chair

Mr. Walton provided a brief report on the Legislative/Regulatory Committee meeting held on March 20, 2023, in which Mr. Graves, Mr. Hanif, and himself were in attendance. He stated that the Committee met due to the Governor’s directive concerning reducing regulations. He stated that the meeting minutes had been included in the agenda packet, and the recommendations would be included later in the agenda for Board action.

With no questions, Mr. Walton concluded his report.

International Conference Annual Meeting Report – Blair Nelsen, FSL, Lacyn Barton, FSL, and Jason Graves, FSL

Ms. Barton thanked the Board for the opportunity to attend the Annual Meeting. She reported on the online reports available for the National Board Examination (NBE) results, discussions related to deregulation in other jurisdictions, and the importance of maintaining the integrity of licenses with regulation changes. She announced that she had been elected to participate on the Board of Directors for District Two.

Mr. Nelsen reported the increased data for nationwide school pass/fail rates available through the International Conference. He stated that this data allows schools to track categories and content areas that may need to be augmented to assist students in preparation for the examination. He commended Mr.

Walton at Tidewater Community College for having high passage rates. Mr. Nelsen stated that it would likely be his last meeting, as his second term on the Board would end in June.

Mr. Graves stated that in addition to participating in the Annual Meeting, he also participated in the Board Member training. He recommended that all Board Members attend this separate training, as it was essential to distinguish between the role of the Board Member and licensee.

Mr. Walton asked for additional information related to the discussions on deregulation of the profession. Ms. Barton clarified that many states were removing redundancy and reviewing the effectiveness of policies and regulations.

Mr. Nelsen additionally commented on the mobility of licensure through other jurisdictions and noted possible changes to licensure for military members and their spouses.

LEGISLATION AND REGULATORY ACTIONS

General Assembly 2023 and Report on Status of Regulations – Matt Novak, Policy and Economic Analyst

Mr. Novak provided an update on pending regulatory actions and the status of bills of interest in the General Assembly. The Board briefly discussed these updates.

Ms. Tillman Wolf provided a general reminder that there is no statutory provision in Virginia to allow for alkaline hydrolysis at this time, as the legislation introduced this year died in the House during the General Assembly session.

Mr. Nelsen commented on the possible revisions to the Funeral Trade Commission (FTC) Funeral Rule pertaining to General Price Lists.

With no further questions or comments, Mr. Novak concluded his report.

BOARD DISCUSSION AND ACTIONS

Mr. Novak provided an overview of the Governor's directive regarding reducing regulations and the Legislative/Regulatory Committee's recommendations.

Initiation of Notice of Intended Regulatory Action (NOIRA) – Board Regulations Governing the Practice of Funeral Services (18VAC65-20-10 et seq.)

Upon a **MOTION** by Ms. Mimms, properly seconded by Ms. Barton, the Board voted to accept the Legislative/Regulatory Committee's recommendations to initiate a NOIRA regarding the Board Regulations Governing the Practice of Funeral Services (18VAC65-20-10 et seq.) as presented. The motion passed unanimously (7-0).

Initiation of Notice of Intended Regulatory Action (NOIRA) – Board Regulations Governing the Practice of Preneed Funeral Planning (18VAC65-30-10 et seq.)

Upon a **MOTION** by Mr. Hanif, properly seconded by Walton, the Board voted to accept the Legislative/Regulatory Committee's recommendations to initiate a NOIRA regarding the Board Regulations Governing the Practice of Preneed Funeral Planning (18VAC65-30-10 et seq.) as presented. The motion passed unanimously (7-0).

Initiation of Notice of Intended Regulatory Action (NOIRA) – Board Regulations for the Funeral Service Internship Program (18VAC65-40-10 et seq.)

Upon a **MOTION** by Ms. Barton, properly seconded by Mr. Hanif, the Board voted to accept the Legislative/Regulatory Committee's recommendations to initiate a NOIRA regarding the Board Regulations for the Funeral Service Internship Program (18VAC65-40-10 et seq.) as presented. The motion passed unanimously (7-0).

Revisions to, Reorganization of, or Readoption of Guidance Documents, 65-18, Guidance on Surface Transportation & Removal Services

Mr. Novak provided an overview of suggested revisions to Guidance Document 65-18.

Upon a **MOTION** by Ms. Mimms, properly seconded by Mr. Walton, the Board voted to adopt the revisions to Guidance Document 65-18, Guidance on Surface Transportation and Removal Services, as presented. The motion passed unanimously (7-0).

Consideration of exempt regulatory changes to Board Regulations Governing the Practice of Funeral Services (18VAC65-20-10 et seq.), Criteria for delegation of information fact-finding proceedings to an agency subordinate

Mr. Novak provided an overview of the suggested revisions to Board Regulations Governing the Practice of Funeral Services (18VAC65-20-15) related to the criteria for delegation of information in fact-finding proceedings to an agency subordinate, which would be pursued as an exempt action, effective July 1, 2023.

Upon a **MOTION** by Mr. Walton, properly seconded by Ms. Barton, the Board voted to amend 18VAC65-20-15 of the Board Regulations Governing the Practice of Funeral Services as presented by exempt action effective July 1, 2023. The motion passed unanimously (7-0).

Response to Question from Licensee – Separate Charges to Guarantee Goods and Services on Preneed Contracts

Ms. Tillman Wolf provided information on a question received from a licensee regarding the separate charges to guarantee goods and services on Preneed Contracts. Ms. Tillman Wolf requested the Board table further discussion of this issue at this time, as a response to the licensee had been drafted for transmittal based upon the guidance of the Legislative/Regulatory Committee.

PRESENTATION AND DISCUSSION – CREMATION ISSUES AND ANATOMICAL DONATIONS

Richard Sikon, MLA, FSL, and Operational Director at the Virginia State Anatomical Program, provided a presentation on identified cremation issues related to anatomical donations.

The Board briefly discussed the presentation and requested clarification on the responsible party for returning cremated remains. Mr. Sikon stated that cremated remains of all donors must be returned to the Virginia State Anatomical Program by the school.

CONTINUING EDUCATION RELATED TO PRENEED FUNERAL CONTRACTS

Mr. Williams expressed his concern regarding the continued competency requirements for the renewal of an active license as it pertains to completing at least one hour of continuing education in preneed funeral arrangements, which must be completed every three years. He disagreed with the minimum hours required in this subject compared to the number of hours required each year to renew. Mr. Nelsen agreed with and echoed Mr. Williams' concern.

The Board did not discuss this topic further.

Mr. Graves stated that he intends to complete the Electronic Death Registration System (EDRS) training for upcoming changes effective July 1, 2023, and encouraged others to complete the training.

BOARD MEMBER RECOGNITION

Mr. Graves recognized Mr. Walton and Mr. Nelsen for their service and dedication to the Board of Funeral Directors and Embalmers from 2015 to 2023. He announced that their second term would expire on June 30, 2023, and provided brief remarks on each of their incumbencies. Mr. Graves also shared comments from R. Thomas Slusser, a previous Board Member. Mr. Graves presented Mr. Walton and Mr. Nelsen with plaques to recognize their service.

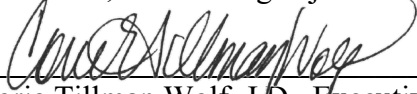
NEXT MEETING

The next meeting date is July 11, 2023.

ADJOURNMENT

Mr. Graves announced that the Board would conduct one informal conference following the meeting with Board Members Mimms and Nelsen only.

Mr. Graves called for any objections to adjourn the meeting. Hearing no objections and with all business concluded, the meeting adjourned at 12:02 p.m.



Corie Tillman Wolf, J.D., Executive Director

July 12, 2023

Date