



Exempt Action Final Regulation Agency Background Document

Agency name	Board of Funeral Directors and Embalmers, Department of Health Professions
Virginia Administrative Code (VAC) citation	18VAC65-20-10 et seq.
Regulation title	Regulations of the Board of Funeral Directors and Embalmers
Action title	Repeal of regulations in conflict with Code
Final agency action date	7/20/2010
Document preparation date	7/22/2010

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, the *Virginia Register Form, Style, and Procedure Manual*, and Executive Orders 21 (02) and 58 (99).

Summary

Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

The Board of Funeral Directors and Embalmers has repealed its regulations relating to documentation of embalming without prior approval from the next-of-kin or other person designated to make arrangements. Section 54.1-2811.1 of the Code of Virginia, added by the 2010 General Assembly, specifies in subsection B that, “A dead human body shall be maintained in refrigeration and shall not be embalmed in the absence of express permission by a next of kin of the deceased or a court order.” Therefore, a regulation authorizing a funeral establishment to proceed with embalming absent express permission is in direct conflict with changes in the law and must be repealed.

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

On July 20, 2010, the Board of Funeral Directors and Embalmers acted to amend its regulations in Chapter 20 *Regulations of the Board of Funeral Directors and Embalmers* to repeal section 530 on embalming in conformity to § 54.1-2811.1 in the Code of Virginia.

Family impact

Assess the impact of this regulatory action on the institution of the family and family stability.

This action has no impact on the institution of the family and family stability.