

## Board of Funeral Directors and Embalmers

### Proposed Regulations for Delegation of Informal Fact-Finding to an Agency Subordinate

Replacing emergency regulations effective: 7/15/04 to 7/14/05

#### 18VAC65-20-15. Criteria for delegation of informal fact-finding proceedings to an agency subordinate.

##### A. Decision to delegate.

In accordance with § 54.1-2400 (10) of the Code of Virginia, the board may delegate an informal fact-finding proceeding to an agency subordinate upon determination that probable cause exists that a practitioner may be subject to a disciplinary action.

##### B. Criteria for delegation. Cases that may not be delegated to an agency subordinate are those that involve:

1. Intentional or negligent conduct that causes or is likely to cause injury;

2. Conducting the practice of funeral services in such a manner as to constitute a danger to the health, safety, and well-being of the staff or the public;

3. Impairment with an inability to practice with skill and safety;

4. Inappropriate handling of dead human bodies;

5. Sexual misconduct;

6. Misappropriation of funds; or

7. Aiding or abetting unauthorized practice.

C. Criteria for an agency subordinate.

1. An agency subordinate authorized by the board to conduct an informal fact-finding proceeding may include board members deemed knowledgeable by virtue of their training and experience in administrative proceedings involving the regulation and discipline of health professionals.

2. The executive director shall maintain a list of appropriately qualified persons to whom an informal fact-finding proceeding may be delegated.

3. The board may delegate 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 heard.