

April 18, 2017  
Board Room #2  
10:00 a.m.

# Agenda

## Virginia Board of Funeral Directors & Embalmers Full Board Meeting

### Call to Order – Louis R. Jones, FSL, Board President

- Welcome and Introductions
- Emergency Egress Procedures

### Approval of Minutes

Pages 3-16

- Board Meeting - January 10, 2017
- Formal Hearing - February 10, 2017

### Ordering of Agenda

### Public Comment

### Agency Director’s Report - David E. Brown, DC

### Reports

Pages 18-24

- Executive Director’s Report – Corie E. Tillman Wolf
- Discipline Report – Lynne Helmick
- Board Counsel Report – Erin L. Barrett
- Board of Health Professions Report – Junius H. Williams, Jr.

### Legislation and Regulatory Actions – Elaine Yeatts

Pages 26-27

- Status of Legislation and Regulatory Actions
- Consideration of Revisions to Guidance Document 65-16 – Procedures for Auditing Continuing Education

### New Business

- Annual Meeting of the International Conference of Funeral Service Examining Boards – Blair Nelsen, FSL, Mia Mimms, FSL, JD, Corie E. Tillman Wolf, Lynne Helmick
- Discussion Regarding Funeral Internship Program – Blair Nelsen, FSL
- Overview - Sanctioning Reference Points – Neal Kauder, Kim Small

Pages 33-41

Pages 42-56

### Board Member Training – Erin L. Barrett

Next Meeting – July 18, 2017

### Meeting Adjournment

This information is in **DRAFT** form and is subject to change. The official agenda and packet will be approved by the public body at the meeting and will be available to the public pursuant to Virginia Code Section 2.2-3708(D).

# **Board Meeting Minutes**

**UNAPPROVED**  
**VIRGINIA BOARD OF FUNERAL DIRECTORS AND EMBALMERS**  
**BOARD MEETING MINUTES**

The Virginia Board of Funeral Directors and Embalmers convened for a board meeting on Tuesday, January 10, 2017 at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2<sup>nd</sup> Floor, Board Room 2, Henrico, Virginia.

**BOARD MEMBERS PRESENT**

Louis R. Jones, FSL, President  
Larry T. Omph, FSL, Vice-President  
Connie B. Steele, FSL  
R. Thomas Slusser, Jr., FSL  
Blair Nelsen, FSL  
Frank Walton, FSL  
Junius H. Williams, Jr., Citizen Member  
Ibrahim A. Moiz, Esq., Citizen Member

**BOARD MEMBER ABSENT**

Mia F. Mimms, FSL

**DHP STAFF PRESENT**

Corie Tillman Wolf, Executive Director  
Lynne Helmick, Deputy Executive Director, Discipline  
Missy Currier, Deputy Executive Director, Licensing  
Elaine Yeatts, Senior Policy Analyst  
Lisa R. Hahn, Chief Deputy

**BOARD COUNSEL**

Erin Barrett, Assistant Attorney General

**QUORUM**

With 8 members present a quorum was established.

**GUESTS PRESENT**

Barry D. Robinson, VMA  
Laura McHale, IFHV  
Abbey Shepperson, VFDA

**CALL TO ORDER**

Louis Jones, President called the meeting of the Virginia Board of Funeral Directors and Embalmers to order at 11:02 a.m.

Mr. Jones stated the following before the first order of business:

- 1) Laptops were provided to the board members for the purpose of the meeting only and have no connection to the internet. The material that they are able to review on the computer is the same material that has been made available to the public.
- 2) He reminded the members to speak directly into the microphones.
- 3) Guests please make sure that you have signed in at the front door.

Ms. Tillman Wolf then read the Emergency Egress Procedures.

### **SPECIAL RECOGNITION**

On behalf of the Board of Funeral Directors and Embalmers, Louis Jones, President gave special recognition to Lisa R. Hahn for all of her hard work and dedication while Executive Director for the Board. Connie Steele gave special thanks to Ms. Hahn for providing her with exceptional training guidance when she joined the board.

Everyone in attendance clapped in appreciation and thanks to Ms. Hahn.

### **ORDERING OF AGENDA**

Upon a motion by Blair Nelsen and properly seconded by Junius Williams, Jr., the agenda was accepted as presented. The motion carried unanimously.

### **ACCEPTANCE OF MINUTES**

Upon a motion by Connie Steele, and properly seconded by Frank Walton, the board voted to accept the following Meeting Minutes:

- Board Meeting – October 18, 2016
- Legislative/Regulatory Committee Meeting – December 8, 2016

The motion passed unanimously.

### **PUBLIC COMMENT PERIOD**

Barry Robinson provided the following comment on behalf of the Virginia Morticians Association, Inc., Legislative Committee:

Guidance Document 65-8 (Permission to Embalm) – please note the date/person given verbal authorization may be different from the date/person giving written permission. We feel that a separate clearly stated paragraph would meet this requirement and a separate document is not needed.

Guidance Document 65-12 (Confidential Consent Agreements CCA) – VMA has no concerns at this time with updating the CCA as minor infractions should be treated as minor.

Guidance Document 65-18 (Refrigeration of Dead Human Bodies) – VMA has chosen to defer its official comment on the matter of defining refrigeration until further investigation and research has been conducted and the results published.

Mr. Robinson thanked Ms. Hahn for her years of dedicated service as well as the staff for keeping the VMA informed of Board business.

Mr. Robinson concluded that the VMA requests the Board to take into consideration the small family owned firms when setting regulations and policies. Many of these funeral homes will not have the additional free space for major remodeling nor have a team relationship with their competitor in their area.

### **AGENCY DIRECTOR’S REPORT – Lisa R. Hahn, Chief Deputy**

Ms. Hahn provided the following Agency updates:

- The feedback received from the Board Member Training held in October was very positive. The training included topics on FOIA, Investigative Procedures & Experiences, the agency and its responsibilities, and the legislative/regulatory process.
- She explained some confusion over FOIA meeting requirements.
- She reviewed the legislative bills that the agency is handling during the session.

### **EXECUTIVE DIRECTOR’S REPORT – Corie Tillman Wolf, JD**

Ms. Tillman Wolf began her report with the Expenditure and Revenue Summary.

#### **FY17 Budget**

• Cash Balance as of June 30, 2016	\$ 242,995
• YTD FY17 Revenue	31,495
• Less direct & In-Direct expenditures	<u>236,737</u>
• Cash Balance on November 30, 2016	\$ 37,754

#### **Board Business**

##### **Virginia Board Examination**

Ms. Tillman Wolf provided the following update on the State Licensing Exam (Laws, Rules & Regulations):

- The RFP was awarded to The International Conference of Funeral Service Examining Boards, which will administer the Board-developed exam through PearsonVue
- New Examination services became effective January 1, 2017
  - Registration can begin as of January 1st

- Exam will be available after January 15th
- Increase in exam fee from \$150 to \$160
- Process for determining eligibility for candidates to test remains the same.

### **The International Conference –Updates**

The International Conference of Funeral Service Examining Boards Annual Meeting is scheduled for March 1-2, 2017 in Hilton Head, South Carolina. Nominations for the Board of Directors, District 2 which includes Delaware, Maryland, New Jersey, Pennsylvania, Virginia, West Virginia and Washington, DC are due by January 15<sup>th</sup>. Blair Nelsen has submitted his nomination for this position.

Board Staff submitted comments on the updated Model Policy on December 1<sup>st</sup>.

### **Plans for 2017**

Staff administrative projects for 2017 include:

- Development of an online application process for initial applications
- Development of electronic inspection forms for inspectors
- Review and/or update of Guidance Documents, as necessary
- Conduct of the annual CE Audit, and
- Website updates.

### **Staff Notes**

- Conflict of Interest – electronic filing is due January 17, 2017.
- If you have a change of address, e-mail address, cell phone number, please remember to contact us so that we have the most current information.
- Please try to respond to email requests within a timely manner especially when the email requests a reply for availability or a response to a licensure or disciplinary question.
- Never “Reply All.”
- Thank you for all your hard work & dedication!

### **LICENSURE REPORT – Missy Currier, Deputy Executive Director**

Ms. Currier began her report by providing the licensure statistics from January 1, 2016 through December 31, 2016.

	<b>Jan. 2017</b>	<b>Jan. 2016</b>	<b>Change</b>
FSL’s	1,547	1,547	0
Funeral Director	43	47	-4
Embalmer Only	2	3	-1

Supervisors	495	465	+30
Interns	197	210	-13
Establishments	438	438	0
Branch Establishments	71	68	+3
Crematories	111	107	+4
CE Providers	18	23	-5
Courtesy Card Holders	88	79	+9
Surface Transport & Removal Svc.	48	47	+1
<b>Total</b>	<b>3,058</b>	<b>3,034</b>	<b>+24</b>

#### **Fees Processed (January 1 – December 31, 2016)**

Applications	622
Renewals	2,334
<b>Total Fees</b>	<b>2,956</b>

We issued 182 licenses (all types).

#### **Current Projects**

Staff updated the board's webpage information by arranging topics in order of relevance. Ms. Currier asked Board members to please let Board staff know if you have any information that should be posted on our website.

Staff is also collaborating with the IT Department in order to initiate online applications and we hope to implement during 2017. One big advantage for applicants will be having the option to pay by credit card rather than mailing a check.

#### **Renewals**

Renewal notices will be mailed out the end of January or first part of February.

#### **Customer Satisfaction**

Ms. Currier reported that the Board had not received an updated survey since the last meeting but reminded the members that the results from the first quarter of FY17 were 100%. Ms. Currier added that Vicki Saxby, Heather Wright and Laura Mueller always take the extra step to ensure that our licensee questions are answered with professionalism.

**Discipline Report – Lynne Helmick, Deputy Executive Director**

Ms. Helmick reviewed the following statistics and Key Performance Measure slides with the board:

**October 13, 2016**

**39 total open cases**

13 - Investigations

18 - Probable Cause

8 - Administrative Proceedings Division (APD)

10 - Orders are being monitored for Compliance

**January 5, 2017**

**38 total open cases**

21 – Investigations

8 – Probable Cause

4 - APD

2 – Informal Conference

3 – Office of Attorney General

11 – Monitored for Compliance

**All Case Information (Patient and Non-Patient Care)**

**Percent of all cases closed in 250 days**

	<u>Q1-2016</u>	<u>Q2-2016</u>	<u>Q3-2016</u>	<u>Q4-2016</u>	<u>Q1-2017</u>
Funeral	88.2%	88.2%	100%	81.0%	80.0%
Agency	84.4%	85.8%	84.8%	85.6%	82.0%

**Average days to close a case**

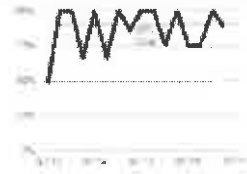
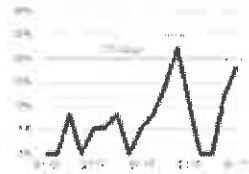
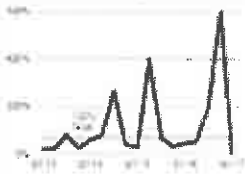
Funeral	181.3	190.7	134.3	240.6	193.9
Agency	200.1	190.8	201.6	188.5	202.7



## VIRGINIA PERFORMS

Q1 2017

- Clearance Rate – 0% We received 3 cases but did not close any patient care cases. (Remember last quarter we were at 900%!)
- Pending Caseload over 250 days at 18% is under the 20% goal which is good!
- Cases closed within 250 days is N/A since we did not close any patient care cases.



## TOTAL CASES RECEIVED AND CLOSED

Cases received/closed

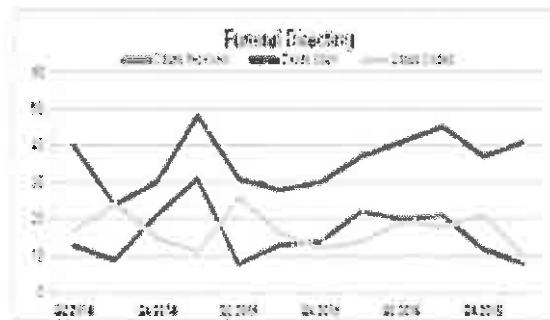
Q1 2016 12/14

Q2 2016 20/19

Q3 2016 21/18

Q4 2016 12/21

Q1 2017 8/10



**Case Categories (cases in which disciplinary action was taken)**

**FY2016**

**Q1 & Q2 FY2017**

**10 Cases Total**

**3 Cases Total**

- |  |  |
|--|--|
| <ul style="list-style-type: none"><li>• 1 Correction to inspection deficiencies</li><li>• 1 Preneed</li><li>• 1 Timely filing of death certificate</li><li>• 2 Unlicensed activity</li><li>• 1 Failure to have records available</li><li>• 1 Substance Abuse</li><li>• 3 Fraud/Misrepresentation</li></ul> | <ul style="list-style-type: none"><li>• 1 FSL made arrangements with unauthorized person</li><li>• 1 No permission for embalming</li><li>• 1 Fraud/Misrepresentation</li></ul> |
|--|--|

**Board Counsel Report – Erin Barrett, Assistant Attorney General**

Ms. Barrett provided an update regarding a current case against the Board.

**Legislative/Regulatory Committee Report – Larry T. Omps, Committee Chair**

Mr. Omps reported that the Committee met on December 8<sup>th</sup> to draft guidance documents for express permission for embalming, the definition of refrigeration and what determines the time of receipt of a body, and make revisions to the Confidential Consent Agreement guidance document. Mr. Omps concluded that Ms. Yeatts would provide more details in her report.

**NEW BUSINESS**

**Regulatory/Legislative Update – Elaine Yeatts**

Ms. Yeatts stated that she was unaware of any Legislative Bills that were directly related to the Board of Funeral Directors and Embalmers.

Ms. Yeatts did state that DHP is requesting a technical amendment for regulation to the term “licensure” that would encompass other terms such as registration and permits.

**Guidance Document 65-12 Confidential Consent Orders (Attachment A)**

Ms. Yeatts explained that Guidance Document 65-12 regarding Confidential Consent Orders needed updating and appropriate revisions. Following discussion and review of the draft verbiage in GD 65-12, a motion was made by Larry Omps, and properly seconded by Blair Nelsen to accept the draft language as presented by the Regulatory/Legislative Committee and to re-adopt Guidance Document 65-12. The motion carried unanimously.

**Guidance Document 65-18 Refrigeration of Dead Human Bodies (Attachment B)**

Ms. Yeatts explained that the Staff and Committee members drafted language for a new guidance document that would provide the Boards interpretation of what is and what is not suitable refrigeration for storing a dead human body within 48 hours of taking possession.

Upon a motion by Blair Nelsen and properly seconded by Connie Steele, the board accepted the draft language as written and to adopt Guidance Document 65-18. The motion carried unanimously.

Immediately following acceptance of Guidance Document 65-18, a motion was made by Blair Nelsen and properly seconded by Tommy Slusser to pursue rulemaking in order to incorporate GD 65-18 into regulation. The motion carried unanimously.

**Guidance Document 65-8 Permission to Embalm (Attachment C)**

Ms. Yeatts explained the genesis for the recommendation by the Legislative/Regulatory Committee to adopt guidance on “express” permission to embalm. Following much discussion, the Board made a few changes to the draft verbiage. Upon a motion by Blair Nelsen and properly seconded by Connie Steele, the board accepted the draft language as amended and to adopt Guidance Document 65-8. The motion carried unanimously.

Immediately following acceptance of Guidance Document 65-8, a motion was made by Blair Nelsen and properly seconded by Tommy Slusser to pursue rulemaking in order to incorporate GD 65-8 into regulation. The motion carried unanimously.

**Closing Comments**

Ms. Tillman Wolf reported that the last state examination review was conducted in 2014 and therefore it was time again for the Examination Committee to undertake the task of reviewing the current questions and writing additional ones. Ms. Tillman Wolf stated that she would contact the Committee during the next few months to schedule a meeting.

Ms. Hahn shared very sad news that she had just learned of the passing of Barry Michael Murphy, past Board Member, who had served two terms on the Board. Ms. Hahn added that Mr. Murphy served as an integral member of the Board and was always pleasant to work with. He will be greatly missed by all.

**ADJOURNMENT:**

With no further business the meeting was adjourned at 12:30 p.m.

\_\_\_\_\_  
Louis R. Jones, President

\_\_\_\_\_  
Corie Tillman Wolf, Executive Director

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

## Attachment A

### Board of Funeral Directors and Embalmers

#### Guidance Document 65-12 - CONFIDENTIAL CONSENT AGREEMENTS

Legislation enacted in 2003 authorizes the health regulatory boards to resolve certain allegations of practitioner misconduct by means of a *Confidential Consent Agreement* ("CCA"). This agreement may be used by a board in lieu of public discipline, but only in cases involving minor misconduct and non-practice related infractions, where there is little or no injury to a patient or the public, and little likelihood of repetition by the practitioner.

A CCA shall not be used if the board determines there is probable cause to believe the practitioner has (i) demonstrated gross negligence or intentional misconduct in the care of patients, or (ii) conducted his/her practice in such a manner as to be a danger to the health and welfare of patients or the public.

A CCA shall be considered neither a notice nor an order of a health regulatory board, both of which are public documents. The acceptance and content of a CCA shall not be disclosed by either the board or the practitioner who is the subject of the agreement.

A CCA may be offered and accepted any time prior to the issuance of a notice of informal conference by the board. By law, the agreement document must include findings of fact and may include an admission or a finding of a violation. The entry of a CCA in the past may be considered by board in future disciplinary proceedings. A practitioner may only enter into only two confidential consent agreements involving a standard of care violation within a 10-year period. The practitioner shall receive public discipline for any subsequent violation within the 10-year period, unless the board finds there are sufficient facts and circumstances to rebut the presumption that such further disciplinary action should be made public.

**Violations of regulation or statute that may qualify for resolution by a Confidential Consent Agreement include, but are not limited to:**

- Failure to notify the Board of change of manager within 14 days of change (18VAC65-20-60).
- Failure to obtain required continuing education credit hours within the renewal period without a Board-approved exemption or extension, except in instances where a licensee is found to have untruthfully reported compliance.
- Failure to properly maintain preneed documents.
- Failure to provide Q&A disclosures to buyer as part of preneed contract.
- Failure of intern to notify Board of change of supervisor and/or training site.
- Failure to post licenses as required by 18VAC65-20-50.
- Inadvertent breach of confidentiality.

## **Attachment B**

### **Virginia Board of Funeral Directors and Embalmers**

#### **Guidance Document 65-18 - Refrigeration of Dead Human Bodies**

Virginia Code §54.1-2811.1 (B) states, “if a dead human body is to be stored for more than 48 hours prior to disposition, a funeral services establishment having custody of such body shall ensure that the dead human body is maintained in refrigeration at no more than approximately 40 degrees Fahrenheit or embalmed.”

The Board of Funeral Directors and Embalmers interprets this provision as meaning that if a body is to be in the possession of the funeral home or crematory for more than 48 hours from the time the funeral establishment or crematory takes physical possession of the body until embalming, cremation, or burial, the body is to be placed in a mechanical refrigeration unit suitable for storing human remains. The Board does not interpret lowering the air conditioning in a storage room to 40 degrees or packing the body in ice or dry ice as meeting the statutory requirement.

The Board would view evidence of compliance with Virginia Code §54.1-2811.1 (B) as a working refrigeration unit in the funeral home or crematory or a letter of agreement/contract with another funeral establishment, hospital, or morgue to allow the funeral home or crematory to refrigerate in its refrigeration unit. The Board would view evidence of the body being “maintained in refrigeration” as log entries indicating times of placement and removal of a body in refrigeration.

## **Attachment C**

### **Virginia Board of Funeral Directors and Embalmers**

#### **Guidance Document 65-8 - Permission to Embalm**

Virginia Code §54.1-2806 (26) and §54.1-2811.1 (B) state that a dead human body “shall not be embalmed in the absence of express permission by a next of kin of the deceased or a court order.”

The Board of Funeral Directors and Embalmers interprets “*express permission by a next of kin*” to mean written authorization *to embalm* as a specific and separate statement on a document or contract provided by the facility. Express permission may include direct, verbal authorization *to embalm*, provided it is followed as soon as possible by a written document signed by the next of kin confirming the verbal authorization to embalm and including the time, date, and name of the person who gave verbal authorization.

UNAPPROVED

VIRGINIA BOARD OF FUNERAL DIRECTORS & EMBALMERS  
FORMAL ADMINISTRATIVE HEARING

MINUTES

February 10, 2017

9:30 A.M.

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**Department of Health Professions**  
**9960 Mayland Drive, Suite #300**  
**Henrico, Virginia 23233**

**CALL TO ORDER:** The Formal Hearing of the Board was called to order at 9:39 a.m.

**MEMBERS PRESENT:** Louis Jones, FSL, Chair  
Frank Walton, FSL  
Junius Williams, Citizen Member  
Mia Mimms, FSL  
Tommy Slusser, FSL  
Ibrahim Moiz, Esq., Citizen Member

**BOARD COUNSEL:** Erin L. Barrett, Assistant Attorney General

**DHP STAFF PRESENT:** Corie Tillman Wolf, Executive Director  
Kathy Petersen, Discipline Operations Manager

**COURT REPORTER:** Metford Howard, Certified Court Reporter,  
Crane Snead & Associates, Inc.

**PARTIES ON BEHALF OF COMMONWEALTH:** Emily Tatum, Adjudication Specialist

**COMMONWEALTH WITNESS:** Leith Ellis, Senior Inspector, DHP  
Edward Barden  
Tish Gresham

**PARTIES ON BEHALF OF RESPONDENT:** John C. Hale, Esq.

**MATTER SCHEDULED:** **Southside Cremation Service**  
**License No.: 0510000005**  
**Case No.: 163966, 171243, 171315**

**ESTABLISHMENT OF A QUORUM:**

With six (6) members of the Board present, a quorum was established.

**DISCUSSION:**

Southside Cremation Service appeared before the Board in accordance with the Board's Notice of Formal Hearing dated January 11, 2017, and was represented by John C. Hale, Esq.

The Board received evidence and sworn testimony from the parties called by the Commonwealth, regarding the matters as set forth in the Statement of Allegations.

**BREAK:**

A break in the session started at 12:52 p.m. The session resumed at 1:32 p.m.

**CLOSED SESSION:**

Upon a motion by Junius Williams, and duly seconded by Tommy Slusser, the Board voted to convene a closed meeting at 1:32 p.m., pursuant to §2.2-3711.A(7) of the Code of Virginia, for the purpose of consultation with the provision of legal advice by Board Counsel in the matter of Southside Cremation Service. Additionally, he moved that Ms. Barrett and Ms. Tillman Wolf attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations.

**RECONVENE:**

The Board voted to re-convene at 1:41 p.m.

**CERTIFICATION:**

Mr. Williams certified that the matters discussed in the preceding closed session met the requirements of §2.2-3712 of the Code of Virginia, the Board reconvened in open session.

**DECISION:**

Upon a motion by Junius Williams and duly seconded by Tommy Slusser, the Board moved to DISMISS the case regarding Southside Cremation Service. Motion carried.

**VOTE:**

The vote was unanimous

**ADJOURNMENT:**

The Board adjourned at 1:42 p.m.

*The decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.*

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Louis Jones, FSL, Chair

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Corie Tillman Wolf, J.D., Executive Director



# **Executive Director's Report**

Virginia Department of Health Professions  
Cash Balance  
As of February 28, 2017

	<b>104- Funeral Directors and Emba</b>
<b>Board Cash Balance as of June 30, 2016</b>	\$ 242,995
<b>YTD FY17 Revenue</b>	300,030
<b>Less: YTD FY17 Direct and In-Direct Expenditures</b>	<u>388,151</u>
<b>Board Cash Balance as February 28, 2017</b>	<u><u>\$ 154,874</u></u>

Virginia Department of Health Professions  
Revenue and Expenditures Summary  
Department 10400 - Funeral Directors and Embalmers  
For the Period Beginning July 1, 2016 and Ending February 28, 2017

Account Number	Account Description	Amount	Budget	Amount Under/(Over) Budget	% of Budget
<b>4002400</b>	<b>Fee Revenue</b>				
4002401	Application Fee	29,760.00	28,195.00	(1,565.00)	105.55%
4002406	License & Renewal Fee	256,935.00	679,895.00	422,960.00	37.79%
4002407	Dup. License Certificate Fee	400.00	360.00	(40.00)	111.11%
4002408	Board Endorsement - In	1,200.00	-	(1,200.00)	0.00%
4002409	Board Endorsement - Out	2,350.00	3,850.00	1,500.00	61.04%
4002421	Monetary Penalty & Late Fees	800.00	4,900.00	4,100.00	16.33%
4002430	Board Changes Fee	3,400.00	5,195.00	1,795.00	65.45%
4002432	Misc. Fee (Bad Check Fee)	35.00	35.00	-	100.00%
	<b>Total Fee Revenue</b>	<b>294,880.00</b>	<b>722,430.00</b>	<b>427,550.00</b>	<b>40.82%</b>
<b>4003000</b>	<b>Sales of Prop. &amp; Commodities</b>				
4003020	Misc. Sales-Dishonored Payments	150.00	-	(150.00)	0.00%
	<b>Total Sales of Prop. &amp; Commodities</b>	<b>150.00</b>	<b>-</b>	<b>(150.00)</b>	<b>0.00%</b>
<b>4009000</b>	<b>Other Revenue</b>				
4009060	Miscellaneous Revenue	5,000.00	310.00	(4,690.00)	1612.90%
	<b>Total Other Revenue</b>	<b>5,000.00</b>	<b>310.00</b>	<b>(4,690.00)</b>	<b>1612.90%</b>
	<b>Total Revenue</b>	<b>300,030.00</b>	<b>722,740.00</b>	<b>422,710.00</b>	<b>41.51%</b>
<b>5011110</b>	<b>Employer Retirement Contrib.</b>	<b>7,811.81</b>	<b>10,993.00</b>	<b>3,181.19</b>	<b>71.06%</b>
5011120	Fed Old-Age Ins- Sal St Emp	4,069.02	6,235.00	2,165.98	65.26%
5011130	Fed Old-Age Ins- Wage Earners	62.55	604.00	541.45	10.36%
5011140	Group Insurance	752.09	1,068.00	315.91	70.42%
5011150	Medical/Hospitalization Ins.	13,640.71	19,357.00	5,716.29	70.47%
5011160	Retiree Medical/Hospitalizatn	676.62	962.00	285.38	70.33%
5011170	Long term Disability Ins	380.97	538.00	157.03	70.81%
	<b>Total Employee Benefits</b>	<b>27,393.77</b>	<b>39,757.00</b>	<b>12,363.23</b>	<b>68.90%</b>
<b>5011200</b>	<b>Salaries</b>				
5011230	Salaries, Classified	57,723.50	81,492.00	23,768.50	70.83%
5011250	Salaries, Overtime	75.05	-	(75.05)	0.00%
	<b>Total Salaries</b>	<b>57,798.55</b>	<b>81,492.00</b>	<b>23,693.45</b>	<b>70.93%</b>
<b>5011300</b>	<b>Special Payments</b>				
5011310	Bonuses and Incentives	262.50	-	(262.50)	0.00%
5011380	Deferred Compnstrn Match Pmts	450.50	816.00	365.50	55.21%
	<b>Total Special Payments</b>	<b>713.00</b>	<b>816.00</b>	<b>103.00</b>	<b>87.38%</b>
<b>5011400</b>	<b>Wages</b>				
5011410	Wages, General	817.74	7,896.00	7,078.26	10.36%
	<b>Total Wages</b>	<b>817.74</b>	<b>7,896.00</b>	<b>7,078.26</b>	<b>10.36%</b>
<b>5011930</b>	<b>Turnover/Vacancy Benefits</b>				
	<b>Total Personal Services</b>	<b>86,723.06</b>	<b>129,961.00</b>	<b>43,237.94</b>	<b>66.73%</b>
<b>5012000</b>	<b>Contractual Svcs</b>				
5012100	Communication Services				
5012110	Express Services	-	200.00	200.00	0.00%
5012140	Postal Services	1,262.06	3,500.00	2,237.94	36.06%
5012150	Printing Services	-	1,500.00	1,500.00	0.00%
5012160	Telecommunications Svcs (VITA)	331.13	300.00	(31.13)	110.38%

Virginia Department of Health Professions  
Revenue and Expenditures Summary  
Department 10400 - Funeral Directors and Embalmers  
For the Period Beginning July 1, 2016 and Ending February 28, 2017

Account Number	Account Description	Amount	Budget	Amount	% of Budget
				Under/(Over) Budget	
5012170	Telecomm. Svcs (Non-State)	267.92	-	(267.92)	0.00%
5012190	Inbound Freight Services	1.98	-	(1.98)	0.00%
	<b>Total Communication Services</b>	<b>1,863.09</b>	<b>5,500.00</b>	<b>3,636.91</b>	<b>33.87%</b>
5012200	Employee Development Services				
5012210	Organization Memberships	250.00	1,200.00	950.00	20.83%
5012220	Publication Subscriptions	-	600.00	600.00	0.00%
5012240	Employee Training/Workshop/Conf	521.66	1,000.00	478.34	52.17%
5012250	Employee Tuition Reimbursement	-	1,000.00	1,000.00	0.00%
5012270	Emp Trning- Trns, Ldng & Meals	-	800.00	800.00	0.00%
	<b>Total Employee Development Services</b>	<b>771.66</b>	<b>4,600.00</b>	<b>3,828.34</b>	<b>16.78%</b>
5012400	Mgmnt and Informational Svcs	-			
5012420	Fiscal Services	118.95	9,520.00	9,401.05	1.25%
5012440	Management Services	98.17	120.00	21.83	81.81%
5012470	Legal Services	165.00	150.00	(15.00)	110.00%
5012490	Recruitment Services	86.00	-	(86.00)	0.00%
	<b>Total Mgmnt and Informational Svcs</b>	<b>468.12</b>	<b>9,790.00</b>	<b>9,321.88</b>	<b>4.78%</b>
5012500	Repair and Maintenance Svcs				
5012530	Equipment Repair & Maint Srvc	-	40.00	40.00	0.00%
	<b>Total Repair and Maintenance Svcs</b>	<b>-</b>	<b>40.00</b>	<b>40.00</b>	<b>0.00%</b>
5012600	Support Services				
5012640	Food & Dietary Services	472.46	2,100.00	1,627.54	22.50%
5012660	Manual Labor Services	20.06	1,200.00	1,179.94	1.67%
5012670	Production Services	153.99	1,120.00	966.01	13.75%
5012680	Skilled Services	-	910.00	910.00	0.00%
	<b>Total Support Services</b>	<b>646.51</b>	<b>5,330.00</b>	<b>4,683.49</b>	<b>12.13%</b>
5012800	Transportation Services				
5012820	Travel, Personal Vehicle	2,970.82	5,100.00	2,129.18	58.25%
5012830	Travel, Public Carriers	-	700.00	700.00	0.00%
5012850	Travel, Subsistence & Lodging	111.10	1,600.00	1,488.90	6.94%
5012880	Trvl, Meal Reimb- Not Rprtble	59.25	750.00	690.75	7.90%
	<b>Total Transportation Services</b>	<b>3,141.17</b>	<b>8,150.00</b>	<b>5,008.83</b>	<b>38.54%</b>
	<b>Total Contractual Svcs</b>	<b>6,890.55</b>	<b>33,410.00</b>	<b>26,519.45</b>	<b>20.62%</b>
5013000	Supplies And Materials				
5013100	Administrative Supplies				
5013120	Office Supplies	595.57	1,500.00	904.43	39.70%
5013130	Stationery and Forms	26.09	675.00	648.91	3.87%
	<b>Total Administrative Supplies</b>	<b>621.66</b>	<b>2,175.00</b>	<b>1,553.34</b>	<b>28.58%</b>
5013300	Manufctrng and Merch Supplies				
5013350	Packaging & Shipping Supplies	-	85.00	85.00	0.00%
	<b>Total Manufctrng and Merch Supplies</b>	<b>-</b>	<b>85.00</b>	<b>85.00</b>	<b>0.00%</b>
5013600	Residential Supplies				
5013620	Food and Dietary Supplies	-	30.00	30.00	0.00%
5013630	Food Service Supplies	-	90.00	90.00	0.00%
	<b>Total Residential Supplies</b>	<b>-</b>	<b>120.00</b>	<b>120.00</b>	<b>0.00%</b>
5013700	Specific Use Supplies				

Virginia Department of Health Professions  
Revenue and Expenditures Summary  
Department 10400 - Funeral Directors and Embalmers  
For the Period Beginning July 1, 2016 and Ending February 28, 2017

Account Number	Account Description	Amount			% of Budget
		Amount	Budget	Under/(Over) Budget	
5013730	Computer Operating Supplies	-	15.00	15.00	0.00%
	Total Specific Use Supplies	-	15.00	15.00	0.00%
	Total Supplies And Materials	621.66	2,395.00	1,773.34	25.96%
5015000	Continuous Charges				
5015100	Insurance-Fixed Assets				
5015160	Property Insurance	-	36.00	36.00	0.00%
	Total Insurance-Fixed Assets	-	36.00	36.00	0.00%
5015300	Operating Lease Payments				
5015340	Equipment Rentals	5.43	-	(5.43)	0.00%
5015350	Building Rentals	7.29	-	(7.29)	0.00%
5015360	Land Rentals	-	15.00	15.00	0.00%
5015390	Building Rentals - Non State	6,199.87	8,896.00	2,696.13	69.69%
	Total Operating Lease Payments	6,212.59	8,911.00	2,698.41	69.72%
5015500	Insurance-Operations				
5015510	General Liability Insurance	-	135.00	135.00	0.00%
5015540	Surety Bonds	-	8.00	8.00	0.00%
	Total Insurance-Operations	-	143.00	143.00	0.00%
	Total Continuous Charges	6,212.59	9,090.00	2,877.41	68.35%
5022000	Equipment				
5022100	Computer Hrdware & Sftware				
5022180	Computer Software Purchases	387.32	-	(387.32)	0.00%
	Total Computer Hrdware & Sftware	387.32	-	(387.32)	0.00%
5022600	Office Equipment				
5022610	Office Appurtenances	-	132.00	132.00	0.00%
	Total Office Equipment	-	132.00	132.00	0.00%
	Total Equipment	387.32	132.00	(255.32)	293.42%
	Total Expenditures	100,835.18	174,988.00	74,152.82	57.62%
	Allocated Expenditures				
20600	Funeral\LTCA\IPT	66,012.45	103,604.90	37,592.45	63.72%
30100	Data Center	56,617.02	98,949.49	42,332.47	57.22%
30200	Human Resources	7,840.71	23,606.44	15,765.73	33.21%
30300	Finance	17,578.18	24,105.00	6,526.82	72.92%
30400	Director's Office	9,215.82	14,177.78	4,961.96	65.00%
30500	Enforcement	95,147.08	146,131.24	50,984.17	65.11%
30600	Administrative Proceedings	19,756.79	24,286.89	4,530.10	81.35%
30800	Attorney General	5,510.01	7,250.99	1,740.98	75.99%
30900	Board of Health Professions	4,180.18	9,348.63	5,168.45	44.71%
31100	Maintenance and Repairs	-	474.46	474.46	0.00%
31300	Emp. Recognition Program	218.20	302.10	83.90	72.23%
31400	Conference Center	251.04	249.47	(1.57)	100.63%
31500	Pgm Devipmnt & Implmentn	4,988.28	7,233.55	2,245.27	68.96%
	Total Allocated Expenditures	287,315.78	459,720.96	172,405.17	62.50%
	Net Revenue In Excess (Shortfall) of Expenditures	\$ (88,120.96)	\$ 88,031.04	\$ 176,152.01	100.10%



FDE  
MAR 27 2017

DATE: MARCH 17, 2017  
 FROM: LAUREN THOMAS, MEMBER SERVICES MANAGER  
 TO: ICFSEB DISTRICT 2 MEMBERSHIP

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The election for District 2 Director was held on Thursday, March 2, 2017 in conjunction with the 113<sup>th</sup> Annual Meeting of The Conference in Hilton Head, SC. We are pleased to announce that Blair Nelsen, member of the Virginia Board of Funeral Directors & Embalmers, was elected to the Conference Board of Directors. Mr. Nelsen will represent Delaware, Maryland, New Jersey, Pennsylvania, Virginia, West Virginia, and Washington D.C.

Your membership is appreciated and helps to promote open dialogues and quick access to information within the funeral service regulatory community. Please feel free to contact either the office or Mr. Nelsen if The Conference can be of assistance to you.

*Blair Nelsen  
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 Richmond, VA 23220  
 Office: 804-506-0795  
 E-mail: [blair@theconferenceonline.org](mailto:blair@theconferenceonline.org)*

For more information about The Conference and our services please visit [www.theconferenceonline.org](http://www.theconferenceonline.org).

# **Board Counsel Report**

**Expert admissibility standards to consider:**

**Traditional Virginia Standard:**

To qualify to serve as an expert witness, an individual:

must possess sufficient knowledge, skill, or experience regarding the subject matter of the testimony to assist the trier of fact in the search for the truth. Generally, a witness possesses sufficient expertise when, through experience, study or observation the witness acquires knowledge of a subject beyond that of persons of common intelligence and ordinary experience.

**Virginia Medical Malpractice Standard:**

To qualify to serve as an expert witness, an individual:

[a]ny health care provider who is licensed to practice in Virginia shall be presumed to know the statewide standard of care in the specialty or field of practice in which he is qualified and certified....A witness shall be qualified to testify as an expert on the standard of care if he demonstrates expert knowledge of the standards of the defendant's specialty and of what conduct conforms or fails to conform to those standards and if he has had active clinical practice in either the defendant's specialty or a related field of medicine within one year of the date of the alleged act or omission forming the basis of the action.



# **Legislation and Regulatory Actions**

## Virginia Board of Funeral Directors and Embalmers

### Procedures for Auditing Continued Competency Requirements

*The Board of Funeral Directors and Embalmers may audit a random sample of licensees to investigate compliance with the Board's continuing competency requirements. The Board may also audit active licensees, who by terms of a Confidential Consent Agreement ("CCA") or a Pre-Hearing Consent Order ("PHCO"), are required to take continuing education ("CE") courses in addition to the continued competency requirements for renewal of a license.*

1. *Board staff reviews each audit report and either:*
  - a. *Sends an acknowledgement letter of fulfillment of the continuing competency requirements, or*
  - b. *Opens a case for probable cause.*
  
2. *Once a case is opened for probable cause, Board staff may:*
  - a. *Issue a CCA if the licensee was truthful in responding to the renewal attestation and the licensee has not previously been found in violation of the CE requirements. For those licensees who fail to meet the CE requirements, the CCA may require the licensee to submit proof of completion of the missing contract hours(s) within 90 days of the effective date of the CCA. Such contact hours cannot be used toward fulfillment of the next annual CE requirement for renewal; or*
  - b. *Issue a PHCO if the licensee was not truthful in responding to the renewal attestation the licensee has previously been found in violation of CE requirements. The following sanctions may apply:*
    - (i) *Monetary Penalty of \$100 per missing contact hour;*
    - (ii) *Monetary Penalty of \$300 for a fraudulent renewal certification; and*
    - (iii) *Submission of proof of completion of the missing contact hour(s) within 90 days of Order entry. These contact hours cannot be used toward the next biennial requirement for renewal.*
  
3. *The case will be referred to an informal fact-finding conference if the licensee:*
  - a. *Fails to respond to the audit or does not wish to sign the CCA or PHCO that is offered; or*
  - b. *Has previously been disciplined pursuant to a Board Order for not meeting the CE requirements.*

## Virginia Board of Funeral Directors and Embalmers

### Procedures for Auditing Continuing Education

1. Board staff audits a random sample of licensees to investigate compliance with the Board's continuing education requirements.
  - a. Board staff reviews each audit report and determines if the licensee is in compliance with their CE requirements.
  - b. Board staff will confer with the CE committee for any questionable matters.
2. Board staff reviews each audit and, depending on compliance, will either:
  - a. Send a letter of appreciation for cooperation with the audit and for compliance with the Board's CE requirements, OR;
  - b. Send an Advisory letter, OR
  - c. Send a Pre-hearing Consent Order based on the following guidelines:
    - i. Monetary Penalty of \$100 per missing credit hour,
    - ii. Monetary Penalty of \$300 for a fraudulent renewal certification, and;
    - iii. Require submission of proof of completion of the missing credit hours within 90 days of entry of the order. This CE is to be in addition to the annual requirement for renewal.
3. If the licensee fails to respond to the audit or pre-hearing consent order, the matter will be referred to an informal conference.
4. If the licensee has been previously disciplined for CE violations, the matter should be referred to the Special Conference Committee.

# **New Business**

## § 54.1-2800. Definitions

As used in this chapter, unless the context requires a different meaning:

"Advertisement" means any information disseminated or placed before the public.

"At-need" means at the time of death or while death is imminent.

"Board" means the Board of Funeral Directors and Embalmers.

"Cremate" means to reduce a dead human body to ashes and bone fragments by the action of fire.

"Cremator" means a person or establishment that owns or operates a crematory or crematorium or cremates dead human bodies.

"Crematory" or "crematorium" means a facility containing a furnace for cremation of dead human bodies.

"Embalmer" means any person engaged in the practice of embalming.

"Embalming" means the process of chemically treating the dead human body by arterial injection and cavity treatment or, when necessary, hypodermic tissue injection to reduce the presence and growth of microorganisms to temporarily retard organic decomposition.

"Funeral directing" means the for-profit profession of directing or supervising funerals, preparing human dead for burial by means other than embalming, or making arrangements for funeral services or the financing of funeral services:

"Funeral director" means any person engaged in the practice of funeral directing.

"Funeral service establishment" means any main establishment, branch, or chapel that is permanently affixed to the real estate and for which a certificate of occupancy has been issued by the local building official where any part of the profession of funeral directing, the practice of funeral services, or the act of embalming is performed.

"Funeral service intern" means a person who is preparing to be licensed for the practice of funeral services under the direct supervision of a practitioner licensed by the Board.

"Funeral service licensee" means a person who is licensed in the practice of funeral services.

"In-person communication" means face-to-face communication and telephonic communication.

"Next of kin" means any of the following persons, regardless of the relationship to the decedent: any person designated to make arrangements for the disposition of the decedent's remains upon his death pursuant to § 54.1-2835, the legal spouse, child aged 18 years or older, parent of a decedent aged 18 years or older, custodial parent or noncustodial parent of a decedent younger than 18 years of age, siblings over 18 years of age, guardian of minor child, guardian of minor siblings, maternal grandparents, paternal grandparents, maternal siblings over 18 years of age and paternal siblings over 18 years of age, or any other relative in the descending order of blood relationship.

"Practice of funeral services" means engaging in the care and disposition of the human dead, the preparation of the human dead for the funeral service, burial or cremation, the making of arrangements for the funeral service or for the financing of the funeral service and the selling or making of financial arrangements for the sale of funeral supplies to the public.

"Preneed" means at any time other than at-need.

"Preneed funeral contract" means any agreement where payment is made by the consumer prior to the receipt of services or supplies contracted for, which evidences arrangements prior to death for (i) the providing of funeral services or (ii) the sale of funeral supplies.

"Preneed funeral planning" means the making of arrangements prior to death for (i) the providing of funeral services or (ii) the sale of funeral supplies.

"Solicitation" means initiating contact with consumers with the intent of influencing their selection of a funeral plan or funeral service provider.

Code 1950, § 54-260.1; 1956, c. 220; 1972, c. 797, § 54-260.67; 1988, c. 765; 1989, c. 684; 1991, c. 539; 1997, c. 116; 1998, cc. 718, 867; 2003, c. 505; 2006, c. 56; 2015, cc. 551, 670.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

## § 54.1-2803. Specific powers and duties of Board

In addition to the general powers and duties conferred in this subtitle, the Board shall have the following specific powers and duties to:

1. Establish standards of service and practice for the funeral service profession in the Commonwealth.
2. Regulate and inspect funeral service establishments, their operation and licenses.
3. Require licensees and funeral service interns to submit all information relevant to their practice or business.
4. Enforce the relevant regulations of the Board of Health.
5. Enforce local ordinances relating to funeral service establishments.
6. Advise the Department of Health Professions of any training appropriate for inspectors serving as the Board's agents.
7. Establish, supervise, regulate and control, in accordance with the law, programs for funeral service interns.
8. Establish standards for and approve schools of mortuary science or funeral service.
9. Regulate preneed funeral contracts and preneed funeral trust accounts as prescribed by this chapter, including, but not limited to, the authority to prescribe preneed contract forms, disclosure requirements and disclosure forms and to require reasonable bonds to insure performance of preneed contracts.
10. Inspect crematories and their operations.

Code 1950, §§ 54-260.3, 54-260.4, 54-260.6, 54-260.7, 54-260.11 through 54-260.14, 54-260.16 through 54-260.18, 54-260.20, 54-260.21, 54-260.45 through 54-260.49; 1956, c. 220; 1960, c. 61, § 54-260.69; 1966, c. 283, § 54-260.65; 1970, c. 385; 1972, c. 797, §§ 54-260.64, 54-260.68; 1978, c. 849; 1979, c. 650; 1980, c. 728; 1984, cc. 627, 704; 1988, c. 765; 1989, c. 684; 2000, c. 773; 2003, c. 503; 2006, c. 56.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

## § 54.1-2813. License for the practice of funeral service

To be licensed for the practice of funeral service, a person shall (i) be at least 18 years of age; (ii) hold a high school diploma or its equivalent; (iii) have completed a funeral service internship prescribed by the Board in regulation; (iv) have graduated from a school of mortuary science or funeral service approved by the Board; and (v) have passed the examination for licensure.

The Board, in its discretion, may license an individual convicted of a felony if he has successfully fulfilled all conditions of sentencing, been pardoned, or has had his civil rights restored.

The Board, in its discretion, may refuse to license an individual who has a criminal or disciplinary proceeding pending against him in any jurisdiction in the United States.

Code 1950, § 54-260.70; Code 1950, §§ 54-260.22 through 54-260.30, 54-260.32; 1956, c. 220; 1966, c. 284, § 54-260.70; 1972, c. 797; 1973, c. 296; 1974, c. 686; 1978, c. 849; 1986, c. 43; 1988, c. 765; 1990, c. 363; 2005, c. 477; 2006, c. 56.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.



## § 54.1-2817. Funeral service interns

A person desiring to become a funeral service intern shall apply on a form provided by the Board. The applicant shall attest that he holds a high school diploma or its equivalent. The Board, in its discretion, may approve an application to be a funeral service intern for an individual convicted of a felony, if he has successfully fulfilled all conditions of sentencing, been pardoned, or has had his civil rights restored. The Board shall not, however, approve an application to be a funeral service intern for any person convicted of embezzlement or of violating subsection B of § 18.2-136.

The Board, in its discretion, may refuse to approve an application to be a funeral service intern for an individual who has a criminal or disciplinary proceeding pending against him in any jurisdiction in the United States.

When the Board is satisfied as to the qualifications of an applicant, it shall issue a certificate of internship. When a funeral service intern wishes to receive in-service training from a person licensed for the practice of funeral service, a request shall be submitted to the Board. If such permission is granted and the funeral service intern later leaves the proctorship of the licensee whose service has been entered, the licensee shall give the funeral service intern an affidavit showing the length of time served with him. The affidavit shall be filed with the Board and made a matter of record in that office. Any funeral service intern seeking permission to continue in-service training shall submit a request to the Board.

A certificate of internship shall be renewable as prescribed by the Board. The Board shall mail at such time as it may prescribe by regulation, to each registered funeral service intern at his last known address, a notice that the renewal fee is due and that, if not paid by the prescribed time, a penalty fee shall be due in addition to the renewal fee.

The registration of any funeral service intern who is in the active military service of the United States may, at the discretion of the Board, be held in abeyance for the duration of his service. The Board may also waive the renewal fees for such military personnel.

All registered funeral service interns shall report to the Board on a schedule prescribed by the Board upon forms provided by the Board, showing the work which has been completed during the preceding period of internship. The data contained in the report shall be certified as correct by the person licensed for the practice of funeral service under whom he has served during this period and by the person licensed for the practice of funeral service owning or managing the funeral service establishment.

Before such funeral service intern becomes eligible to be examined for the practice of funeral service, evidence shall be presented along with an affidavit from any licensee under whom the intern worked showing that the intern has assisted in embalming at least 25 bodies and that the intern has assisted in conducting at least 25 funerals. In all applications of funeral service interns for licenses for the practice of funeral service, the eligibility of the applicant shall be determined by the records filed with the Board. The successful completion by any person of the internship shall not entitle him to any privilege except to be examined for such license.

Credit shall not be allowed for any period of internship that has been completed more than three years prior to application for license or more than five years prior to examination for license. If all requirements for licensure are not completed within five years of initial application, the Board may deny an additional internship. A funeral service intern may continue to practice for up to 90 days from the completion of his internship or until he has taken and received the results of all examinations required by the Board. However, the Board may waive such limitation for any person in the armed service of the United States when application for the waiver is made in writing within six months of leaving service or if the Board determines that enforcement of the limitation will create an unreasonable hardship.

The Board shall have power to suspend or revoke a certificate of internship for violation of any provision of this chapter.

No more than two funeral service interns shall be concurrently registered under any one person licensed for the practice of funeral service, funeral directing or embalming. Each sponsor for a registered funeral service intern must be actively employed by or under contract with a funeral establishment.

Code 1950, §§ 54-260.34 through 54-260.38; 1956, c. 220; 1970, c. 513, § 54-260.72; 1972, c. 797; 1973, c. 296; 1974, c. 157; 1978, c. 849; 1981, c. 258; 1986, c. 43; 1988, c. 765; 2005, c. 477; 2006, c. 56.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

*Commonwealth of Virginia*



**REGULATIONS  
FOR THE  
FUNERAL SERVICE INTERNSHIP  
PROGRAM**

**VIRGINIA BOARD OF  
FUNERAL DIRECTORS AND EMBALMERS**

**Title of Regulations: 18 VAC 65-40-10 et seq.**

**Statutory Authority: § 54.1-2400 and Chapter 28  
of Title 54.1 of the *Code of Virginia***

**Revised Date: January 14, 2015**

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## **Part I. General Provisions.**

### **18VAC65-40-10. Definitions.**

In addition to words and terms defined in § 54.1-2800 of the Code of Virginia, the following words and terms when used in this chapter shall have the following meanings, unless the context clearly indicates otherwise:

"Direct supervision" means that a licensed funeral service professional is present and on the premises of the facility.

"Supervisor" means a licensed employee at the training site who has been approved by the board to provide supervision for the funeral intern.

"Training site" means the licensed funeral establishment, facility, or institution that has agreed to serve as a location for a funeral service internship and has been approved by the board.

### **18VAC65-40-20 to 18VAC65-40-30. [Repealed]**

### **18VAC65-40-40. Fees.**

A. The following fees shall be paid as applicable for registration:

- |   |       |
|---|-------|
| 1. Funeral service intern registration                  | \$150 |
| 2. Funeral service intern renewal                       | \$125 |
| 3. Late fee for renewal up to one year after expiration | \$45  |
| 4. Duplicate copy of intern registration                | \$25  |
| 5. Returned check                                       | \$35  |
| 6. Registration of supervisor                           | \$35  |
| 7. Change of supervisor                                 | \$35  |
| 8. Reinstatement fee                                    | \$195 |

B. Fees shall be made payable to the Treasurer of Virginia and shall not be refundable once submitted.

### **18VAC65-40-50 to 18VAC65-40-80. [Repealed]**

### **18VAC65-40-90. Renewal of registration.**

A. The funeral service intern registration shall expire on March 31 of each calendar year and may be renewed by submission of the renewal notice and prescribed fee.

B. A person who fails to renew a registration by the expiration date shall be deemed to have an invalid registration. No credit will be allowed for an internship period served under an expired registration.

C. The funeral service intern is responsible for notifying the board within 14 days of any changes in name, address, employment, or supervisor. Any notices shall be validly given when mailed to the address on record with the board.

**18VAC65-40-100. [Repealed]**

**18VAC65-40-110. Reinstatement of expired registration.**

A. A funeral service intern whose registration has expired may be reinstated within one year following expiration by payment of the current renewal fee and the late renewal fee.

B. A funeral service intern whose registration has been expired for more than one year shall apply for reinstatement by submission of an application and payment of a reinstatement fee. The board may consider reinstatement of an expired registration for up to three years following expiration.

C. When a registration is not reinstated within three years of its expiration date, a new application for registration shall be filed and a new internship begun.

**18VAC65-40-120. [Repealed]**

**Part II. Funeral Service Internship Requirements.**

**18VAC65-40-130. Funeral service internship.**

A. The internship shall consist of at least 3,000 hours of training to be completed within no less than 12 months and no more than 48 months. For good cause shown, the board may grant an extension of time for completion of an internship.

B. The funeral service intern shall be assigned a work schedule of not less than 20 hours nor more than 60 hours per week in order to receive credit for such training. For good cause shown, the board may waive the limitation on an intern's work schedule.

C. A funeral service intern shall receive training in all areas of funeral service.

**18VAC65-40-140 to 18VAC65-40-170. [Repealed]**

**18VAC65-40-180. Intern application package.**

A. Any person who meets the qualifications of §54.1-2817 of the Code of Virginia may seek registration with the board as a funeral service intern by submission of an application package, which shall include documentation of the qualifications and signatures of any supervising licensees.

B. Applicants shall submit school transcripts as part of an application package, including the required fee and any additional documentation as may be required to determine eligibility.

**18VAC65-40-190 to 18VAC65-40-200. [Repealed]**

**18VAC65-40-201. Failure to register.**

If the internship is not approved by the board prior to initiation of training, no credit shall be allowed for the length of time served.

**18VAC65-40-210. Training sites.**

A. Funeral training shall be given at the licensed funeral service establishment or at any branch of such establishment that complies with the provisions of this chapter and is approved by the board as a training site.

B. An individual, firm, or corporation owning or operating any funeral service establishment shall apply to and be approved by the board prior to permitting funeral training to be given or conducted in the establishment.

**18VAC65-40-220. Qualifications of training site.**

A. The board shall approve only an establishment or two combined establishments to serve as the training site or sites that:

1. Have a full and unrestricted Virginia license;
2. Have complied in all respects with the provisions of the regulations of the Board of Funeral Directors and Embalmers; and
3. Have 50 or more funerals and 50 or more bodies for embalming over a 12-month period for each person to be trained. This total must be maintained throughout the period of training. If the establishment does not meet the required number of funerals or embalmings, the funeral service intern may seek approval for an additional training site.

B. The board may grant approval for a resident trainee to receive all or a portion of the embalming training at a facility of state or federal government or an accredited educational institution.

**18VAC65-40-230 to 18VAC65-40-240. [Repealed]**

**18VAC65-40-250. Requirements for supervision.**

A. Training shall be conducted under the direct supervision of a licensee or licensees approved by the board. Credit shall only be allowed for training under direct supervision.

B. The board shall approve only funeral service licensees, licensed funeral directors, or licensed embalmers to give funeral training who have a full and unrestricted Virginia funeral license, have at

least two consecutive years in practice and are employed full time in or under contract with the establishment, facility, or institution where training occurs.

C. A supervisor licensed as an embalmer or a funeral director shall provide supervision only in the areas of funeral practice for which he is licensed.

D. Failure to register as a supervisor may subject the licensee to disciplinary action by the board.

E. If a supervisor is unable or unwilling to continue providing supervision, the funeral service intern shall obtain a new supervisor. Credit for training shall resume when a new supervisor is approved by the board and the intern has paid the prescribed fee for the change of supervisor.

**18VAC65-40-260 to 18VAC65-40-270. [Repealed]**

**18VAC65-40-280. Supervisor application package.**

A. A licensee seeking approval by the board as a supervisor shall submit a completed application and any additional documentation as may be required to determine eligibility.

B. The application for supervision of a funeral service intern shall be signed by the establishment manager and by the persons who will be providing supervision for embalming and for the funeral services.

**18VAC65-40-290. through 18VAC65-40-310. [Repealed]**

**18VAC65-40-320. Reports to the board: six-month report; partial report.**

A. The intern, the supervisor or supervisors, and the establishment shall submit a written report to the board at the end of every 1,000 hours of training. The report shall:

1. Specify the period of time in which the 1,000 hours has been completed and verify that the intern has actually served in the required capacity during the preceding period; and
2. Be received in the board office no later than 14 days following the end of the completion of 1,000 hours. Late reports may result in additional time being added to the internship.

B. If the internship is terminated or interrupted prior to completion of 1,000 hours or if the intern is changing supervisors or training sites, the intern and the supervisor shall submit a partial report to the board with a written explanation of the cause of program termination or interruption or of the change in training or supervision.

1. The partial report shall provide the amount of time served and the dates since the last reporting period. Credit for partial reports shall be given for the number of hours of training completed.
2. Partial reports shall be received in the board office no later than 14 days after the interruption or termination of the internship or after the change in supervisors or training sites. Credit may be deducted for late reports.

**18VAC65-40-330. Failure to submit training report.**



If the intern, supervisor, or establishment manager fails to submit the reports required in 18VAC65-40-320, the intern may forfeit all or partial credit for training or disciplinary action may be taken against the intern, supervisor and establishment manager.

### **Part III. Internship: Funeral Supervisors' Responsibilities.**

#### **18VAC65-40-340. Supervisors' responsibilities.**

A. The supervisor shall provide the intern with all applicable laws and regulations or sections of regulations relating to the funeral industry.

B. The supervisor shall provide the intern with copies of and instruction in the use of all forms and price lists employed by the funeral establishment.

C. The supervisor shall provide the intern with instruction in all aspects of funeral services and shall allow the intern under direct supervision to conduct all necessary arrangements for a minimum of 25 funerals.

D. The embalming supervisor shall provide instruction on all necessary precautions, embalming functions, and reporting forms and shall allow the intern under direct supervision to perform a minimum of 25 embalmings.

E. The supervisor shall provide the intern with instruction in making preneed funeral arrangements and instruction on the laws and regulations pertaining to preneed funeral contracts and disclosures.

F. The supervisor shall provide instruction on cremation and on the laws and regulations pertaining to cremation.

G. If a training site does not offer preneed funeral planning or cremation services, the supervisor shall arrange for such training at another licensed funeral establishment that does.

#### **18VAC65-40-350 to 18VAC65-40-630. [Repealed]**

### **Part IV. Refusal, Suspension, Revocation, and Disciplinary Action.**

#### **18VAC65-40-640. Disciplinary action.**

The board may refuse to issue or renew a license, registration, or approval to any applicant; and may suspend for a stated period of time or indefinitely, or revoke any license, registration, or approval, or reprimand any person, or place his license or registration on probation with such terms and conditions and for such time as it may designate or impose a monetary penalty for failure to comply with the regulations of the Board of Funeral Directors and Embalmers.

# **S**ANCTIONING REFERENCE POINTS **INSTRUCTION MANUAL**

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## **Board of Funeral Directors & Embalmers**

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# COMMONWEALTH OF VIRGINIA

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March 13, 2007

Dear Interested Parties:

In the spring of 2001, the Virginia Department of Health Professions approved a workplan to study sanctioning in disciplinary cases for Virginia's 13 health regulatory boards. The purpose of the study was to "...provide an empirical, systematic analysis of board sanctions for offenses and, based on this analysis, to derive reference points for board members..." The purposes and goals of this study are consistent with state statutes which specify that the Board of Health Professions periodically review the investigatory and disciplinary processes to ensure the protection of the public and the fair and equitable treatment of health professionals.

Each health regulatory board hears different types of cases, and as a result, considers different factors when determining an appropriate sanction. After interviewing current and past Board of Funeral Directors and Embalmers members and staff, a committee of Board members, staff, and research consultants assembled a research agenda involving one of the most exhaustive statistical studies of sanctioned Funeral Directors and Embalmers in the United States. The analysis included collecting over 100 factors on all Board of Funeral Directors and Embalmers sanctioned cases in Virginia over a 6-year period. These factors measured case seriousness, respondent characteristics, and prior disciplinary history. After identifying the factors that were consistently associated with sanctioning, it was decided that the results provided a solid foundation for the creation of sanction reference points. Using both the data and collective input from the Board of Funeral Directors and Embalmers and staff, analysts spent 6 months developing a usable sanction worksheet as a way to implement the reference system.

By design, future sanction recommendations will encompass, on average, about 73% of past historical sanctioning decisions; an estimated 23% of future sanctions will fall above or below the sanction point recommendations. This allows considerable flexibility when sanctioning cases that are particularly egregious or less serious in nature. Consequently, one of the most important features of this system is its voluntary nature; that is, the Board is encouraged to depart from the reference point recommendation when aggravating or mitigating circumstances exist.

Equally important to recommending a sanction, the system allows each respondent to be evaluated against a common set of factors—making sanctioning more predictable, providing an educational tool for new Board members, and neutralizing the possible influence of "inappropriate" factors (e.g., race, sex, attorney presence, identity of Board members). As a result, the following reference instrument should greatly benefit Board members, health professionals and the general public.

Sincerely yours,

Sandra Whitley Ryals  
Director

Cordially,

Elizabeth A. Carter, Ph.D.  
Executive Director  
Virginia Board of Health Professions

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**Overview**

The Virginia Board of Health Professions has spent the last 5 years studying sanctioning in disciplinary cases. The study is examining all 13 health regulatory boards, with the greatest focus most recently on the Board of Funeral Directors & Embalmers. The Board of Funeral Directors & Embalmers is now in a position to implement the results of the research by using a set of voluntary Sanctioning Reference Points. This manual contains some background on the project, the goals and purposes of the system, and the offense-based sanction worksheet that will be used to help Board members determine how a similarly situated respondent has been treated in the past. This sanctioning system is based on a specific sample of cases, and thus only applies to those persons sanctioned by the Virginia Board of Funeral Directors & Embalmers. Moreover, the worksheet has not been tested or validated on any other groups of persons. Therefore, they should not be used at this point to sanction respondents coming before other health regulatory boards, other states, or other disciplinary bodies.

The Sanctioning Reference system is comprised of a single worksheet which scores case type, offense, and prior record factors identified using statistical analysis. These factors have been isolated and tested in order to determine their influence on sanctioning outcomes. Sanctioning thresholds found on the offense worksheet recommend a range of sanctions from which the Board may select in a particular case as well as corresponding monetary penalty ranges.

In addition to this instruction booklet, separate coversheets and worksheets are available to record the respondent's score, recommended sanction, actual sanction and any reasons for departure (if applicable). The completed coversheets and worksheets will be evaluated as part of an on-going effort to monitor and refine the SRPs. These instructions and the use of the SRP system fall within current Department of Health Professions and Board of Funeral Directors & Embalmers policies and procedures. Furthermore, all sanctioning recommendations are those currently available to and used by the Board and are specified within existing Virginia statutes.

**Background** In April of 2001, the Virginia Board of Health Professions (BHP) approved a work plan to conduct an analysis of health regulatory board sanctioning and to consider the appropriateness of developing historically-based SRPs for health regulatory boards, including the Board of Funeral Directors & Embalmers. The Board of Health Professions and project staff recognize the complexity and difficulty in sanction decision-making and have indicated that for any sanction reference system to be successful, it must be “developed with complete Board oversight, be value-neutral, be grounded in sound data analysis, and be totally voluntary”—that is, the system is viewed strictly as a Board decision tool.

**Goals** The Board of Health Professions and the Board of Funeral Directors & Embalmers cite the following purposes and goals for establishing Sanctioning Reference Points:

- Making sanctioning decisions more predictable
- Providing an education tool for new Board members
- Adding an empirical element to a process/system that is inherently subjective
- Providing a resource for the Board and those involved in proceedings.
- “Neutralizing” sanctioning inconsistencies
- Validating Board member or staff recall of past cases
- Constraining the influence of undesirable factors—e.g., Board member ID, overall Board makeup, race or ethnic origin, etc.
- Helping predict future caseloads and need for probation services and terms

**Methodology** The fundamental question when developing a sanctioning reference system is deciding whether the supporting analysis should be grounded in historical data (a *descriptive approach*) or whether it should be developed normatively (a *prescriptive approach*). A normative approach reflects what policymakers feel sanction recommendations should be, as opposed to what they have been. SRPs can also be developed using historical data analysis with normative adjustments to follow. This approach combines information from past practice with policy adjustments, in order to achieve some desired outcome. The Board of Funeral Directors & Embalmers chose a descriptive approach with a limited number of normative adjustments.

#### ■ Qualitative Analysis

Researchers conducted in-depth personal interviews of some past and all current Board members, Board staff, and representatives from the Attorney General’s office. The interview results were used to build consensus regarding the purpose and utility of SRPs and to further frame the analysis. Additionally, interviews helped ensure the factors considered when sanctioning were included during the quantitative phase of the study. A literature review of sanctioning practice across the United States was also conducted.

**Methodology, continued****■ Quantitative Analysis**

Researchers analyzed detailed information on Funeral Directors & Embalmers disciplinary cases ending in a violation between 1999 and 2006; approximately 51 sanctioning “events.” Over 100 different factors were collected on each case in order to describe the case attributes Board members identified as potentially impacting sanction decisions. Researchers used data available through the DHP case management system combined with primary data collected from hard copy files. The hard copy files contained investigative reports, Board notices, Board orders, and all other documentation that is made available to Board members when deciding a case sanction.

A comprehensive database was created to analyze the offense and respondent factors which were identified as potentially influencing sanctioning decisions. Using statistical analysis to construct a “historical portrait” of past sanctioning decisions, the significant factors along with their relative weights were derived. These factors and weights were formulated into a sanctioning worksheet with four thresholds, which are the basis of the SRPs.

Offense factors such as financial gain and case severity (priority level) were analyzed as well as prior history factors such as substance abuse, and previous Board orders. Some factors were deemed inappropriate for use in a structured sanctioning reference system. For example, respondent gender was considered an “extra-legal” factor, and was explicitly excluded from the SRPs. Although many factors, both “legal” and “extra-legal” can help explain sanction variation, only those “legal” factors the Board felt should consistently play a role in a sanction decision were included in the final product. By using this method, the hope is to achieve more neutrality in sanctioning, by making sure the Board considers the same set of “legal” factors in every case.

**Wide Sanctioning Ranges**

The SRPs consider and weigh the circumstances of an offense and the relevant characteristics of the respondent, providing the Board with a sanction range that encompasses roughly 73% of historical practice. This means that 27% of past cases had received sanctions either higher or lower than what the reference points indicate, acknowledging that aggravating and mitigating factors play a role in sanctioning. The wide sanctioning ranges recognize that the Board will sometimes reasonably disagree on a particular sanction outcome, but that a broad selection of sanctions fall within the recommended range.

Any sanction recommendation the Board derives from the SRP worksheets must fall within Virginia law and regulations. If a Sanctioning Reference Point worksheet recommendation is more or less severe than a Virginia statute or DHP regulation, the existing laws or policies supercede any worksheet recommendation.

**Three Sets of Sanctioning Factors**

The Board indicated early in the study that sanctioning is influenced by a variety of circumstances. The empirical analysis supported the notion that not only case type, but certain offense factors and prior record impacted sanction outcomes. To this end, the Funeral Directors & Embalmers SRP system scores three groups of factors in order to arrive at a sanctioning recommendation. The first set of factors relates to the case type, the second relates to elements of the offense, and the third relates to the respondent's prior record.

So a respondent before the Board for an inspection case may not only receive points for acting as the manager of record, but also for having a past history of disciplinary violations.

**Sanctioning Thresholds**

The SRP worksheet uses four thresholds for recommending a sanction. Once all factors are scored, the corresponding points are then added for a total worksheet score. The total is used to locate the sanctioning threshold recommendation found at the bottom of the worksheet. The SRP worksheet recommends both a sanction range and a monetary penalty range. For instance, a respondent having a total worksheet score of 60 would be recommended for a Monetary Penalty to Treatment/Monitoring. The monetary penalty amount corresponding to a score of 60 is \$500 to \$2,000.

**Voluntary Nature**

The SRP system is a tool to be utilized by the Board of Funeral Directors & Embalmers. Compliance with the SRPs is voluntary. The Board will use the system as a reference tool and may choose to sanction outside the recommendation. The Board maintains complete discretion in determining the sanction handed down. However, a structured sanctioning system is of little value if the Board is not provided with the appropriate coversheet and worksheet in every case eligible for scoring. A coversheet and worksheet should be completed in cases resolved by Informal Conferences and Consent Orders that come before Informal Conference committees. The SRPs can also be referenced and used by agency subordinates where the Board deems appropriate. The coversheet and worksheet will be referenced by Board members during Closed Session.



**Worksheets Not Used  
in Certain Cases**

The SRPs will not be applied in any of the following circumstances:

- Formal Hearings — SRPs will not be used in cases that reach a Formal Hearing level.
- Mandatory suspensions – Virginia law requires that under certain circumstances (conviction of a felony, declaration of legal incompetence or incapacitation, license revocation in another jurisdiction) the licensee must be suspended. The sanction is defined by law and is therefore excluded from the SRPs system.
- Compliance/reinstatements – The SRPs should be applied to new cases only.
- Action by another Board – When a case which has already been adjudicated by a Board from another state appears before the Virginia Board of Funeral Directors & Embalmers, the Board often attempts to mirror the sanction handed down by the other Board. The Virginia Board of Funeral Directors & Embalmers usually requires that all conditions set by the other Board are completed or complied with in Virginia. The SRPs do not apply as the case has already been heard and adjudicated by another Board.
- Confidential Consent Agreements (CCA) - SRPs will not be used in cases settled by CCA.

### Case Selection When Multiple Cases Exist

When multiple cases have been combined into one “event” (one order) for disposition by the Board, only one coversheet and worksheet should be completed and it should encompass the entire event. If a case (or set of cases) has more than one offense type, one case type is selected for scoring according to the offense group that appears highest on the following table and receives the highest point value. For example, a respondent found in violation for an inspection deficiency and misappropriation of property would receive forty points, since Fraud is above Inspections Deficiency on the list and receives the most points. If an offense type is not listed, find the most analogous offense type and use the appropriate score.

**Sanctioning Reference Points Case Type Table**

Case Type	Included Categories	Point Assignment
Fraud	Mishandling of pre-need funds Misappropriation of Property Performing unwarranted/unjust services Falsification/Alteration of Documents Misdemeanor Conviction	40
Business Practice Issues	Business Practice Issues Rudeness Failure to provide general price list Failure to provide contract or terms of contract Solicitation	20
Unlicensed Activity	Aiding/Abetting Unlicensed Activity No valid license-qualified to practice Practice Beyond Scope of License Practice on Lapsed/Expired License Facility Operating without Permit Licensure Eligibility	20
Inspections Deficiency	Inspection Deficiencies/Facility Violation	10

### Completing the Coversheet and Worksheet

Ultimately, it is the responsibility of the Board to complete the SRP coversheet and worksheet in all applicable cases.

The information relied upon to complete a coversheet and worksheet is derived from the case packet provided to the Board and respondent. It is also possible that information discovered at the time of the informal conference may impact worksheet scoring. The SRP coversheet and worksheet, once completed, are confidential under the Code of Virginia. However, complete copies of the SRP Manual, including blank coversheets and worksheets, can be found on the Department of Health Professions web site: [www.dhp.virginia.gov](http://www.dhp.virginia.gov) (paper copy also available on request).

### Scoring Factor Instructions

To ensure accurate scoring, instructions are provided for scoring each factor on the SRP worksheet. When scoring a worksheet, the numeric values assigned to a factor on the worksheet *cannot be adjusted*. The scoring weights can only be applied as 'yes or no' - with all or none of the points applied. In instances where a scoring factor is difficult to interpret, the Board has final say in how a case is scored.

### Coversheet

The coversheet is completed to ensure a uniform record of each case and to facilitate recordation of other pertinent information critical for system monitoring and evaluation.

If the Board feels the sanctioning threshold does not recommend an appropriate sanction, the Board is encouraged to depart either high or low when handing down a sanction. If the Board disagrees with the sanction recommendation and imposes a sanction greater or less than the recommended sanction, a short explanation should be recorded on the coversheet to explain the factors or reasons for departure. This process will ensure worksheets are revised appropriately to reflect current Board practice. If a particular reason is continually cited, the Board can examine the issue more closely to determine if the worksheets should be modified to better reflect Board practice.

Aggravating and mitigating circumstances that may influence Board decisions can include, but should not be limited to, such things as:

- Prior Record
- Dishonesty/Obstruction
- Motivation
- Remorse
- Restitution/Self-corrective action
- Multiple offenses/Isolated incident

A space is provided on the coversheet to record the reason(s) for departure. Due to the uniqueness of each case, the reason(s) for departure may be wide-ranging. Sample scenarios are provided below:

#### Departure Example #1

Sanction Threshold Recommendation: Recommend Formal or Accept Surrender  
Imposed Sanction: Monetary Penalty of \$2,000, Inspection

*Reason(s) for Departure: Respondent was particularly remorseful and had already begun corrective action.*

**Coversheet, continued****Departure Example #2**

Sanction Threshold Recommendation: No Sanction/Reprimand to Monetary Penalty

Imposed Sanction: Reprimand, Terms – CI

*Reason(s) for Departure: Respondent displayed a lack of knowledge that could be corrected with further education*

**Determining a Specific Sanction**

The bottom of the SRP worksheet lists four sanction thresholds that encompass a variety of specific sanction types. In addition, the table recommends monetary penalty ranges: Up to \$1000, \$500 to \$2000, \$1000 to \$5000, and \$5000 or more. Monetary penalty amounts do not include inspection fees or CE costs.

The table below lists the sanctions most often used by the Board that fall under each threshold. After considering the sanction recommendation, the Board should fashion a more detailed sanction(s) based on the individual case circumstances.

**Sanctioning Reference Points Threshold Table**

Worksheet Score	Available Sanctions	Monetary Penalty Recommendation
0-49	No Sanction Reprimand Monetary Penalty Stayed Monetary Penalty	Up to \$1000
50-99	Monetary Penalty Stayed Monetary Penalty Treatment/Monitoring: Probation Continuing Education Inspection Shall not be Manager of Record	\$500 to \$2000
100-199	Treatment/Monitoring: Probation Continuing Education Inspection Shall not be Manager of Record Stayed Suspension C.O. for the Suspension C.O. for Revocation Recommend Formal Accept Surrender	\$1000 to \$5000
200 or more	Stayed Suspension C.O. for the Suspension C.O. for Revocation Recommend Formal Accept Surrender	\$5000 or more

## Sanctioning Reference Points - Coversheet

- Complete *Case Type* section.
- Complete the *Offense Factors* section.
- Complete the *Prior Record* section.
- Determine the *Recommended Sanction* and *Monetary Penalty Range* using the scoring results and the *Sanction Thresholds*.
- Complete this coversheet.

<b>Case Number(s)</b>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<b>Respondent Name</b>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<b>License Number</b>	<input type="text"/>		
<b>Case Category</b>	<input type="checkbox"/> Fraud <input type="checkbox"/> Business Practice Issues <input type="checkbox"/> Unlicensed Activity <input type="checkbox"/> Inspection Related		
<b>Sanction Threshold Result</b>	<input type="checkbox"/> 0-49 <input type="checkbox"/> 50-99 <input type="checkbox"/> 100-199 <input type="checkbox"/> 200 or more		
<b>Imposed Sanction</b>	<input type="checkbox"/> No Sanction <input type="checkbox"/> Reprimand <input type="checkbox"/> Monetary Penalty - \$ <input type="text"/> <input type="checkbox"/> Stayed Monetary Penalty - \$ <input type="text"/> <input type="checkbox"/> Inspection and Associated Fees <input type="checkbox"/> Probation <input type="checkbox"/> CE <input type="text"/> hours <input type="checkbox"/> Stayed Suspension <input type="checkbox"/> C.O. for the Suspension - duration in months <input type="text"/> <input type="checkbox"/> C.O. for Revocation <input type="checkbox"/> Recommend Formal <input type="checkbox"/> Accept Surrender <input type="checkbox"/> Other Sanction: <input type="text"/> <input type="checkbox"/> Terms: <input type="text"/> <input type="text"/>		
<b>Reasons for Departure from Sanction Threshold Result:</b>	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>		
<b>Worksheet Preparer (name):</b>	<input type="text"/>		<b>Date completed:</b> <input type="text"/>

## Board of Funeral Directors & Embalmers - SRP Worksheet Instructions

### Case Type

#### Step 1:

*(score only one)*

Enter the point value that corresponds to the case type. If a case has multiple aspects, enter the point value for the case type that is highest on the worksheet list.

#### Fraud

Mishandling of pre-need funds  
Misappropriation of property  
Performing unwarranted/unjust services  
Falsification/alteration of documents  
Misdemeanor conviction

#### Business Practice Issues

Business practice issues  
Rudeness  
Failure to provide general price list  
Failure to provide contract/terms of contract  
Solicitation

#### Unlicensed Activity

Aiding/abetting unlicensed activity  
No valid license – qualified to practice  
Practice beyond scope of license  
Practicing on lapsed/expired license  
Facility operating without a permit  
Licensure eligibility

#### Inspections/Records

Inspection Deficiencies/Facility Violation

#### Step 2:

Enter Case Type Score

Enter the point value that corresponds to the case type. If a case has multiple aspects, enter the point value for the case type that is highest on the worksheet's list.

### Offense Factors Score

#### Step 3:

*(score all that apply)*

Enter "40" if there are two or more violations being found by the Board on the present day.

Enter "40" if this was an act of commission. An act of commission is interpreted as purposeful or with knowledge.

Enter "30" if there is a criminal or civil action related to this offense.

Enter "20" if the respondent was the Manager of Record (MOR) at the time of the incident.

Enter "10" if the offense involves a decedent or a third party acting on behalf of the decedent. Third party involvement includes, but is not limited to, family members who have dealt business with the respondent for services. Third party involvement is not limited to family members.

Enter "10" if there was financial or material gain by the respondent.

Enter "10" if multiple respondents were associated with the case. When multiple respondents are involved there will be a "companion case" with another respondent's name and case number found in the investigation report.

Enter "10" if the case involved a facility violation. These points may be scored regardless of the case type assigned points in Step 1.

#### Step 4:

Enter Offense Factor Score

### Prior Record Score

#### Step 5:

*(score all that apply)*

Enter "40" if the respondent has one or more prior Virginia Board of Funeral Directors violations.

Enter "10" if the respondent has any prior *similar* Virginia Board of Funeral Directors violations. Similar violations would be those that are contained under the same major case type heading listed in Step 1. For example, if the case being heard concerns a "Facility Operating without a Permit" and the respondent has a prior violation for "Aiding/Abetting Unlicensed Activity" enter 10 points.

#### Step 6:

Enter Prior Record Score

### Total Worksheet Score

#### Step 7:

Add Step 2, Step 4, and Step 6 for a Total Worksheet Score

#### Step 8: Determining the Sanction Recommendations

The Total Worksheet Score corresponds to the Sanctioning Reference Points recommendations at the bottom of the worksheet. To determine the appropriate recommended sanction, find the score range on the left that corresponds to the Total Worksheet Score that was calculated. That range then corresponds to a "Sanction Recommendation." For instance, a Total Worksheet Score of 60 is recommended for "Monetary Penalty to Treatment/Monitoring."

"Monetary Penalty Ranges" in the last column correspond to the point ranges in the first column. However, in order for a sanction to be considered in agreement with the worksheet recommendation, it only has to correspond with the Sanction Recommendation column (agreement or disagreement with the Monetary Penalty Ranges column is not used when tracking compliance with the SRP worksheets).

#### Step 9: Coversheet

Complete the coversheet including the SRP sanction result, the imposed sanction and the reasons for departure if applicable.

# Funeral Directors & Embalmers - Sanctioning Reference Points Worksheet

<b>Case Type (score only one)</b>	Points	Score	
Fraud . . . . .	40		<b>score only one</b>
Business practice issues . . . . .	20		
Unlicensed activity . . . . .	20		
Inspections related . . . . .	10		
<b>Case Type Score</b>			

<b>Offense Factors (score all that apply)</b>			
Two or more concurrent founded cases . . . . .	40		<b>score all that apply</b>
Act of commission . . . . .	40		
Concurrent action against respondent . . . . .	30		
Respondent was the MOR at the time of the incident . . . . .	20		
Any decedent involvement . . . . .	10		
Financial or material gain by the respondent . . . . .	10		
Multiple respondents associated with case . . . . .	10		
Case involved a facility violation . . . . .	10		
<b>Offense Factors Score</b>			

<b>Prior Record (score all that apply)</b>			
One or more prior violations . . . . .	40		<b>score all that apply</b>
Were any of the previous violations similar to the instant offense . . . . .	10		
<b>Prior Record Score</b>			

**Total Worksheet Score**  
(Case Type + Offense Factors + Prior Record)

**Recommendations for Sanctioning**

Score	Sanction Recommendation	Monetary Penalty Ranges
0 - 49	No Sanction/Reprimand to Monetary Penalty	Up to \$1,000
50 - 99	Monetary Penalty to Treatment/Monitoring	\$500 - \$2,000
100 - 199	Treatment/Monitoring to Recommend Formal or Accept Surrender	\$1,000 - \$5,000
200 or more	Recommend Formal or Accept Surrender	\$5,000 or more

Respondent Name: \_\_\_\_\_ Date: \_\_\_\_\_