
Call to Order – Larry T. Omms, FSL, Board President

- Welcome and Introductions
- Emergency Egress Procedures

Approval of Minutes - Pages 1-13

- Board Meeting – January 16, 2018
- Formal Hearing – January 16, 2018
- Ad Hoc Committee on Funeral Internships – April 13, 2018

Ordering of Agenda

Public Comment

The Board will receive public comment related to agenda items at this time. The Board will not receive comment on any pending regulation process for which a public comment period has closed or any pending or closed complaint or disciplinary matter.

Old Business

- Update on Sanctioning Reference Points (SRP) Project – Adoption of Revised SRP Manual as Guidance Document 65-14 – **Neal Kauder, Kim Small, VisualResearch, Inc. - Pages 101-114**

Agency Report - David E. Brown, DC, Agency Director

Administrative Report – Lisa Hahn, Chief Operations Officer

Staff Reports

- Executive Director’s Report – **Corie E. Tillman Wolf - Pages 14-61**
- Discipline Report – **Lynne Helmick**

Committee and Board Member Reports

- Board President’s Report – **Larry T. Omms, FSL**
- Board of Health Professions Report – **Junius H. Williams, Jr.**
- Report from the Annual Meeting of the International Conference of Funeral Service Examining Boards – **Blair Nelsen, FSL**
- Ad Hoc Committee on Funeral Internships – **Blair Nelsen, FSL**
 - Consideration of Recommendations from the Ad Hoc Committee
 - Regulations for Embalming Performed by Students (SB 143)
 - Regulations for Unprofessional/Inappropriate Conduct Directed Toward Interns
 - Funeral Supervisor Training

Legislation and Regulatory Actions – Elaine Yeatts – Pages 62-100

- Report of the 2018 General Assembly
- Report on Regulatory Actions
- Adoption of Final Regulations – Continuing Education (CE) for Attendance of Board Meetings
- Adoption of Final Regulations – Permission to Embalm and Refrigeration of Human Remains
- Process for Periodic Review of the Regulations of the Board of Funeral Directors & Embalmers (18VAC65-20-10 et seq.)
- Consideration of Revisions to and/or Readoption of Board Guidance Documents
 - Guidance Document 65-1 – Time Credit for Continuing Education Courses, Adopted June 5, 2007
 - Guidance Document 65-2 – Disposition of Disciplinary Cases for Practicing on an Expired License, Adopted July 16, 2012
 - Guidance Document 65-11 – Inspection Guidance Document, revised December 11, 2013
 - Guidance Document 65-13 – Guidance for Conduct of an Informal Conference by an Agency Subordinate, adopted December 8, 2004
 - Guidance Document 65-17 – Initiating Disciplinary Action Against Funeral Homes for Failing to Submit Corrective Actions to Deficiencies Noted During Routine Inspections, adopted January 17, 2012

Next Meeting – July 12, 2018

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).

Meeting Minutes

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

The Virginia Board of Funeral Directors and Embalmers convened for a Board meeting on Tuesday, January 16, 2018 at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room #2, Henrico, Virginia 23233.

BOARD MEMBERS PRESENT

Larry T. Omms, FSL, President
Joseph Frank Walton, FSL, Vice President
Mia F. Mimms, FSL, JD, Secretary-Treasurer
Connie B. Steele, FSL
R. Thomas Slusser, Jr., FSL
Blair H. Nelsen, FSL
Louis R. Jones, FSL

BOARD MEMBERS ABSENT

Ibrahim A. Moiz, Esq., Citizen Member
Junius H. Williams, Jr., Citizen Member

STAFF PRESENT FOR ALL OR PART OF MEETING

Corie Tillman Wolf, Executive Director
Lynne Helmick, Deputy Executive Director
David E. Brown, DC, Agency Director
Sarah Georgen, Licensing and Operations Manager
Heather Wright, Program Manager, FDE/LTCA Boards
Erin Barrett, Assistant Attorney General, Board Counsel

GUESTS PRESENT

Neal Kauder, President, VisualResearch
Barry Robinson, Virginia Morticians Association
Paul Harris, Regulatory Support Services
Lacy Whittaker, Virginia Funeral Directors' Association

CALLED TO ORDER

Larry T. Omms, FSL, President, called the Board meeting to order at 10:01 a.m.

Board members and staff introduced themselves. With 7 Board members present, a quorum was established.

Mr. Omph provided reminders to the Board members and audience regarding microphones, sign in sheets, computer agenda materials, and breaks.

Ms. Tillman Wolf then read the emergency egress instructions.

Public Hearing

A public hearing was convened at 10:05 a.m. to receive public comments on proposed changes to the General Regulations Governing Funeral Directors and Embalmers for clarification of permission to embalm and refrigeration of human remains. Mr. Omph called for comment.

Public comment was provided by Barry Robinson, President of the Virginia Morticians Association (VMA). Mr. Robinson stated that he concurred with the wording of the proposed regulations, but requested clarification as to when the new regulations would go into effect.

Ms. Tillman Wolf stated that the new regulations would go into effect once it is published in the Register and following the 30-day final adoption period. She stated that the public will be notified once a date has been determined.

The public hearing was adjourned at 10:05 a.m.

Public Hearing

A public hearing was convened at 10:06 a.m. to receive public comments on proposed changes to the General Regulations Governing Funeral Directors and Embalmers for consideration of continuing education (CE) for attendance of board meetings.

Public comment was provided by Barry Robinson, President of the Virginia Morticians Association (VMA). Mr. Robinson requested clarification as to if a person appears before the board for an informal conference or formal hearing as a respondent or a witness, if they would be awarded continuing education for attendance. Ms. Barrett responded stating that the individual would attend due to being a respondent or a witness under subpoena, therefore it would not count as continuing education.

The public hearing was adjourned at 10:09 a.m.

ACCEPTANCE OF MINUTES

Upon a motion by Mr. Jones, and properly seconded by Ms. Steele, the Board voted to accept the following meeting minutes:

- Minutes of Board Meeting – October 10, 2017
- Examination Committee Meeting – October 10, 2017
- Ad Hoc Committee on Funeral Internships – December 7, 2017

The motion passed unanimously.

ORDERING OF AGENDA

Upon a motion by Mr. Slusser, and properly seconded by Ms. Steele, the Board voted to accept the agenda as written. The motion passed unanimously.

PUBLIC COMMENT PERIOD

There was no public comment.

AGENCY DIRECTOR'S REPORT- David Brown, DHP Director

Mr. Omphreus congratulated Dr. Brown on his reappointment as the Department of Health Professions (DHP) Director. Dr. Brown thanked Mr. Omphreus for his words and said that he was happy to be reappointed by the Governor for another four years.

Dr. Brown stated that he was aware of an issue throughout DHP regarding the lack of continuity for agency leadership when a new director is appointed by the Governor. He stated that due to this concern, the role of Chief Operating Officer was created to include activities of coordination and support for the boards, which allows the position to become familiar with the business of DHP and any board issues. He announced that Lisa Hahn had been hired into the position and would no longer serve as DHP's Deputy Director.

Dr. Brown announced that Barbara Allison-Bryan, MD has been appointed by the Governor to the open position of DHP's Deputy Director. Ms. Allison-Bryan's start date is expected to be March 1, 2018.

Dr. Brown reported that DHP has leased additional space on the first floor of the Perimeter Center for overflow of current departments. He reported that the move is expected in the beginning of 2018.

Dr. Brown announced that the agency will release training videos for Board Members which will include training on confidentiality, Sanctioning Reference Points, probable cause, conflict of interest, and chairing Board meetings and hearings. The first video on probable cause will be released soon.

STAFF REPORTS

Executive Director's Report - Corie Tillman Wolf, Executive Director

Corie Tillman Wolf, Executive Director, began her report by introducing a new staff member, Sarah Georgen, Licensing and Operations Manager.

Ms. Tillman Wolf announced the new DHP logo to be launched in January 2018. Ms. Tillman Wolf also announced that Lisa Hahn is the new Chief Operating Officer for DHP.

Ms. Tillman Wolf presented the Expenditure and Revenue Summary as of November 30, 2017.

Cash Balance as of June 30, 2017	\$ 380,747
FY18 Revenue	32,530
Less Direct & In-Direct Expenditures	<u>242,744</u>
Cash Balance November 30, 2017	\$ 170,533

Ms. Tillman Wolf provided the following updates:

- Examinations
 - The Board is now receiving electronic transmission of scores – both National Exam and State Laws, Rules, and Regulations (LRR) Exam scores. This has greatly enhanced the Board’s ability to process applications, as official scores were previously received as hard copies by mail.
 - The updated/revised State LRR Exam has been launched effective January 1, 2018.
 - The State LRR Exam Fee increased to \$170 on January 1, 2018.
- Model Internship Ad Hoc Committee – Mr. Nelsen participates on the Conference’s internship committee and may be able to provide additional information.
- Annual Meeting – February 28-March 1, 2018 in New Orleans, LA – Mr. Omph, Mr. Nelsen, and Ms. Tillman Wolf plan to attend.

Ms. Tillman Wolf presented licensure statistics that included the following information:

Licensure Statistics – All Licenses

License	Q2 FY 2018	Q1 FY 2018	Change +/-
Funeral Service Licensees	1554	1538	16
Funeral Director	39	39	--
Embalmer Only	2	2	--
Supervisors	525	522	3
Interns	197	195	2
Establishments	434	430	4
Branch Establishments	76	77	1
Crematories	114	113	1
CE Providers	18	16	2
Courtesy Card Holders	100	99	1

Surface Transport & Removal Svc.	45	45	--
Total (*not incl. supervisors)	2579	2554	25

Licenses/Registrations Issued January 1 – December 31, 2017

License Type	Number
Funeral Service Licensees	53
Supervisors	32
Interns	71
Establishments	4
Branch Establishments	2
Crematories	3
CE Providers	1
Courtesy Card Holders	15
Surface Transport & Removal Svc.	6

Ms. Tillman Wolf provided the following statistics regarding the Virginia Performs – Customer Satisfaction Survey Results:

- Q3 17 – 88.9%
- Q4 17 – 100%
- Q1 18 – 100%
- Q2 18 – N/A

Ms. Tillman Wolf provided the following statistics regarding the 2017 Funeral Inspection Program:

- Total of 205 inspections conducted (main, branch, crematory)
 - 96.9% crematories with no deficiencies
 - 63.6% branches with no deficiencies
 - 43.4% main establishments with no deficiencies

Ms. Tillman Wolf explained that the term deficiencies for purposes of the report means violations found by the inspectors.

Ms. Tillman Wolf reported the following most common deficiencies:

- Incorrect prices or price ranges on GPL

- Required disclosures no included on/incorrect on GPL
- Charges not reflected on GPL (e.g. charge for receiving remains)
- Not having price lists for caskets or outer burial containers
- Lack of chronological or alphabetical listing of preneeds
- Incomplete information on preneed listing
- Required casket warranty, disclosures not on itemized statement
- Incomplete Embalming Reports (e.g. missing dates, full names, name/license number of embalmer, signature of intern embalming supervisor)
- Preparation room deficiencies (e.g. cracks in floor, separated seems in wall paneling, lack of eye wash station)

Ms. Tillman Wolf provided the following 2018 planning updates:

- Applications – Staff will be looking at updates to current forms and will begin process for online submission of applications.
- Funeral Internships
 - Finalized reporting forms will be posted for use.
 - Board staff will disseminate information to interns and supervisors.
 - Board staff will develop FAQ's for interns and supervisors about the process and requirements.
- Sanctioning Reference Points worksheets will be finalized and implemented.
- Guidance Documents – Board staff will review and bring to the Board for updates as needed.

Ms. Tillman Wolf had the following reminders and staff notes:

- Requests for Presentations - Please contact Board staff if you receive a request for a presentation (e.g. Laws & Regulations or Preneed).
- Conflict of Interest Reporting is due February 1, 2018.
- Mileage Reimbursement has increased to \$0.545/mile as of January 1, 2018.

Ms. Tillman Wolf reminded Board members to let staff know if there are changes in contact information. She thanked the Board members for their hard work and dedication.

The Board meeting dates for 2018 are:

- April 17, 2018 - 10:00 a.m.
- July 12, 2018 - 10:00 a.m.
- October 16, 2018 - 10:00 a.m.

Mr. Slusser requested information on whether 43% no deficiencies was low for inspections. Ms. Tillman Wolf responded stating it was low compared to previous years, however, there was an increase in the number of inspections in 2017, so that may have impacted the overall rates.

Mr. Omph requested information on the tracking of expiration of licenses. Ms. Tillman Wolf responded that this information would be available following the next renewal period. Mr. Omph requested that this information be included in the licensing report in April 2018.

Mr. Omph confirmed with the board that the July 12, 2018 board meeting would occur on a Thursday, rather than a Tuesday.

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

Discipline Report – Lynne H. Helmick, Deputy Executive Director

Lynne Helmick, Deputy Executive Director, reported on the current number of open cases, discipline statistics, and Key Performance Measures.

- **40 Open Cases**
 - 5 in APD
 - 16 in Investigation
 - 18 in Probable Cause
 - 1 formal reinstatement
 - 3 informal conferences

10 licensees are in Compliance Monitoring.

Virginia Performs (Q1 2018):

- The Clearance Rate was 67%. The Board received 3 cases and closed 2 cases.
- The Pending Caseload over 250 days was at 8% (1 case).
- The percentage of cases closed within 250 days was 100%. Two cases were within 250 days.

Virginia Performs (Q2 2018):

- The Clearance Rate was 0%. The Board received 4 cases and closed 0 cases.
- The Pending Caseload over 250 days was at 13% (2 cases).
- The percentage of cases closed within 250 days was 0%. Zero cases were within 250 days.

Ms. Helmick provided a summary of the total cases received and closed since Q1 2016. She also provided a summary of all case information including the percentage of all cases closed in 250 days and the average dates to close a case.

Ms. Helmick provided a summary of the categories of cases processed by the Board in Q1 and Q2 2018.

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

COMMITTEE AND BOARD MEMBER REPORTS

Board of Health Professions Report – Junius Williams, Jr.

Mr. Ombs announced that Mr. Williams was unable to attend the meeting and requested the board members to review the minutes from the Board of Health Professions meeting found in the agenda packet.

Examination Committee – Frank Walton, FSL

Mr. Walton stated the Committee met on October 10, 2017. The Committee continued work and revised/wrote questions with more funeral related questions. The new questions and revisions have been included effective January 1, 2018.

Ad Hoc Committee on Funeral Internships – Blair Nelsen, FSL

Mr. Nelsen reported that the Committee met on December 7, 2017. He reported that the NOIRA for changes to the intern regulations was on hold at the Governor's Office pending the reconsideration of the fee. The Ad Hoc Committee requested the Board to amend the NOIRA to amend subsection A of 18VAC65-40-280 to require that the supervisor apply with each internship and, consequently, be required to pay the current fee with each application.

Upon a **MOTION** by Mr. Nelson, and properly seconded by Mr. Slusser, the Board voted to withdraw the NOIRA adopted at the July board meeting and adopt the draft NOIRA document included in the agenda package. The motion passed unanimously.

Mr. Nelsen appraised the board on the internship forms presented in the agenda packet for consideration. Upon a **MOTION** by Mr. Nelsen, and properly seconded by Mr. Slusser, the Board voted to accept the forms as presented. The motion passed unanimously.

Mr. Nelsen stated that the discussion of a proposed supervisor training program required additional research and more information would be provided at the next board meeting.

LEGISLATIVE AND REGULATORY ACTIONS – Corie Tillman Wolf

Report of 2018 General Assembly

Ms. Yeatts provided a brief overview of the 2018 General Assembly bills that could affect the Board.

Ms. Yeatts requested discussion in regards to Senate Bill 831 relating to the practice of funeral services and the sale of certain items. Mr. Nelsen requested clarification as to whether the wording would cause unlicensed practice. Ms. Barrett noted that previous clauses of the Code would clarify this and did not appear to be cause for concern.

BREAK

Mr. Ombs called for a break at 11:03 a.m. The meeting reconvened at 11:16 a.m.

OLD BUSINESS

Update on Sanctioning Reference Points Project

Mr. Kauder provided the board with a presentation of the status of the Sanctioning Reference Points Project and proposed updates to the Sanctioning Reference Points worksheet.

Upon a **MOTION** by Mr. Nelsen, and properly seconded by Ms. Mimms, the Board voted to move forward with the proposed changes to the Sanctioning Reference Points worksheet. The motion passed unanimously.

Mr. Kauder noted that the manual would be presented at the next board meeting for approval, if there are no further changes.

NEW BUSINESS

The next meeting date is April 17, 2018.

ADJOURNMENT

With all business concluded, the meeting was adjourned at 11:36 a.m.

Larry T. Omms, FSL, President

Corie Tillman Wolf, Executive Director

Date

Date

Unapproved
VIRGINIA BOARD OF FUNERAL DIRECTORS & EMBALMERS
FORMAL ADMINISTRATIVE HEARING
MINUTES
January 16, 2018
1:00 P.M.

**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 1:03 p.m.

MEMBERS PRESENT: Larry Omps, FSL, Chair
Frank Walton, FSL
Louis Jones, FSL
Mia Mimms, FSL
Tommy Slusser, FSL
Blair Nelsen, FSL
Connie Steele, FSL

BOARD COUNSEL: Erin L. Barrett, Assistant Attorney General

**DHP STAFF
PRESENT:** Corie Tillman Wolf, Executive Director
Lynne Helmick, Deputy Executive Director
Sarah Georgen, Licensing and Operations Manager

COURT REPORTER: Mary F. Treta, Court Reporter
Crane-Snead & Associates, Inc.

**PARTIES ON BEHALF OF
COMMONWEALTH:** Cynthia Gaines, Adjudication Specialist

**COMMONWEALTH
WITNESS:** Joyce Johnson, Senior Investigator, DHP

MATTER SCHEDULED: Robert K. Wickline, FSL, Reinstatement Applicant
License No.: 0502-100847
Case No.: 182399

ESTABLISHMENT OF A QUORUM:

With seven (7) members of the Board present, a quorum was established.

DISCUSSION:

Mr. Wickline did not appear before the Board in accordance with the Board's Notice of Formal Hearing dated December 18, 2017. Ms. Gaines stated proper notice was made to Mr. Wickline at his address of record with the Board and she stated that Mr. Wickline emailed the Board on January 2, 2018, stating that he would not be attending the hearing.

Mr. Omph ruled that proper notice of the hearing was provided to Mr. Wickline and the Board proceeded in his absence.

The Board received evidence and sworn testimony from the witness called by the Commonwealth.

CLOSED SESSION:

Upon a motion by Frank Walton, and duly seconded by Blair Nelsen, the Board voted to convene a closed meeting at 1:15 p.m., pursuant to § 2.2-3711.A(27) of the Code of Virginia, for the purpose of deliberation to reach a decision in the matter of Robert Wickline, FSL Reinstatement Applicant. Additionally, he moved that Ms. Barrett, Ms. Tillman Wolf, Ms. Helmick, and Ms. Georgan 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 1:47 p.m.

CERTIFICATION:

Mr. Walton 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 Ms. Mimms and duly seconded by Mr. Jones, the Board moved to deny Mr. Wickline's application for reinstatement. Further, it was ordered that Mr. Wickline's license be continued on indefinite suspension for a period of not less than 12 months. Motion carried.

VOTE:

The vote was unanimous

ADJOURNMENT:

The Board adjourned at 1:51 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.

Larry Omgs, FSL, Chair

Corie Tillman Wolf, J.D., Executive Director

Executive Director's Report

Virginia Department of Health Professions
Cash Balance
As of February 28, 2018

	104- Funeral Directors and Embalmers
Board Cash Balance as June 30, 2017	\$ 380,747
YTD FY18 Revenue	271,730
Less: YTD FY18 Direct and Allocated Expenditures	370,024
Board Cash Balance as February 28, 2018	282,453

Virginia Department of Health Professions
Revenue and Expenditures Summary
Department 10400 - Funeral Directors and Embalmers
For the Period Beginning July 1, 2017 and Ending February 28, 2018

Account Number	Account Description	Amount	Budget	Amount Under/(Over) Budget	% of Budget
4002400	Fee Revenue				
4002401	Application Fee	30,045.00	32,620.00	2,575.00	92.11%
4002406	License & Renewal Fee	231,960.00	621,160.00	389,200.00	37.34%
4002407	Dup. License Certificate Fee	250.00	360.00	110.00	69.44%
4002409	Board Endorsement - Out	1,250.00	3,850.00	2,600.00	32.47%
4002421	Monetary Penalty & Late Fees	1,825.00	4,900.00	3,075.00	37.24%
4002430	Board Changes Fee	3,700.00	7,695.00	3,995.00	48.08%
4002432	Misc. Fee (Bad Check Fee)		35.00	35.00	0.00%
	Total Fee Revenue	269,030.00	670,620.00	401,590.00	40.12%
4009000	Other Revenue				
4009060	Miscellaneous Revenue	2,700.00	310.00	(2,390.00)	870.97%
	Total Other Revenue	2,700.00	310.00	(2,390.00)	870.97%
	Total Revenue	271,730.00	670,930.00	399,200.00	40.50%
5011110	Employer Retirement Contrib.				
5011120	Fed Old-Age Ins- Sal St Emp	4,734.36	10,738.00	6,003.64	44.09%
5011120	Fed Old-Age Ins- Sal St Emp	2,549.02	6,090.00	3,540.98	41.86%
5011130	Fed Old-Age Ins- Wage Earners	-	623.00	623.00	0.00%
5011140	Group Insurance	459.71	1,043.00	583.29	44.08%
5011150	Medical/Hospitalization Ins.	11,358.86	35,354.00	23,995.14	32.13%
5011160	Retiree Medical/Hospitalizatn	414.07	940.00	525.93	44.05%
5011170	Long term Disability Ins	231.68	526.00	294.32	44.05%
	Total Employee Benefits	19,747.70	55,314.00	35,566.30	35.70%
5011200	Salaries				
5011230	Salaries, Classified	36,624.40	79,597.00	42,972.60	46.01%
5011250	Salaries, Overtime	864.70		(864.70)	0.00%
	Total Salaries	37,489.10	79,597.00	42,107.90	47.10%
5011300	Special Payments				
5011310	Bonuses and Incentives	225.00	450.00	225.00	50.00%
5011340	Specified Per Diem Payment	1,250.00	4,000.00	2,750.00	31.25%
5011380	Deferred Compnstrn Match Pmts	212.50	816.00	603.50	26.04%
	Total Special Payments	1,687.50	5,266.00	3,578.50	32.05%
5011400	Wages				
5011410	Wages, General	-	8,133.00	8,133.00	0.00%
	Total Wages	-	8,133.00	8,133.00	0.00%
5011600	Terminatn Personal Svce Costs				
5011620	Salaries, Annual Leave Balanc	165.72	-	(165.72)	0.00%
	Total Terminatn Personal Svce Costs	165.72	-	(165.72)	0.00%
5011930	Turnover/Vacancy Benefits				
	Total Personal Services	59,090.02	148,310.00	89,219.98	39.84%
5012000	Contractual Svcs				
5012100	Communication Services				
5012110	Express Services	35.19	200.00	164.81	17.60%

Virginia Department of Health Professions
Revenue and Expenditures Summary
Department 10400 - Funeral Directors and Embalmers
For the Period Beginning July 1, 2017 and Ending February 28, 2018

Account Number	Account Description	Amount	Budget	Amount Under/(Over)	
				Budget	% of Budget
5012140	Postal Services	764.83	3,500.00	2,735.17	21.85%
5012150	Printing Services	138.87	1,500.00	1,361.13	9.26%
5012160	Telecommunications Svcs (VITA)	166.48	300.00	133.52	55.49%
5012170	Telecomm. Svcs (Non-State)	133.96	-	(133.96)	0.00%
5012190	Inbound Freight Services	1.42	-	(1.42)	0.00%
	Total Communication Services	1,240.75	5,500.00	4,259.25	22.56%
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	-	6,045.00	6,045.00	0.00%
5012250	Employee Tuition Reimbursement	-	1,000.00	1,000.00	0.00%
5012270	Emp Trning- Trns, Ldgng & Meals	-	800.00	800.00	0.00%
	Total Employee Development Services	250.00	9,645.00	9,395.00	2.59%
5012400	Mgmnt and Informational Svcs	-			
5012420	Fiscal Services	125.55	9,520.00	9,394.45	1.32%
5012440	Management Services	98.61	120.00	21.39	82.18%
5012470	Legal Services	195.00	150.00	(45.00)	130.00%
	Total Mgmnt and Informational Svcs	419.16	9,790.00	9,370.84	4.28%
5012500	Repair and Maintenance Svcs				
5012530	Equipment Repair & Maint Srvc	586.60	40.00	(546.60)	1466.50%
	Total Repair and Maintenance Svcs	586.60	40.00	(546.60)	1466.50%
5012600	Support Services				
5012640	Food & Dietary Services	75.32	2,100.00	2,024.68	3.59%
5012650	Laundry and Linen Services	29.37	-	(29.37)	0.00%
5012660	Manual Labor Services	131.48	1,200.00	1,068.52	10.96%
5012670	Production Services	693.92	1,120.00	426.08	61.96%
5012680	Skilled Services	1,290.65	910.00	(380.65)	141.83%
	Total Support Services	2,220.74	5,330.00	3,109.26	41.66%
5012800	Transportation Services				
5012820	Travel, Personal Vehicle	3,899.55	5,100.00	1,200.45	76.46%
5012830	Travel, Public Carriers	-	700.00	700.00	0.00%
5012850	Travel, Subsistence & Lodging	317.64	1,600.00	1,282.36	19.85%
5012880	Trvl, Meal Reimb- Not Rprtbl	177.75	750.00	572.25	23.70%
	Total Transportation Services	4,394.94	8,150.00	3,755.06	53.93%
	Total Contractual Svcs	9,112.19	38,455.00	29,342.81	23.70%
5013000	Supplies And Materials				
5013100	Administrative Supplies				
5013120	Office Supplies	520.11	1,500.00	979.89	34.67%
5013130	Stationery and Forms	-	675.00	675.00	0.00%
	Total Administrative Supplies	520.11	2,175.00	1,654.89	23.91%
5013300	Manufctrng and Merch Supplies				
5013350	Packaging & Shipping Supplies	-	85.00	85.00	0.00%

Virginia Department of Health Professions
Revenue and Expenditures Summary
Department 10400 - Funeral Directors and Embalmers
For the Period Beginning July 1, 2017 and Ending February 28, 2018

Account Number	Account Description	Amount			
		Amount	Budget	Under/(Over) Budget	% of Budget
	Total Manufctrng and Merch Supplies	-	85.00	85.00	0.00%
5013600	Residential Supples	-	-	-	-
5013620	Food and Dietary Supplies	-	30.00	30.00	0.00%
5013630	Food Service Supplies	-	90.00	90.00	0.00%
	Total Residential Supplies	-	120.00	120.00	0.00%
5013700	Specific Use Supplies	-	-	-	-
5013730	Computer Operating Supplies	-	15.00	15.00	0.00%
	Total Specific Use Supplies	-	15.00	15.00	0.00%
	Total Supplies And Materials	520.11	2,395.00	1,874.89	21.72%
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	2.69	-	(2.69)	0.00%
5015350	Building Rentals	9.63	-	(9.63)	0.00%
5015360	Land Rentals	-	15.00	15.00	0.00%
5015390	Building Rentals - Non State	5,637.61	10,040.00	4,402.39	56.15%
	Total Operating Lease Payments	5,649.93	10,055.00	4,405.07	56.19%
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	5,649.93	10,234.00	4,584.07	55.21%
5022000	Equipment	-	-	-	-
5022100	Computer Hrdware & Sftware	-	-	-	-
5022170	Other Computer Equipment	126.48	-	(126.48)	0.00%
5022180	Computer Software Purchases	193.52	-	(193.52)	0.00%
	Total Computer Hrdware & Sftware	320.00	-	(320.00)	0.00%
5022200	Educational & Cultural Equip	-	-	-	-
5022240	Reference Equipment	16.00	-	(16.00)	0.00%
	Total Educational & Cultural Equip	16.00	-	(16.00)	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	336.00	132.00	(204.00)	254.55%
	Total Expenditures	74,708.25	199,526.00	124,817.75	37.44%
	Allocated Expenditures	-	-	-	-
20600	Funeral/LTCA/PT	72,857.15	105,923.30	33,066.15	68.78%
30100	Data Center	50,519.59	104,868.27	54,348.68	48.17%

Virginia Department of Health Professions
Revenue and Expenditures Summary
Department 10400 - Funeral Directors and Embalmers
For the Period Beginning July 1, 2017 and Ending February 28, 2018

Account Number	Account Description	Amount	Budget	Amount	
				Under/(Over) Budget	% of Budget
30200	Human Resources	6,570.26	18,318.17	11,747.91	35.87%
30300	Finance	18,123.81	27,581.18	9,457.57	65.71%
30400	Director's Office	8,091.58	13,953.47	5,861.89	57.99%
30500	Enforcement	101,782.58	159,053.53	57,270.95	63.99%
30600	Administrative Proceedings	12,813.06	28,206.61	15,393.55	45.43%
30700	Impaired Practitioners	120.97	-	(120.97)	0.00%
30800	Attorney General	9,406.90	12,543.09	3,136.19	75.00%
30900	Board of Health Professions	4,420.20	7,926.63	3,506.43	55.76%
31100	Maintenance and Repairs	-	474.46	474.46	0.00%
31300	Emp. Recognition Program	49.35	294.54	245.19	16.75%
31400	Conference Center	6,468.25	6,615.57	147.32	97.77%
31500	Pgm Developmnt & Implimentn	4,092.02	7,780.99	3,688.97	52.59%
Total Allocated Expenditures		<u>295,315.53</u>	<u>493,539.81</u>	<u>198,224.28</u>	<u>59.84%</u>
Net Revenue In Excess (Shortfall) of Expenditures		<u>\$ (98,293.78)</u>	<u>\$ (22,135.81)</u>	<u>\$ 76,157.97</u>	<u>444.05%</u>

DHP Home Page > Funeral Directors and Embalmers > Applications & Forms

Contact Us | Search DHP



Board Home

General Information

Board Members

Meetings & Minutes

Laws & Regulations

Guidance Documents

Newsletters

Staff Directory

New Applications

Applications & Forms

FAQs

Affiliated Associations

Renewal Information

Renew Online

Update Your Information

License Lookup

Discipline Related

File a Complaint

Disciplinary Proceedings

Case Decisions

Administrative Proceedings

Division

Inspections

Board of Funeral Directors and Embalmers Forms

Change in Exam Vendor – Virginia State Exam (Laws, Rules & Regulations)

Effective January 1, 2017, the Virginia state exam (Laws, Rules, and Regulations "LRR") for Funeral Service Licensees is administered by the International Conference of Funeral Service Examining Boards. For more information, exam candidates may [click here to visit their website](#) or [click here to access the "LRR" Candidate Handbook](#). The fee for the state exam is \$170.00, effective January 1, 2018.

For more information or questions about the exam process, please contact the Board at fanbd@dhp.virginia.gov or (804) 367-4479.

To view the PDF files on this page you'll need the free [Adobe Acrobat Reader](#).

Funeral Service Licensee

[Funeral Service Licensee Application \(Examination and Endorsement - revised 3/1/2018\)](#)

Funeral Service Intern

[Application for Funeral Service Internship Program - revised 3/1/2018](#)

[Funeral Supervisor Registration Application - revised 3/1/2018](#)

[Internship Report Form - 1st 1000 hrs - revised 01/16/2018](#)

[Internship Report Form - 2nd 1000 hrs - revised 01/16/2018](#)

[Internship Report Form - 3rd 1000 hrs - revised 01/16/2018](#)

[Internship Report Form - Final Completion - revised 01/16/2018](#)

Courtesy Card

[Application for Courtesy Card - revised 3/1/2018](#)

Establishment Forms

[Application for Crematory Registration - revised 3/1/2018](#)

[Application for Surface Transportation and Removal Service - revised 3/1/2018](#)

Establishment Application (New Establishment, Branch Establishment or Change of Ownership w/ Re-inspection) - revised 3/1/2018

Application for Waiver of Full-Time Manager Requirement - revised 3/1/2018

Application for Change of Manager - Funeral Establishment or Branch - revised 3/1/2018

Request for Reinspection due to Structural Change to Preparation Room - revised 1/14/2015

Continuing Education Forms

Application for Approval as a Continuing Education Provider - revised 8/23/2016

Continuing Education Experience Summary Form (includes instructions) - revised 8/23/2016

CEU Provider Request for Additional Courses - revised 8/23/2016

Continuing Education Provider Renewal Application revised 8/23/2016

Continuing Education Credit Form for Volunteer Practice revised 2/2018

Continued Competency Activity and Assessment form

Reinstatement

Application for Reinstatement as a Funeral Service Licensee - revised 3/1/2018

Application for Reinstatement as a Funeral Service Intern - revised 3/1/2018

Application for Reinstatement of Funeral Establishment - revised 3/1/2018

Application for Reinstatement of a Courtesy Card - revised 3/1/2018

Other

Presentation Request form

Name and Address Change Form

Request for Verification of a Virginia Funeral License - revised 2/18/2016

Board of Funeral Directors and Embalmers
Email: fanbd@dhp.virginia.gov

Corle E. Tillman Wolf, J.D., Executive Director
Larry T. Omms, FSL, President



CHECKLIST AND INSTRUCTIONS FOR FUNERAL SERVICE LICENSEE

SUBMIT THE FOLLOWING:

- APPLICATION** – This application will not be considered until all sections have been completed; must be 18 years of age to apply. You may need to submit supporting documentation regarding your responses to the licensure questions. Please refer to the application for more information.
- FEE** – All fees are non-refundable. **The fee for application by examination or endorsement is \$325.00.** Make check or money order payable to the Treasurer of Virginia.
- SCHOOL TRANSCRIPTS** – Submit OFFICIAL transcript from your High School or General Equivalency Diploma (GED), and Mortuary School to include school seal and date of graduation.
- VERIFICATION OF STATE LICENSURE** – If applicable, you will need to provide written verification from the issuing regulatory authority, in all jurisdictions, in which you have ever held a license, including expired, inactive, and current licenses. Contact each State regarding processing fees.
- NATIONAL EXAMINATION SCORES** – Please contact the ICFSEB to transfer your examination scores to the Virginia board.

International Conference of Funeral Service Examining Boards (ICFSEB)
1885 Shelby Lane
Fayetteville, Arkansas 72704
(479) 442-7076 (Tel)
info@theconferenceonline.org (email)

- STATE EXAMINATION** – All applicants for licensure shall pass the Virginia State Board Examination. Once the application is complete and has been approved the applicant will receive information and reference materials regarding the state examination.

GENERAL INFORMATION ABOUT THE APPLICATION PROCESS

1. It is unlawful to practice funeral services in Virginia until you have been issued a Virginia license or until you have been issued written authorization from the Board office to serve in an internship program under the direct supervision of a licensed Funeral Service Licensee, Funeral Director, or Embalmer in Virginia.
2. Applications received without the required processing fee will be returned to the sender.
3. Faxed documents will not be accepted; only original documents will be accepted.
4. Once all documentation has been received, the licensing process takes approximately 5-7 **business** days. Board staff will contact you at the email address provided on your application with a status update.
5. Applications will remain on file with the board for one year from the date of receipt. If, at the end of one (1) year, licensure/certification/registration is not issued, the applicant shall reapply in accordance with the requirements of the Regulations.
6. The Board will notify the candidates in writing within 5 to 7 **business** days after the Board has received the examination results.



Virginia Department of
Health Professions
Board of Funeral Directors and Embalmers

9960 Mayland Drive, Suite 300
Henrico, Virginia 23233
www.dhp.virginia.gov/funeral

(804) 367-4479 (Tel)
(804) 527-4413 (Fax)
Email:
fanbd@dhp.virginia.gov

FUNERAL SERVICE LICENSEE APPLICATION

MARK ONLY ONE BOX:

- Initial Application by Examination
 By Endorsement (currently actively licensed, certified, or registered by another jurisdiction)

(PLEASE PRINT IN BLUE OR BLACK INK)

FIRST NAME		MIDDLE NAME		LAST NAME AND SUFFIX	
DATE OF BIRTH MM DD YY		SOCIAL SECURITY NO. OR VA CONTROL NO.*			
ADDRESS OF RECORD**: STREET			CITY	STATE	ZIP CODE
ALTERNATE PUBLIC ADDRESS***: STREET			CITY	STATE	ZIP CODE
BUSINESS NAME & ADDRESS: STREET			CITY	STATE	ZIP CODE
HOME PHONE:		WORK PHONE:		MOBILE PHONE:	
E-MAIL ADDRESS					
GRADUATION DATE MM DD YY		DEGREE		NAME OF MORTUARY SCHOOL (CITY, STATE)	

*In accordance with §54.1-116 Code of Virginia, you are required to submit your Social Security Number or your control number issued by the Virginia Department of Motor Vehicles. If you fail to do so, the process of your application will be suspended and fees will not be refunded. This number will be used by the Department of Health Professions for identification and will not be disclosed for other purposes except as provided by law. Federal and state law requires that this number be shared with other state agencies for child support enforcement activities. **NO LICENSE WILL BE ISSUED TO ANY INDIVIDUAL WHO HAS FAILED TO DISCLOSE ONE OF THESE NUMBERS.**

**The address information you provide is your address of record with the Board. Please be advised that all notices from the board, to include renewal notices, licenses, and other legal documents, will be sent to the address of record provided. If you provided a different public address, this information is not subject to public disclosure under the Freedom of Information Act and will not be sold or distributed for any other purpose.

***This address is subject to public disclosure under the Freedom of Information Act. You may provide an address other than a residence, such as a Post Office Box or a practice location if you wish.

APPLICANTS DO NOT USE SPACES BELOW THIS LINE – FOR OFFICE USE ONLY

APPROVED BY _____

LICENSE NUMBER	PENDING NUMBER	BASE STATE	RECEIPT NUMBER
----------------	----------------	------------	----------------

OUT OF STATE LICENSURE: If applicable, list all jurisdictions in which you have been issued a license to practice as a funeral service licensee: *active, inactive, or expired*. Indicate license number and date issued.

STATE/JURISDICTION	LICENSE NUMBER	ISSUE DATE / STATUS	TYPE OF LICENSURE
			<input type="checkbox"/> FUNERAL DIRECTOR <input type="checkbox"/> EMBALMER <input type="checkbox"/> BOTH
			<input type="checkbox"/> FUNERAL DIRECTOR <input type="checkbox"/> EMBALMER <input type="checkbox"/> BOTH
			<input type="checkbox"/> FUNERAL DIRECTOR <input type="checkbox"/> EMBALMER <input type="checkbox"/> BOTH

LICENSURE QUESTIONS

Any supporting documentation related to the questions below should be submitted to:
 Virginia Board of Funeral Directors and Embalmers
 Perimeter Center
 9960 Mayland Drive, Suite 300
 Henrico, VA 23233

YES NO

1. Have you ever been convicted of a violation of /or pled Nolo Contendere to any federal, state or local statute, regulation, or ordinance, or entered into any plea bargaining relating to a felony or misdemeanor? Including convictions for driving under the influence; excluding traffic violations.

Attach your original criminal history record, a certified copy of any final order, decree, or case decision by a court or regulatory agency with lawful authority to issue such order, decree, or case decision, and any other information you wish to be considered with your application (i.e. information on the status of incarceration, parole, or probation, reference letters documentation of rehabilitation, etc.).

2. Have you ever had any of the following disciplinary actions taken against a license/registration to practice funeral services or any such actions pending: (a) suspension/revocation; (b) probation; (c) reprimand/cease and desist; (d) had your practice monitored; (e) monetary penalty; (f) denied licensure (g) refused renewal; (h) denied examination?

If yes, submit notices, orders, etc., from the regulatory authority where disciplined.

MILITARY SERVICE

YES NO

3. Are you active-duty military?
4. Did you relocate with a spouse who is the subject of a military transfer to the Commonwealth of Virginia?

ADDITIONAL LICENSURE QUESTIONS

YES NO

- A. Within the past five years, have you exhibited any conduct or behavior that could call into question your ability to practice in a competent and professional manner?
 Please provide a full explanation on a separate page.

	YES	NO
(A.2) Within the past five years, have you sought or been directed to seek treatment for your conduct or behavior?	<input type="checkbox"/>	<input type="checkbox"/>
B. Within the past five years, have you been disciplined by any entity? Please provide a full explanation and any associated orders or letters from the entity.	<input type="checkbox"/>	<input type="checkbox"/>
(B.2) Within the past five years, have you sought or been directed to seek treatment for your conduct or behavior?	<input type="checkbox"/>	<input type="checkbox"/>
C. Do you currently have any physical condition or impairment that affects or limits your ability to perform any of the obligations and responsibilities of professional practice in a safe and competent manner? "Currently" means recently enough so that the condition could reasonably have an impact on your ability to function as a practicing Funeral Service Licensee. If yes, please provide a full explanation. (NOTE: The Board may request a letter from your current treatment provider addressing your current condition and ability to safely practice. You may consider providing this documentation with your application, or have your provider send this documentation directly to the Board.)	<input type="checkbox"/>	<input type="checkbox"/>
D. Do you currently have any mental health condition or impairment that affects or limits your ability to perform any of the obligations and responsibilities of professional practice in a safe and competent manner? "Currently" means recently enough so that the condition could reasonably have an impact on your ability to function as a practicing Funeral Service Licensee. If yes, please provide a full explanation. (NOTE: The Board may request a letter from your current treatment provider addressing your current condition and ability to safely practice. You may consider providing this documentation with your application, or have your provider send this documentation directly to the Board.)	<input type="checkbox"/>	<input type="checkbox"/>
E. Do you currently have any condition or impairment related to alcohol or other substance use that affects or limits your ability to perform any of the obligations and responsibilities of professional practice in a safe and competent manner? "Currently" means recently enough so that the condition could reasonably have an impact on your ability to function as a practicing Funeral Service Licensee. If yes, please provide a full explanation. (NOTE: The Board may request a letter from your current treatment provider addressing your current condition and ability to safely practice. You may consider providing this documentation with your application, or have your provider send this documentation directly to the Board.)	<input type="checkbox"/>	<input type="checkbox"/>
F. Within the past 5 years, have any conditions or restrictions been imposed upon you or your practice to avoid disciplinary action by any entity? If yes, please provide a full explanation and any associated orders or letters from the entity. (NOTE: The Board may request a copy of a current participation contract and summary of compliance and/or documentation of successful completion. You may consider providing this documentation with your application, or have the program send this documentation directly to the Board.)	<input type="checkbox"/>	<input type="checkbox"/>

AFFIDAVIT OF APPLICANT

I certify that I have carefully read the laws and regulations related to the Virginia Board of Funeral Directors and Embalmers, which are available at <http://www.dhp.virginia.gov/funeral> and I fully understand that funds submitted as part of the application process shall not be refunded.

I certify by my signature below: I am the person applying for licensure/certification/registration and meet the qualifications required by Virginia law and regulations. Further, I certify the information provided on this application has been personally provided and reviewed by me, and that statements made on the application are true and complete. I understand that providing false or misleading information, as well as omitting information, in response to information required in this application or as part of the application process is considered falsification of the application and may be grounds for denial of or taking disciplinary action against an existing license/certificate/registration.

I agree to the above certification.

Signature of Applicant

Date

CHECKLIST AND INSTRUCTIONS FOR REGISTRATION FOR FUNERAL SERVICE INTERNSHIP PROGRAM

SUBMIT THE FOLLOWING:

- APPLICATION** – This application will not be considered until all sections have been completed. You may need to submit supporting documentation regarding your responses to the licensure questions. Please refer to the application for more information.
- FEE** – All fees are non-refundable. **The fee for Funeral Service Intern is \$150.00.** Make check or money order payable to the Treasurer of Virginia.
- SCHOOL TRANSCRIPTS** – Submit OFFICIAL transcript from your High School or General Equivalency Diploma (GED), and Mortuary School (if completed) to include school seal and date of graduation.
- REGISTRATION OF SUPERVISOR** – Ensure that your supervisor is registered with the Board as a supervisor. Supervisors are required to submit the Funeral Supervisor Registration Application prior to the Registration for Funeral Service Internship Program application.

GENERAL INFORMATION ABOUT THE APPLICATION PROCESS

1. It is unlawful to practice funeral services in Virginia until you have been issued a Virginia license or until you have been issued written authorization from the board office to serve in an internship program under the direct supervision of a licensed Funeral Service Licensee, Funeral Director, or Embalmer in Virginia.
2. Applications received without the required processing fee will be returned to the sender.
3. Faxed or emailed documents will not be accepted; only original documents will be accepted.
4. Once all documentation has been received, processing takes approximately 5-7 **business** days. Board staff will contact you at the email address provided on your application with a status update.
5. Applications will remain on file with the board for one year from the date of receipt. If, at the end of one (1) year, licensure/certification/registration is not issued, the applicant shall reapply in accordance with the requirements of the Regulations.

Supervisor Qualifications Required: The Board will approve only current/active Funeral Service Licensees, Funeral Directors, or Embalmers with full and unrestricted licenses with **at least two consecutive years in practice** and who are employed full time in or under contract with the establishment where training occurs to provide training. A supervisor licensed as an Embalmer or a Funeral Director shall provide supervision only in the areas of funeral practice for which they are licensed. Funeral Service Licensees may provide supervision of both embalming and funeral directing if it is in their area of funeral practice. Credit shall only be allowed for training under direct supervision.

Training Site Qualifications Required: The establishment shall have a full, unrestricted Virginia license and have complied in all respects with the Regulations of the Board of Funeral Directors and Embalmers, and 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.



Virginia Department of
Health Professions
 Board of Funeral Directors and Embalmers

9960 Mayland Drive, Suite 300
 Henrico, Virginia 23233
www.dhp.virginia.gov/funeral

(804) 367-4479 (Tel)
 (804) 527-4413 (Fax)
 Email:
fanbd@dhp.virginia.gov

REGISTRATION FOR FUNERAL SERVICE INTERNSHIP PROGRAM APPLICATION

INTERN INFORMATION (PLEASE PRINT IN BLUE OR BLACK INK)

FIRST NAME		MIDDLE NAME		LAST NAME AND SUFFIX	
DATE OF BIRTH MM DD YY		SOCIAL SECURITY NO. OR VA CONTROL NO.*			
ADDRESS OF RECORD**: STREET			CITY	STATE	ZIP CODE
ALTERNATE PUBLIC ADDRESS***: STREET			CITY	STATE	ZIP CODE
BUSINESS NAME & ADDRESS: STREET			CITY	STATE	ZIP CODE
HOME PHONE:		WORK PHONE:		MOBILE PHONE:	
E-MAIL ADDRESS					
GRADUATION DATE MM DD YY	DEGREE		High School/College/University Name, City, and State		

*In accordance with §54.1-116 Code of Virginia, you are required to submit your Social Security Number or your control number issued by the Virginia Department of Motor Vehicles. If you fail to do so, the process of your application will be suspended and fees will not be refunded. This number will be used by the Department of Health Professions for identification and will not be disclosed for other purposes except as provided by law. Federal and state law requires that this number be shared with other state agencies for child support enforcement activities. **NO LICENSE WILL BE ISSUED TO ANY INDIVIDUAL WHO HAS FAILED TO DISCLOSE ONE OF THESE NUMBERS.**

**The address information you provide is your address of record with the Board. Please be advised that all notices from the board, to include renewal notices, licenses, and other legal documents, will be sent to the address of record provided. If you provided a different public address, this information is not subject to public disclosure under the Freedom of Information Act and will not be sold or distributed for any other purpose.

***This address is subject to public disclosure under the Freedom of Information Act. You may provide an address other than a residence, such as a Post Office Box or a practice location if you wish.

APPLICANTS DO NOT USE SPACES BELOW THIS LINE – FOR OFFICE USE ONLY

APPROVED BY _____

LICENSE NUMBER	PENDING NUMBER	BASE STATE	RECEIPT NUMBER
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TRAINING SITE INFORMATION

ESTABLISHMENT NAME		ESTABLISHMENT LICENSE NUMBER
ESTABLISHMENT ADDRESS:		
NUMBER OF FUNERAL SERVICES CONDUCTED WITHIN THE PAST YEAR:	NUMBER OF EMBALMING PROCEDURES PERFORMED AT THE LISTED ESTABLISHMENT IN THE PAST YEAR:	
ESTABLISHMENT MANAGER'S NAME AND LICENSE NUMBER	TELEPHONE NUMBER:	MANAGER'S SIGNATURE:

SUPERVISOR INFORMATION

FUNERAL SERVICE SUPERVISOR'S NAME AND LICENSE NUMBER	TELEPHONE NUMBER:	FUNERAL SERVICE SUPERVISOR SIGNATURE:
EMBALMING SUPERVISOR'S NAME AND LICENSE NUMBER	TELEPHONE NUMBER:	EMBALMING SERVICE SUPERVISOR SIGNATURE:
SUPERVISOR'S EMAIL ADDRESS		
ANTICIPATED DATE OF EMPLOYMENT:	TOTAL HOURS SCHEDULED TO WORK EACH WEEK:	

LICENSURE QUESTIONS

Any supporting documentation related to the questions below should be submitted to:
 Virginia Board of Funeral Directors and Embalmers
 Perimeter Center
 9960 Mayland Drive, Suite 300
 Henrico, VA 23233

YES NO

1. Have you ever been convicted of a violation of /or pled Nolo Contendere to any federal, state or local statute, regulation, or ordinance, or entered into any plea bargaining relating to a felony or misdemeanor? Including convictions for driving under the influence; excluding traffic violations.

Attach your original criminal history record, a certified copy of any final order, decree, or case decision by a court or regulatory agency with lawful authority to issue such order, decree, or case decision, and any other information you wish to be considered with your application (i.e. a statement from the applicant regarding the offense(s), information on the status of incarceration, parole, or probation, reference letters documentation of rehabilitation, etc.).

	YES	NO
2. Have you ever had any of the following disciplinary actions taken against a license/registration to practice funeral services or any such actions pending: (a) suspension/revocation; (b) probation; (c) reprimand/cease and desist; (d) had your practice monitored; (e) monetary penalty; (f) denied licensure (g) refused renewal; (h) denied examination?	<input type="checkbox"/>	<input type="checkbox"/>

If yes, submit notices, orders, etc., from the regulatory authority where disciplined.

MILITARY SERVICE	YES	NO
3. Are you active-duty military?	<input type="checkbox"/>	<input type="checkbox"/>
4. Did you relocate with a spouse who is the subject of a military transfer to the Commonwealth of Virginia?	<input type="checkbox"/>	<input type="checkbox"/>

ADDITIONAL LICENSURE QUESTIONS	YES	NO
A. Within the past five years, have you exhibited any conduct or behavior that could call into question your ability to practice in a competent and professional manner? Please provide a full explanation on a separate page.	<input type="checkbox"/>	<input type="checkbox"/>
(A.2) Within the past five years, have you sought or been directed to seek treatment for your conduct or behavior?	<input type="checkbox"/>	<input type="checkbox"/>
B. Within the past five years, have you been disciplined by any entity? Please provide a full explanation and any associated orders or letters from the entity.	<input type="checkbox"/>	<input type="checkbox"/>
(B.2) Within the past five years, have you sought or been directed to seek treatment for your conduct or behavior?	<input type="checkbox"/>	<input type="checkbox"/>
C. Do you currently have any physical condition or impairment that affects or limits your ability to perform any of the obligations and responsibilities of professional practice in a safe and competent manner? "Currently" means recently enough so that the condition could reasonably have an impact on your ability to function as a practicing Funeral Service Intern. If yes, please provide a full explanation. (NOTE: The Board may request a letter from your current treatment provider addressing your current condition and ability to safely practice. You may consider providing this documentation with your application, or have your provider send this documentation directly to the Board.)	<input type="checkbox"/>	<input type="checkbox"/>
D. Do you currently have any mental health condition or impairment that affects or limits your ability to perform any of the obligations and responsibilities of professional practice in a safe and competent manner? "Currently" means recently enough so that the condition could reasonably have an impact on your ability to function as a practicing Funeral Service Intern. If yes, please provide a full explanation. (NOTE: The Board may request a letter from your current treatment provider addressing your current condition and ability to safely practice. You may consider providing this documentation with your application, or have your provider send this documentation directly to the Board.)	<input type="checkbox"/>	<input type="checkbox"/>

E. Do you currently have any condition or impairment related to alcohol or other substance use that affects or limits your ability to perform any of the obligations and responsibilities of professional practice in a safe and competent manner? "Currently" means recently enough so that the condition could reasonably have an impact on your ability to function as a practicing Funeral Service Intern.

If yes, please provide a full explanation. (NOTE: The Board may request a letter from your current treatment provider addressing your current condition and ability to safely practice. You may consider providing this documentation with your application, or have your provider send this documentation directly to the Board.)

F. Within the past 5 years, have any conditions or restrictions been imposed upon you or your practice to avoid disciplinary action by any entity?

If yes, please provide a full explanation and any associated orders or letters from the entity. (NOTE: The Board may request a copy of a current participation contract and summary of compliance and/or documentation of successful completion. You may consider providing this documentation with your application, or have the program send this documentation directly to the Board.)

AFFIDAVIT OF APPLICANT

I certify that I have carefully read the laws and regulations related to the Virginia Board of Funeral Directors and Embalmers, which are available at <http://www.dhp.virginia.gov/funeral> and I fully understand that funds submitted as part of the application process shall not be refunded.

I certify by my signature below: I am the person applying for licensure/certification/registration and meet the qualifications required by Virginia law and regulations. Further, I certify the information provided on this application has been personally provided and reviewed by me, and that statements made on the application are true and complete. I understand that providing false or misleading information, as well as omitting information, in response to information required in this application or as part of the application process is considered falsification of the application and may be grounds for denial of or taking disciplinary action against an existing license/certificate/registration.

I agree to the above certification.

Signature of Applicant

Date

INTERN INFORMATION

FIRST NAME	MIDDLE NAME	LAST NAME AND SUFFIX	
ADDRESS OF RECORD**: STREET		CITY	STATE ZIP CODE
HOME PHONE:	WORK PHONE:	MOBILE PHONE:	
E-MAIL ADDRESS	EXPECTED DATE OF EMPLOYMENT	INTERN REGISTRATION NO. (If applicable)	

ESTABLISHMENT INFORMATION

ESTABLISHMENT NAME	ESTABLISHMENT LICENSE NUMBER	ESTABLISHMENT PHONE NUMBER	
ESTABLISHMENT STREET ADDRESS	CITY	STATE	ZIP CODE
ESTABLISHMENT MANAGER'S NAME AND LICENSE NUMBER	MANAGER'S SIGNATURE:		
FUNERAL SERVICE SUPERVISOR'S NAME AND LICENSE NUMBER	FUNERAL SERVICE SUPERVISOR SIGNATURE:		
EMBALMING SUPERVISOR'S NAME AND LICENSE NUMBER	EMBALMING SERVICE SUPERVISOR SIGNATURE:		
ANTICIPATED DATE EMPLOYMENT WILL BEGIN	TOTAL HOURS SCHEDULED TO WORK EACH WEEK		

WORK HISTORY – a resume may not be used as a substitute for any question

FROM (MM/YY)	TO (MM/YY)	EMPLOYER NAME AND ADDRESS (STREET, CITY, STATE, ZIP CODE)

--	--	--

LICENSURE QUESTIONS

Any supporting documentation related to the questions below should be submitted to:
 Virginia Board of Funeral Directors and Embalmers
 Perimeter Center
 9960 Mayland Drive, Suite 300
 Henrico, VA 23233

YES NO

1. Have you ever been convicted of a violation of /or pled Nolo Contendere to any federal, state or local statute, regulation, or ordinance, or entered into any plea bargaining relating to a felony or misdemeanor? Including convictions for driving under the influence; excluding traffic violations.

Attach your original criminal history record, a certified copy of any final order, decree, or case decision by a court or regulatory agency with lawful authority to issue such order, decree, or case decision, and any other information you wish to be considered with your application (i.e. statement from applicant regarding the offense(s), information on the status of incarceration, parole, or probation, reference letters documentation of rehabilitation, etc.).

2. Have you ever had any of the following disciplinary actions taken against a license/registration to practice funeral services or any such actions pending, such as but not limited to: (a) suspension/revocation; (b) probation; (c) reprimand/cease and desist; (d) had your practice monitored; (e) monetary penalty; (f) denied licensure (g) refused renewal; (h) denied examination?

If yes, submit notices, orders, etc., from the regulatory authority where disciplined.

MILITARY SERVICE

YES NO

3. Are you active-duty military?

4. Did you relocate with a spouse who is the subject of a military transfer to the Commonwealth of Virginia?

ADDITIONAL LICENSURE QUESTIONS

YES NO

- A. Within the past five years, have you exhibited any conduct or behavior that could call into question your ability to practice in a competent and professional manner?
 Please provide a full explanation on a separate page.

(A.2) Within the past five years, have you sought or been directed to seek treatment for your conduct or behavior?

- B. Within the past five years, have you been disciplined by any entity?
 Please provide a full explanation and any associated orders or letters from the entity.

(B.2) Within the past five years, have you sought or been directed to seek treatment for your conduct or behavior?

- C. Do you currently have any physical condition or impairment that affects or limits your ability to perform any of the obligations and responsibilities of professional practice in a safe and competent manner? "Currently" means recently enough so that the condition could reasonably have an impact on your ability to function as a practicing Intern Supervisor.

If yes, please provide a full explanation. (NOTE: The Board may request a letter from your current treatment provider addressing your current condition and ability to safely practice. You may consider providing this documentation with your application, or have your provider send this

documentation directly to the Board.)

- D. Do you currently have any mental health condition or impairment that affects or limits your ability to perform any of the obligations and responsibilities of professional practice in a safe and competent manner? "Currently" means recently enough so that the condition could reasonably have an impact on your ability to function as a practicing Intern Supervisor.

If yes, please provide a full explanation. (NOTE: The Board may request a letter from your current treatment provider addressing your current condition and ability to safely practice. You may consider providing this documentation with your application, or have your provider send this documentation directly to the Board.)

- E. Do you currently have any condition or impairment related to alcohol or other substance use that affects or limits your ability to perform any of the obligations and responsibilities of professional practice in a safe and competent manner? "Currently" means recently enough so that the condition could reasonably have an impact on your ability to function as a practicing Intern Supervisor.

If yes, please provide a full explanation. (NOTE: The Board may request a letter from your current treatment provider addressing your current condition and ability to safely practice. You may consider providing this documentation with your application, or have your provider send this documentation directly to the Board.)

- F. Within the past 5 years, have any conditions or restrictions been imposed upon you or your practice to avoid disciplinary action by any entity?

If yes, please provide a full explanation and any associated orders or letters from the entity. (NOTE: The Board may request a copy of a current participation contract and summary of compliance and/or documentation of successful completion. You may consider providing this documentation with your application, or have the program send this documentation directly to the Board.)

AFFIDAVIT OF APPLICANT

I certify that I have carefully read the laws and regulations related to the Virginia Board of Funeral Directors and Embalmers, which are available at <http://www.dhp.virginia.gov/funeral> and I fully understand that funds submitted as part of the application process shall not be refunded.

I certify by my signature below: I am the person applying for licensure/certification/registration and meet the qualifications required by Virginia law and regulations. Further, I certify the information provided on this application has been personally provided and reviewed by me, and that statements made on the application are true and complete. I understand that providing false or misleading information, as well as omitting information, in response to information required in this application or as part of the application process is considered falsification of the application and may be grounds for denial of or taking disciplinary action against an existing license/certificate/registration.

I agree to the above certification.

Signature of Applicant

Date

CHECKLIST AND INSTRUCTIONS FOR COURTESY CARD APPLICATION

SUBMIT THE FOLLOWING:

- APPLICATION** – This application will not be considered until all sections have been completed; must be 18 years of age to apply. You may need to submit supporting documentation regarding your responses to the licensure questions. Please refer to the application for more information.
- FEE** – All fees are non-refundable. **The fee is \$325.00.** Make check or money order payable to the Treasurer of Virginia.
- VERIFICATION OF STATE LICENSURE** – If applicable, you will need to provide written verification from the issuing regulatory authority, in all jurisdictions, in which you have ever held a license, including expired, inactive, and current licenses. Contact each State regarding processing fees.

GENERAL INFORMATION ABOUT THE APPLICATION PROCESS

1. **The holder of a Virginia courtesy card shall only engage in the practice for which he is currently licensed in another jurisdiction.** Any person holding a license as a funeral director or embalmer or an equivalent in another state, having substantially similar requirements as the Board, may apply to the Board for courtesy card privileges to remove bodies from and to arrange funerals or embalm bodies in this Commonwealth. However, these privileges shall not include the right to establish or engage generally in the business of funeral directing and embalming in Virginia.
2. Applications received without the required processing fee will be returned to the sender.
3. Faxed documents will not be accepted; only original documents will be accepted.
4. Once all documentation has been received, the licensing process takes approximately 5-7 **business** days. Board staff will contact you at the email address provided on your application with a status update.
5. Applications will remain on file with the Board for one year from the date of receipt. If, at the end of one (1) year, licensure/certification/registration is not issued, the applicant shall reapply in accordance with the requirements of the Regulations.



Virginia Department of
Health Professions
Board of Funeral Directors and Embalmers

9960 Mayland Drive, Suite 300
Henrico, Virginia 23233
www.dhp.virginia.gov/funeral

(804) 367-4479 (Tel)
(804) 527-4413 (Fax)
Email:
fanbd@dhp.virginia.gov

COURTESY CARD APPLICATION

APPLICANT INFORMATION (PLEASE PRINT IN BLUE OR BLACK INK)

FIRST NAME	MIDDLE NAME	LAST NAME AND SUFFIX	
DATE OF BIRTH MM DD YY	SOCIAL SECURITY NO. OR VA CONTROL NO.*		
ADDRESS OF RECORD**: STREET	CITY	STATE	ZIP CODE
ALTERNATE PUBLIC ADDRESS***: STREET	CITY	STATE	ZIP CODE
BUSINESS NAME & ADDRESS: STREET	CITY	STATE	ZIP CODE
HOME PHONE:	WORK PHONE:	MOBILE PHONE:	
E-MAIL ADDRESS			

*In accordance with §54.1-116 Code of Virginia, you are required to submit your Social Security Number or your control number issued by the Virginia Department of Motor Vehicles. If you fail to do so, the process of your application will be suspended and fees will not be refunded. This number will be used by the Department of Health Professions for identification and will not be disclosed for other purposes except as provided by law. Federal and state law requires that this number be shared with other state agencies for child support enforcement activities. **NO LICENSE WILL BE ISSUED TO ANY INDIVIDUAL WHO HAS FAILED TO DISCLOSE ONE OF THESE NUMBERS.**

**The address information you provide is your address of record with the Board. Please be advised that all notices from the board, to include renewal notices, licenses, and other legal documents, will be sent to the address of record provided. If you provided a different public address, this information is not subject to public disclosure under the Freedom of Information Act and will not be sold or distributed for any other purpose.

***This address is subject to public disclosure under the Freedom of Information Act. You may provide an address other than a residence, such as a Post Office Box or a practice location if you wish.

APPLICANTS DO NOT USE SPACES BELOW THIS LINE – FOR OFFICE USE ONLY

APPROVED BY _____

LICENSE NUMBER	PENDING NUMBER	BASE STATE	RECEIPT NUMBER
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ESTABLISHMENT INFORMATION

ESTABLISHMENT NAME	ESTABLISHMENT LICENSE NUMBER	ESTABLISHMENT PHONE NUMBER	
ESTABLISHMENT STREET ADDRESS	CITY	STATE	ZIP CODE

OUT OF STATE LICENSURE: If applicable, list all jurisdictions in which you have been issued a license to practice as a funeral service licensee: *active, inactive, or expired*. Indicate license number and date issued.

STATE/JURISDICTION	LICENSE NUMBER	ISSUE DATE / STATUS	TYPE OF LICENSURE
			<input type="checkbox"/> FUNERAL DIRECTOR <input type="checkbox"/> EMBALMER <input type="checkbox"/> BOTH
			<input type="checkbox"/> FUNERAL DIRECTOR <input type="checkbox"/> EMBALMER <input type="checkbox"/> BOTH
			<input type="checkbox"/> FUNERAL DIRECTOR <input type="checkbox"/> EMBALMER <input type="checkbox"/> BOTH

LICENSURE QUESTIONS

Any supporting documentation related to the questions below should be submitted to:
 Virginia Board of Funeral Directors and Embalmers
 Perimeter Center
 9960 Mayland Drive, Suite 300
 Henrico, VA 23233

- | | YES | NO |
|--|--------------------------|--------------------------|
| 1. Have you ever been convicted of a violation of /or pled Nolo Contendere to any federal, state or local statute, regulation, or ordinance, or entered into any plea bargaining relating to a felony or misdemeanor? Including convictions for driving under the influence; excluding traffic violations. | <input type="checkbox"/> | <input type="checkbox"/> |

Attach your original criminal history record, a certified copy of any final order, decree, or case decision by a court or regulatory agency with lawful authority to issue such order, decree, or case decision, and any other information you wish to be considered with your application (i.e. statement from the applicant regarding the offense(s), information on the status of incarceration, parole, or probation, reference letters documentation of rehabilitation, etc.).

- | | | |
|--|--------------------------|--------------------------|
| 2. Have you ever had any of the following disciplinary actions taken against a license/registration to practice funeral services or any such actions pending: (a) suspension/revocation; (b) probation; (c) reprimand/cease and desist; (d) had your practice monitored; (e) monetary penalty; (f) denied licensure (g) refused renewal; (h) denied examination? | <input type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|

If yes, submit notices, orders, etc., from the regulatory authority where disciplined.

MILITARY SERVICE

- | | YES | NO |
|----------------------------------|--------------------------|--------------------------|
| 3. Are you active-duty military? | <input type="checkbox"/> | <input type="checkbox"/> |

	YES	NO
4. Did you relocate with a spouse who is the subject of a military transfer to the Commonwealth of Virginia?	<input type="checkbox"/>	<input type="checkbox"/>

ADDITIONAL LICENSURE QUESTIONS

	YES	NO
A. Within the past five years, have you exhibited any conduct or behavior that could call into question your ability to practice in a competent and professional manner? Please provide a full explanation on a separate page.	<input type="checkbox"/>	<input type="checkbox"/>
(A.2) Within the past five years, have you sought or been directed to seek treatment for your conduct or behavior?	<input type="checkbox"/>	<input type="checkbox"/>
B. Within the past five years, have you been disciplined by any entity? Please provide a full explanation and any associated orders or letters from the entity.	<input type="checkbox"/>	<input type="checkbox"/>
(B.2) Within the past five years, have you sought or been directed to seek treatment for your conduct or behavior?	<input type="checkbox"/>	<input type="checkbox"/>
C. Do you currently have any physical condition or impairment that affects or limits your ability to perform any of the obligations and responsibilities of professional practice in a safe and competent manner? "Currently" means recently enough so that the condition could reasonably have an impact on your ability to function as a practicing Courtesy Card Holder. If yes, please provide a full explanation. (NOTE: The Board may request a letter from your current treatment provider addressing your current condition and ability to safely practice. You may consider providing this documentation with your application, or have your provider send this documentation directly to the Board.)	<input type="checkbox"/>	<input type="checkbox"/>
D. Do you currently have any mental health condition or impairment that affects or limits your ability to perform any of the obligations and responsibilities of professional practice in a safe and competent manner? "Currently" means recently enough so that the condition could reasonably have an impact on your ability to function as a practicing Courtesy Card Holder. If yes, please provide a full explanation. (NOTE: The Board may request a letter from your current treatment provider addressing your current condition and ability to safely practice. You may consider providing this documentation with your application, or have your provider send this documentation directly to the Board.)	<input type="checkbox"/>	<input type="checkbox"/>
E. Do you currently have any condition or impairment related to alcohol or other substance use that affects or limits your ability to perform any of the obligations and responsibilities of professional practice in a safe and competent manner? "Currently" means recently enough so that the condition could reasonably have an impact on your ability to function as a practicing Courtesy Card Holder. If yes, please provide a full explanation. (NOTE: The Board may request a letter from your current treatment provider addressing your current condition and ability to safely practice. You may consider providing this documentation with your application, or have your provider send this documentation directly to the Board.)	<input type="checkbox"/>	<input type="checkbox"/>

YES NO

F. Within the past 5 years, have any conditions or restrictions been imposed upon you or your practice to avoid disciplinary action by any entity?

If yes, please provide a full explanation and any associated orders or letters from the entity. (NOTE: The Board may request a copy of a current participation contract and summary of compliance and/or documentation of successful completion. You may consider providing this documentation with your application, or have the program send this documentation directly to the Board.)

AFFIDAVIT OF APPLICANT

I certify that I have carefully read the laws and regulations related to the Virginia Board of Funeral Directors and Embalmers, which are available at <http://www.dhp.virginia.gov/funeral> and I fully understand that funds submitted as part of the application process shall not be refunded.

I certify by my signature below: I am the person applying for licensure/certification/registration and meet the qualifications required by Virginia law and regulations. Further, I certify the information provided on this application has been personally provided and reviewed by me, and that statements made on the application are true and complete. I understand that providing false or misleading information, as well as omitting information, in response to information required in this application or as part of the application process is considered falsification of the application and may be grounds for denial of or taking disciplinary action against an existing license/certificate/registration.

I agree to the above certification.

Signature of Applicant

Date



Virginia Department of
Health Professions
Board of Funeral Directors and Embalmers

9960 Mayland Drive, Suite 300
Henrico, Virginia 23233
www.dhp.virginia.gov/funeral

(804) 367-4479 (Tel)
(804) 527-4413 (Fax)
Email:
fanbd@dhp.virginia.gov

FUNERAL SERVICE ESTABLISHMENT/BRANCH APPLICATION

MARK ONLY ONE BOX:

- New Establishment Application - \$600.00 Fee
 Branch Establishment Application - \$600.00 Fee (Main Establishment License Number: _____)
 Change of Ownership with re-inspection - \$500.00 Fee
 Change of Location with Inspection - \$400.00 Fee (Change Effective Date (MM/DD/YY) _____)
 (License Number of Establishment Presently Licensed by the Board: _____)
 Change of Establishment Name - \$100.00 Fee (Change Effective Date (MM/DD/YY) _____)

All fees must be paid by check or money order made payable to the Treasurer of Virginia. All fees are non-refundable.

ESTABLISHMENT INFORMATION (PLEASE PRINT IN BLUE OR BLACK INK)

OWNER'S FIRST NAME		OWNER'S LAST NAME		
ESTABLISHMENT/BRANCH NAME				
ESTABLISHMENT/BRANCH MAILING ADDRESS		CITY	STATE	ZIP CODE
ESTABLISHMENT/BRANCH ADDRESS	LOCATION	CITY	STATE	ZIP CODE
ESTABLISHMENT/BRANCH NUMBER	TELEPHONE	ESTABLISHMENT/BRANCH EMAIL ADDRESS		

TYPE OF BUSINESS (Select only one)

<input type="checkbox"/> SOLE PROPRIETORSHIP	<input type="checkbox"/> LIMITED PARTNERSHIP*	<input type="checkbox"/> GENERAL PARTNERSHIP**
<input type="checkbox"/> CORPORATION*	<input type="checkbox"/> LIMITED LIABILITY COMPANY*	<input type="checkbox"/> OTHER _____

Federal Employee Identification Number (FEIN) _____ - _____

*All Corporations, Limited Liability Companies, and Limited Partnerships must register with the Virginia State Corporation Commission (SCC), including any trade/fictitious names, prior to applying for licensure with the Virginia Board of Funeral Directors and Embalmers. For additional information, please contact the SCC at (804) 371-9733. Attach documentation.

**General Partnerships must attach recording data or a certificate of partnership issued by the Virginia State Corporation Commission. Business entities that are trading under a fictitious name(s), which are not corporations, must attach a copy of the certificate filed with the clerk of the court in the locality where business will be conducted.

APPLICANTS DO NOT USE SPACES BELOW THIS LINE - FOR OFFICE USE ONLY

APPROVED BY _____

LICENSE NUMBER	PENDING NUMBER	BASE STATE	RECEIPT NUMBER
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MANAGER OF RECORD INFORMATION

MANAGER'S FIRST NAME	MANAGER'S MIDDLE NAME	MANAGER'S LAST NAME	
MANAGER'S LICENSE NUMBER		MANAGER PHONE NUMBER	
STREET ADDRESS	CITY	STATE	ZIP CODE
MANAGER'S EMAIL ADDRESS			

CHANGE OF ESTABLISHMENT NAME (IF APPLICABLE)

PREVIOUS ESTABLISHMENT/BRANCH NAME	PREVIOUS ESTABLISHMENT/CHANGE LICENSE NUMBER		
NEW ESTABLISHMENT/BRANCH NAME			
ESTABLISHMENT/BRANCH MAILING ADDRESS	CITY	STATE	ZIP CODE
ESTABLISHMENT/BRANCH LOCATION ADDRESS	CITY	STATE	ZIP CODE
ESTABLISHMENT/BRANCH TELEPHONE NUMBER	ESTABLISHMENT/BRANCH EMAIL ADDRESS		

LIST ALL PRINCIPALS (OWNERS/OFFICERS/DIRECTORS) (Use additional paper, if needed)

NAME #1		PHONE NUMBER	
ADDRESS	CITY	STATE	ZIP CODE
NAME #2		PHONE NUMBER	
ADDRESS	CITY	STATE	ZIP CODE
NAME #3		PHONE NUMBER	
ADDRESS	CITY	STATE	ZIP CODE

LICENSURE QUESTIONS (To be answered by the Manager of Record)

Any supporting documentation related to the questions below should be submitted to:
 Virginia Board of Funeral Directors and Embalmers
 Perimeter Center
 9960 Mayland Drive, Suite 300
 Henrico, VA 23233

YES NO

1. Have you ever been convicted of a violation of /or pled Nolo Contendere to any federal, state or local statute, regulation, or ordinance, or entered into any plea bargaining relating to a felony or misdemeanor? Including convictions for driving under the influence; excluding traffic violations.

Attach your original criminal history record, a certified copy of any final order, decree, or case decision by a court or regulatory agency with lawful authority to issue such order, decree, or case decision, and any other information you wish to be considered with your application (i.e. information on the status of incarceration, parole, or probation, reference letters documentation of rehabilitation, etc.).

2. Have you ever had any of the following disciplinary actions taken against a license/registration to practice funeral services or any such actions pending: (a) suspension/revocation; (b) probation; (c) reprimand/cease and desist; (d) had your practice monitored; (e) monetary penalty; (f) denied licensure (g) refused renewal; (h) denied examination?

If yes, submit notices, orders, etc., from the regulatory authority where disciplined.

3. Are you a manager of another funeral home?

If yes, please provide the name and license number of the funeral home below.

MILITARY SERVICE

YES NO

4. Are you active-duty military?

5. Did you relocate with a spouse who is the subject of a military transfer to the Commonwealth of Virginia?

ADDITIONAL LICENSURE QUESTIONS

YES NO

- A. Within the past five years, have you exhibited any conduct or behavior that could call into question your ability to practice in a competent and professional manner?
 Please provide a full explanation on a separate page.

(A.2) Within the past five years, have you sought or been directed to seek treatment for your conduct or behavior?

- B. Within the past five years, have you been disciplined by any entity?
 Please provide a full explanation and any associated orders or letters from the entity.

(B.2) Within the past five years, have you sought or been directed to seek treatment for your conduct or behavior?

- C. Do you currently have any physical condition or impairment that affects or limits your ability to perform any of the obligations and responsibilities of professional practice in a safe and competent manner? "Currently" means recently enough so that the condition could reasonably have an impact

on your ability to function as a practicing Funeral Service Licensee.

If yes, please provide a full explanation. (NOTE: The Board may request a letter from your current treatment provider addressing your current condition and ability to safely practice. You may consider providing this documentation with your application, or have your provider send this documentation directly to the Board.)

YES NO

-
- D. Do you currently have any mental health condition or impairment that affects or limits your ability to perform any of the obligations and responsibilities of professional practice in a safe and competent manner? "Currently" means recently enough so that the condition could reasonably have an impact on your ability to function as a practicing Funeral Service Licensee.

If yes, please provide a full explanation. (NOTE: The Board may request a letter from your current treatment provider addressing your current condition and ability to safely practice. You may consider providing this documentation with your application, or have your provider send this documentation directly to the Board.)

-
- E. Do you currently have any condition or impairment related to alcohol or other substance use that affects or limits your ability to perform any of the obligations and responsibilities of professional practice in a safe and competent manner? "Currently" means recently enough so that the condition could reasonably have an impact on your ability to function as a practicing Funeral Service Licensee.

If yes, please provide a full explanation. (NOTE: The Board may request a letter from your current treatment provider addressing your current condition and ability to safely practice. You may consider providing this documentation with your application, or have your provider send this documentation directly to the Board.)

-
- F. Within the past 5 years, have any conditions or restrictions been imposed upon you or your practice to avoid disciplinary action by any entity?

If yes, please provide a full explanation and any associated orders or letters from the entity. (NOTE: The Board may request a copy of a current participation contract and summary of compliance and/or documentation of successful completion. You may consider providing this documentation with your application, or have the program send this documentation directly to the Board.)

LICENSURE QUESTIONS (To be answered by the Owner)

Any supporting documentation related to the questions below should be submitted to:
Virginia Board of Funeral Directors and Embalmers
Perimeter Center
9960 Mayland Drive, Suite 300
Henrico, VA 23233

YES NO

1. Does this establishment replace a facility presently licensed by the Board of Funeral Directors and Embalmers?

If yes, please list the name and the license number of the facility and date it will be officially closed:

Name: _____

License number: _____

Closure Date (MM/DD/YY): _____

YES NO

2. Have you ever been denied a funeral service establishment license?

If yes, submit notices, orders, etc. from the regulatory authority authorized to take such actions.

3. Have you ever had any of the following disciplinary actions taken against a license/registration to practice funeral services or any such actions pending: (a) suspension/revocation; (b) probation; (c) reprimand/cease and desist; (d) had your practice monitored; (e) monetary penalty; (f) denied licensure (g) refused renewal; (h) denied examination?

If yes, submit notices, orders, etc., from the regulatory authority where disciplined.

AGREEMENT OF MANAGER OF RECORD

I agree to serve as the Manager of Record at the establishment named herein and assume the duties and responsibilities incumbent to the role as specified in the Regulations of the Virginia Board of Funeral Directors and Embalmers. By signing my name below, I acknowledge that I have read and understand the responsibilities of the Manger of Record and agree to perform those duties.

Signature of Manager of Record

Date

AFFIDAVIT OF OWNER

I certify that I have carefully read the laws and regulations related to the Virginia Board of Funeral Directors and Embalmers, which are available at <http://www.dhp.virginia.gov/funeral> and I fully understand that funds submitted as part of the application process shall not be refunded.

I certify by my signature below: I am the person applying for licensure/certification/registration and meet the qualifications required by Virginia law and regulations. Further, I certify the information provided on this application has been personally provided and reviewed by me, and that statements made on the application are true and complete. I understanding that providing false or misleading information, as well as omitting information, in response to information required in this application or as part of the application process is considered falsification of the application and may be grounds for denial of or taking disciplinary action against an existing license/certificate/registration.

I agree to the above certification.

Signature of Owner

Date



CHECKLIST AND INSTRUCTIONS FOR CREMATORY REGISTRATION APPLICATION

At least 30 days prior to opening a crematory, any person intending to own or operate a crematory shall apply for registration with the Board of Funeral Directors and Embalmers. A crematory providing cremation services directly to the public shall also be licensed as a funeral service establishment or be a branch of a Virginia licensed establishment.

SUBMIT THE FOLLOWING:

APPLICATION – This application will not be considered until all sections have been completed. You may need to submit supporting documentation regarding your responses to the licensure questions. Please refer to the application for more information.

FEE – All fees are non-refundable. Make check or money order payable to the Treasurer of Virginia.

The fee for an initial application to register a crematory is \$650.00, which includes the application and inspection fees.

The fee for a Change of Manager is \$100.00.

MANAGER OF RECORD CERTIFICATION – Certification by the Cremation Association of North America (CANA), the International Cemetery, Cremation and Funeral Association (ICCFA), or other certification approved by the Board is required for the Manager of Record. Please submit a copy of the certification.

MANAGER OF RECORD OSHA-COMPLIANT TRAINING – Please submit a copy of your crematory certification training certificate for Occupational Safety and Health Administration (OSHA) compliant training on universal precautions and bloodborne pathogens.

CERTIFICATION FOR RETORT OPERATORS – All persons who operate the retort in a crematory shall have certification by the Cremation Association of North America (CANA); the International Cemetery, Cremation and Funeral Association (ICCFA); or other certification recognized by the Board. Persons receiving training toward certification to operate a retort shall be allowed to work under the supervision of an operator who holds certification for a period not to exceed six months. Please submit a copy of the documentation of certifications as listed above for persons listed on the application to operate the retort in the crematory.

GENERAL INFORMATION ABOUT THE APPLICATION PROCESS

1. Applications received without the required processing fee will be returned to the sender.
2. Once all documentation has been received, the licensing process takes approximately 5-7 **business** days. Board staff will contact you at the email address provided on your application with a status update.
3. Applications will remain on file with the Board for one year from the date of receipt. If, at the end of one (1) year, licensure/certification/registration is not issued, the applicant shall reapply in accordance with the requirements of the Regulations.



Virginia Department of
Health Professions
Board of Funeral Directors and Embalmers

9960 Mayland Drive, Suite 300
Henrico, Virginia 23233
www.dhp.virginia.gov/funeral

(804) 367-4479 (Tel)
(804) 527-4413 (Fax)
Email:
fanbd@dhp.virginia.gov

CREMATORY REGISTRATION APPLICATION

MARK ONLY ONE BOX:

- Initial Application to Register a Crematory
 Change of Crematory Manager:

Previous Manager's Name: _____

Change Effective Date (MM/DD/YY): _____

ESTABLISHMENT INFORMATION

OWNER'S FIRST NAME	OWNER'S MIDDLE NAME	OWNER'S LAST NAME	
ESTABLISHMENT NAME AND TRADE NAME			
ESTABLISHMENT MAILING ADDRESS	CITY	STATE	ZIP CODE
ESTABLISHMENT LOCATION ADDRESS	CITY	STATE	ZIP CODE
ESTABLISHMENT TELEPHONE NUMBER	ESTABLISHMENT EMAIL ADDRESS		

CHECK ONE BOX:

- CREMATORY IS OWNED BY A VIRGINIA LICENSED FUNERAL ESTABLISHMENT AND IS LOCATED ON THE SAME SITE
- CREMATORY IS **NOT** OWNED BY A VIRGINIA LICENSED FUNERAL ESTABLISHMENT AND OFFERS CREMATION TO FUNERAL ESTABLISHMENT ONLY
- CREMATORY IS OWNED BY A VIRGINIA LICENSED FUNERAL ESTABLISHMENT AND IS **NOT** LOCATED ON THE SAME SITE AND IS OFFERING FUNERAL SERVICES TO THE PUBLIC. **NOTE:** CREMATORY MUST ALSO BE LICENSED AS A FUNERAL SERVICE ESTABLISHMENT OR BE A BRANCH OF A VIRGINIA LICENSED ESTABLISHMENT. IN ADDITION TO CREMATORY REGISTRATION APPLICATION, A FUNERAL SERVICE ESTABLISHMENT APPLICATION MUST ALSO BE SUBMITTED.

APPLICANTS DO NOT USE SPACES BELOW THIS LINE – FOR OFFICE USE ONLY

APPROVED BY _____

LICENSE NUMBER	PENDING NUMBER	BASE STATE	RECEIPT NUMBER
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IF ALSO LICENSED AS A FUNERAL ESTABLISHMENT, COMPLETE THE BELOW SECTION

ESTABLISHMENT OR BRANCH NAME		ESTABLISHMENT OR BRANCH LICENSE NUMBER		
ESTABLISHMENT OR BRANCH STREET ADDRESS		CITY	STATE	ZIP CODE
FACILITY EMAIL ADDRESS		ESTABLISHMENT OR BRANCH PHONE NUMBER		
ESTABLISHMENT MANAGER'S NAME		MANAGER'S LICENSE NUMBER		
MANAGER'S EMAIL ADDRESS		MANAGER'S PHONE NUMBER		
MANAGER'S SIGNATURE				

CREMATORY MANAGER'S INFORMATION

MANAGER'S FIRST NAME		MANAGER'S MIDDLE NAME		MANAGER'S LAST NAME	
MANAGER'S LICENSE NUMBER			MANAGER PHONE NUMBER		
HAS MANAGER HAD CREMATORY CERTIFICATION TRAINING? <input type="checkbox"/> YES <input type="checkbox"/> NO			HAS MANAGER HAD OSHA BLOODBORNE PATHOGEN CERTIFICATION TRAINING? <input type="checkbox"/> YES <input type="checkbox"/> NO		
STREET ADDRESS		CITY	STATE	ZIP CODE	
EMAIL ADDRESS					

RETORT OPERATION – List all persons who operate the retort in the crematory and attach documentation of their certification(s).

FIRST NAME	MIDDLE NAME	LAST NAME
FIRST NAME	MIDDLE NAME	LAST NAME
FIRST NAME	MIDDLE NAME	LAST NAME

LICENSURE QUESTIONS

Any supporting documentation related to the questions below should be submitted to:
Virginia Board of Funeral Directors and Embalmers
Perimeter Center
9960 Mayland Drive, Suite 300
Henrico, VA 23233

YES NO

1. Will this business offer or provide the care or preparation (including embalming) of dead human bodies?

2. Will this business sell or provide funeral related goods and services, arrange and/or conduct funerals?

3. Will this business offer services to the public?

4. Has a facility that you owned ever been denied a funeral service license?

If yes, submit notices, orders, etc. from the regulatory authority authorized to take such actions.

5. Has a facility that you owned ever had any of the following disciplinary actions taken against its license to practice funeral services or any such actions pending, including but not limited to: suspension/revocation; probation; reprimand/cease and desist; monitored; monetary penalty?

If yes, submit notices, orders, etc., from the regulatory authority authorized to take such actions.

AFFIDAVIT OF APPLICANT

I certify that I have carefully read the laws and regulations related to the Virginia Board of Funeral Directors and Embalmers, which are available at <http://www.dhp.virginia.gov/funeral> and I fully understand that funds submitted as part of the application process shall not be refunded.

I certify by my signature below: I am the person applying for licensure/certification/registration and meet the qualifications required by Virginia law and regulations. Further, I certify the information provided on this application has been personally provided and reviewed by me, and that statements made on the application are true and complete. I understand that providing false or misleading information, as well as omitting information, in response to information required in this application or as part of the application process is considered falsification of the application and may be grounds for denial of or taking disciplinary action against an existing license/certificate/registration.

I agree to the above certification.

Signature of Applicant

Date



Virginia Department of
Health Professions
Board of Funeral Directors and Embalmers

9960 Mayland Drive, Suite 300
Henrico, Virginia 23233
www.dhp.virginia.gov/funeral

(804) 367-4479 (Tel)
(804) 527-4413 (Fax)
Email:
fanbd@dhp.virginia.gov

CHECKLIST AND INSTRUCTIONS FOR SURFACE TRANSPORTATION & REMOVAL REGISTRATION APPLICATION

MISREPRESENTATION: A person employed or operating a surface transportation and removal service shall not in any manner misrepresent himself to the public as being a licensed funeral director/funeral establishment, an official of any local jurisdiction, the Commonwealth, Federal, or any other governmental body. This shall include the name and title of the company or service, uniforms, equipment, vehicles, and any other instruments used or proffered by the services or its agents. The Board shall be the sole determinant of the appropriateness of the pertinent qualities of the service and staff in enforcing this regulation.

SUBMIT THE FOLLOWING:

- APPLICATION** – This application will not be considered until all sections have been completed. You may need to submit supporting documentation regarding your responses to the licensure questions. Please refer to the application for more information.
- FEE** – The application fee is **\$325.00**. All fees are non-refundable. Make check or money order payable to the Treasurer of Virginia.
- OSHA-COMPLIANT TRAINING** – Please submit a copy of all certification training certificates for Occupational Safety and Health Administration (OSHA) compliant training on universal precautions and bloodborne pathogens.

GENERAL INFORMATION ABOUT THE APPLICATION PROCESS

1. Applications received without the required processing fee will be returned to the sender.
2. Once all documentation has been received, the licensing process takes approximately 5-7 **business** days. Board staff will contact you at the email address provided on your application with a status update.
3. Applications will remain on file with the Board for one year from the date of receipt. If, at the end of one (1) year, licensure/certification/registration is not issued, the applicant shall reapply in accordance with the requirements of the Regulations.



Virginia Department of
Health Professions
 Board of Funeral Directors and Embalmers

9960 Mayland Drive, Suite 300
 Henrico, Virginia 23233
www.dhp.virginia.gov/funeral

(804) 367-4479 (Tel)
 (804) 527-4413 (Fax)
 Email:
fanbd@dhp.virginia.gov

SURFACE TRANSPORTATION & REMOVAL REGISTRATION APPLICATION

MARK ONLY ONE BOX:

- Initial Registration Application for Surface Transportation & Removal Services
- Notification of Manager Application
- Change of Manager Application
- Change of Ownership Application

INFORMATION

OWNER'S FULL NAME			
NAME OF SURFACE TRANSPORTATION & REMOVAL SERVICE			
MAILING ADDRESS	CITY	STATE	ZIP CODE
LOCATION ADDRESS	CITY	STATE	ZIP CODE
TELEPHONE NUMBER	EMAIL ADDRESS		

MANAGER OF RECORD INFORMATION

MANAGER'S FIRST NAME	MANAGER'S MIDDLE NAME	MANAGER'S LAST NAME
MANAGER'S LICENSE NUMBER	MANAGER PHONE NUMBER	
EMAIL ADDRESS		

APPLICANTS DO NOT USE SPACES BELOW THIS LINE -- FOR OFFICE USE ONLY

APPROVED BY _____

LICENSE NUMBER	PENDING NUMBER	BASE STATE	RECEIPT NUMBER
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OSHA TRAINING (To be answered by the Owner – new applications and changes of ownership) **YES NO**

1. Have you and all individuals employed by you completed the training in universal precautions and bloodborne pathogens that complies with Occupational Safety and Health Administration (OSHA) standards?

If yes, please indicate the name of the individual(s): (use additional paper, if needed)

Name _____

Name _____

Name _____

COMMISSIONER OF HEALTH PERMIT (To be answered by the Owner -- new applications and changes of ownership) **YES NO**

1. Is this company also an emergency medical services agency?

If yes, pursuant to §54.1-2819 (as listed below), please attach a copy of your permit issued by the Commissioner of Health.

§ 54.1-2819. Registration of surface transportation and removal services.

Any person or private business, except a common carrier engaged in interstate commerce, the Commonwealth and its agencies, or an emergency medical services agency holding a permit issued by the Commissioner of Health pursuant to § 32.1-111.6, shall apply for and receive a registration as a transportation and removal service in order to be authorized to engage in the business of surface transportation or removal of dead human bodies in the Commonwealth.

LICENSURE QUESTIONS (To be answered by the Manager of Record)

Any supporting documentation related to the questions below should be submitted to:
 Virginia Board of Funeral Directors and Embalmers
 Perimeter Center
 9960 Mayland Drive, Suite 300
 Henrico, VA 23233

YES NO

1. Have you ever been denied a registration, permit, or license issued by the Board of Funeral Directors and Embalmers?

If yes, submit notices, orders, etc. from the regulatory authority authorized to take such actions.

2. Have you ever been convicted of a violation of /or pled Nolo Contendere to any federal, state or local statute, regulation, or ordinance, or entered into any plea bargaining relating to a felony or misdemeanor? Including convictions for driving under the influence; excluding traffic violations.

Attach your original criminal history record, a certified copy of any final order, decree, or case decision by a court or regulatory agency with lawful authority to issue such order, decree, or case decision, and any other information you wish to be considered with your application (i.e. information on the status of incarceration, parole, or probation, reference letters documentation of rehabilitation, etc.).

3. Are you the manager of another Surface Transportation and Removal Service?

If yes, please list the name and the registration number of the funeral home:

Name: _____

Registration Number: _____

ADDITIONAL LICENSURE QUESTIONS (To be answered by the Manager of Record)

YES NO

A. Within the past five years, have you exhibited any conduct or behavior that could call into question your ability to practice in a competent and professional manner?

Please provide a full explanation on a separate page.

YES NO

(A.2) Within the past five years, have you sought or been directed to seek treatment for your conduct or behavior?

B. Within the past five years, have you been disciplined by any entity?

Please provide a full explanation and any associated orders or letters from the entity.

(B.2) Within the past five years, have you sought or been directed to seek treatment for your conduct or behavior?

C. Do you currently have any physical condition or impairment that affects or limits your ability to perform any of the obligations and responsibilities of professional practice in a safe and competent manner? "Currently" means recently enough so that the condition could reasonably have an impact on your ability to function as a practicing Funeral Service Licensee.

If yes, please provide a full explanation. (NOTE: The Board may request a letter from your current treatment provider addressing your current condition and ability to safely practice. You may consider providing this documentation with your application, or have your provider send this documentation directly to the Board.)

D. Do you currently have any mental health condition or impairment that affects or limits your ability to perform any of the obligations and responsibilities of professional practice in a safe and competent manner? "Currently" means recently enough so that the condition could reasonably have an impact on your ability to function as a practicing Funeral Service Licensee.

If yes, please provide a full explanation. (NOTE: The Board may request a letter from your current treatment provider addressing your current condition and ability to safely practice. You may consider providing this documentation with your application, or have your provider send this documentation directly to the Board.)

E. Do you currently have any condition or impairment related to alcohol or other substance use that affects or limits your ability to perform any of the obligations and responsibilities of professional practice in a safe and competent manner? "Currently" means recently enough so that the condition could reasonably have an impact on your ability to function as a practicing Funeral Service Licensee.

If yes, please provide a full explanation. (NOTE: The Board may request a letter from your current treatment provider addressing your current condition and ability to safely practice. You may consider providing this documentation with your application, or have your provider send this documentation directly to the Board.)

YES NO

F. Within the past 5 years, have any conditions or restrictions been imposed upon you or your practice to avoid disciplinary action by any entity?

If yes, please provide a full explanation and any associated orders or letters from the entity. (NOTE: The Board may request a copy of a current participation contract and summary of compliance and/or documentation of successful completion. You may consider providing this documentation with your application, or have the program send this documentation directly to the Board.)

LICENSURE QUESTIONS (To be answered by the Owner)

Any supporting documentation related to the questions below should be submitted to:
Virginia Board of Funeral Directors and Embalmers
Perimeter Center
9960 Mayland Drive, Suite 300
Henrico, VA 23233

YES NO

4. Have you ever been denied a registration, permit, or license issued by the Board of Funeral Directors and Embalmers?

If yes, submit notices, orders, etc. from the regulatory authority authorized to take such actions.

5. Have you ever been convicted of a violation of /or pled Nolo Contendere to any federal, state or local statute, regulation, or ordinance, or entered into any plea bargaining relating to a felony or misdemeanor? Including convictions for driving under the influence; excluding traffic violations.

Attach your original criminal history record, a certified copy of any final order, decree, or case decision by a court or regulatory agency with lawful authority to issue such order, decree, or case decision, and any other information you wish to be considered with your application (i.e. information on the status of incarceration, parole, or probation, reference letters documentation of rehabilitation, etc.).

6. Are you the owner of another Surface Transportation and Removal Service?

If yes, please list the name and the registration number of the surface transportation and removal service:

Name: _____
Registration Number: _____

AGREEMENT OF MANAGER OF RECORD

I agree to serve as the Manager of Record at the establishment named herein and assume the duties and responsibilities incumbent to the role as specified in the Regulations of the Virginia Board of Funeral Directors and Embalmers. By signing my name below, I acknowledge that I have read and understand the responsibilities of the Manager of Record and agree to perform those duties.

Signature of Manager of Record

Date

AFFIDAVIT OF OWNER

I certify that I have carefully read the laws and regulations related to the Virginia Board of Funeral Directors and Embalmers, which are available at <http://www.dhp.virginia.gov/funeral> and I fully understand that funds submitted as part of the application process shall not be refunded.

I certify by my signature below: I am the person applying for licensure/certification/registration and meet the qualifications required by Virginia law and regulations. Further, I certify the information provided on this application has been personally provided and reviewed by me, and that statements made on the application are true and complete. I understand that providing false or misleading information, as well as omitting information, in response to information required in this application or as part of the application process is considered falsification of the application and may be grounds for denial of or taking disciplinary action against an existing license/certificate/registration.

I understand that a registered surface transportation and removal service can only transport dead human bodies at the direction of a funeral service licensee employed by a licensed funeral establishment.

I understand that a registered surface transportation and removal service cannot make any funeral service arrangements, to include arrangements for storage, refrigeration, and/or cremation of dead human bodies.

I understand that a registered surface transportation and removal service cannot store or refrigerate any dead human bodies.

I understand that a registered surface transportation and removal service cannot provide or sell any funeral related goods and services.

I agree to the above certification.

Signature of Owner

Date



News Brief

In this News Brief:

- *Message from the Board President and Executive Director*
 - *Important information about Renewals*
 - *Updates to Board Forms and Applications*
 - *Pending Regulatory Actions*
 - *Important Information from OCME – Electronic Cremation Certificates and Additional Information Regarding Cremation Authorizations*
 - *Did You Know? - Inspections – Frequently Cited Deficiencies*
 - *Upcoming Board Meetings*
-

Message from the Board President and Executive Director

Dear Funeral Service Licensees,

It has been a busy time for the Board – with a number of new proposed regulations, updates to our forms and applications, and license renewals, there is much information to share with our licensees.

In addition to reviewing the information in this newsletter, we encourage you to take the time to visit the Board's website, <https://www.dhp.virginia.gov/funeral/>, where you will find information concerning the operation of your Board, answers to frequently asked questions, as well as resources and links to information from other partner agencies.

Also, if you have not done so, we encourage you to use the website to renew your license online. Not only is the online process smoother and faster, the online process saves a significant amount of time and cost for Board staff.

We hope you will find the information in this newsletter both valuable and informative. We encourage you to share it with your colleagues and staff.

It is a pleasure serving you. Thank you for the work that you do every day for families and their loved ones across the Commonwealth.

Sincerely,

Larry T. Omgs, FSL
Board President

Corie E. Tillman Wolf, J.D.
Executive Director

Important Information about Renewals

As a reminder, renewals of licenses and registrations for the Virginia Board of Funeral Directors & Embalmers are due on March 31st. The Board encourages you to read the following reminders and important information about renewals.

Establishment Renewals – Main and Branch

Please remember that renewals of licenses for main and branch establishments will not be fully processed until the individual funeral service license of the Manager of Record is renewed.

Additionally, renewals of licenses for branch establishments will not be fully processed until the license of the main establishment is renewed.

Waiver of Full-Time Manager of Record

If your establishment has been granted a waiver of full-time Manager of Record, that waiver must be renewed on an annual basis by March 31st. In order to renew the waiver, the establishment must submit copies of the "Funeral Director's Monthly Vital Statistics Report" for each month of the last year for each establishment.

Renewal forms are available on the Board's website at:

<https://www.dhp.virginia.gov/Forms/funeral/Establishment/WaiverofFull-TimeManager.docx>.

Funeral Interns

If you are a funeral intern and have not received a renewal notice from the Board, or if you have previously renewed your intern registration for more than four consecutive years and have been unable to renew online, please contact the Board at fanbd@dhp.virginia.gov or (804) 367-4479 for more information.

Courtesy Cards

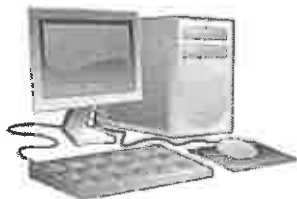
Courtesy cards may be renewed through the online renewal system or by mail-in renewal card. Please remember, in order to renew your courtesy card, you must submit a copy of your *current funeral service license* from your primary state of practice.

Online Renewals and PIN Requests

To access the online renewal system, please visit the Department of Health Profession's website at:

<https://www.dhp.virginia.gov/mylicense/renewalintro.asp>.

To request a PIN number for your online renewal, please contact the DHP Call Center at 804-367-4444.



Updates to Board Forms and Applications

Revised Intern Reporting Forms

At its January 16, 2018 meeting, the Virginia Board of Funeral Directors and Embalmers approved revisions to the Funeral Service Internship Reporting forms. Effective immediately, the new forms should be utilized by all interns and supervisors. These forms, which also can be found on the Board's [Forms and Applications](#) page, are:

- [Internship Report Form - 1st 1000 hrs](#) - revised 01/16/2018
- [Internship Report Form - 2nd 1000 hrs](#) - revised 01/16/2018
- [Internship Report Form - 3rd 1000 hrs](#) - revised 01/16/2018
- [Internship Report Form - Final Completion](#) - revised 01/16/2018

What has changed?

While requiring much of the same information as previous forms, the revised intern reporting forms include additional areas of training and require that interns provide specified information, including case names and dates, for embalmings and funerals with which he or she has assisted. The forms for the first and second 1,000 reports no longer include a rating scale for proficiency in areas of training; feedback on proficiency will be gathered from supervisors on the third 1,000 hour report, as well as on the final report of completion. Finally, there is no longer a separate attestation page for each report; the attestations for both supervisors and interns appear on each of the individual report forms.

Revised Application Forms

A number of Board applications were revised effective March 1, 2018, and are now available for use by applicants and current licensees. The Board's applications reflect a number of updates and revisions, including:

- Clearer and more user-friendly text boxes and layouts;
- Additional licensure questions related to mental, physical, or substance abuse conditions that could impact practice; and
- A new logo from the Department of Health Professions.

The revised applications can be accessed on the Board's website on the [Forms and Applications](#) page.

Pending Regulatory Actions

Clarification of permission to embalm and refrigeration of human remains



Stage: Proposed

Summary: The Board of Funeral Directors and Embalmers has adopted guidance documents on its interpretation of the statutory requirements for express permission to embalm a body and for refrigeration of a dead human body. The intent of this regulatory action is to incorporate the Board's guidance on those requirements into its regulations so, if necessary, compliance can be enforced through a disciplinary proceeding.

Status: Public Comment Period ended February 23, 2018

CE Credit for Board Meetings

Stage: Proposed

Summary: The Board intends to amend 18VAC65-20-151, which provides requirements for continued competency for renewal of an active license. The Board intends to amend the section by offering one hour of CE credit every other year for attendance at a board meeting or at an informal conference or formal hearing. In the year the one hour of credit was granted, it could meet the statutory requirement for "one hour per year covering compliance with federal or state laws and regulations governing the profession (§ 54.1-2816.1)."

Status: Public Comment Period ended March 9, 2018

Regulations Regarding Funeral Service Intern Program – Oversight of Funeral Service Intern Program

Stage: Notice of Intended Regulatory Action (NOIRA)

Summary: The Board of Funeral Directors and Embalmers has adopted a recommendation of the Ad Hoc Committee on Funeral Interns that a Notice of Intended Regulatory Action be initiated to do the following: 1) amend 18VAC65-40-130 (A) to indicate training should be completed within not less than 18 months nor more than 60 months, and that the Board would only consider extensions for extenuating circumstances; 2) require supervisors to register for supervision of each funeral service intern with an expiration for the registration of 60 months or at the completion of the intern's training, whichever occurs first in order to allow the Board to track active supervisors and make sure supervisors are in good standing; and 3) add a regulation requiring that interns be identified to the public as interns in titles, correspondence, and communications with the public.

Status: Secretary's Review in Progress

For more information or updates on these pending regulatory actions, please visit **The Virginia Regulatory Townhall Website** at <http://townhall.virginia.gov>.

Important Information from the Office of the Chief Medical Examiner (OCME)

Electronic Cremation Certificates and Additional Information Regarding Cremation Authorizations

Recently, the Office of the Chief Medical Examiner (OCME) distributed an updated electronic version of the cremation certificate (which is a fillable pdf) that can be used immediately by funeral homes and crematories. The OCME also released a memo that provides additional information for the funeral homes and crematories regarding cremation authorizations.

[Click here](#) to access the OCME's memo regarding cremation authorizations.

[Click here](#) to access the new fillable cremation certificate.

Did You Know? – Facility Inspections

What are the most frequently cited inspection deficiencies?

In 2017, a total of 205 facilities (main establishments, branch establishments, and crematories) were inspected by Senior Inspectors from the Department of Health Professions. Of the facilities inspected:

- 96.9% of crematories had no cited deficiencies;
- 63.6% of branch establishments had no cited deficiencies; and
- 43.4% of main establishments had no cited deficiencies.



The Board has found the following deficiencies to be the most frequently cited by inspectors:

<u>Regulation</u>	<u>Deficiency(ies) Cited</u>
18VAC65-20-630	The price ranges for Direct Cremation and Immediate Burial in the General Price List (GPL) are not calculated correctly. Immediate Burial: Your prices should range from your immediate burial package with container provided by purchaser to your immediate burial package plus your most expensive casket. Direct Cremation: Your prices should range from direct cremation with a container provided by the purchaser to the price for direct cremation plus the most expensive wooden casket acceptable for cremation or the most expensive cremation casket.
18VAC65-20-630	The price ranges on the GPL for caskets and outer burial containers do not match the highest and lowest costs of those products and the Casket Price List (CPL) and Outer Burial Container Price List (OBCPL).
18VAC65-20-630, Appendix I, II, II	The required disclosures and the Itemized Statements, GPL, CPL, and OBCPL are not worded exactly as required by the Federal Trade Commission (FTC).
18VAC65-20-630, Appendix II	The CPL and OBCPL do not include the name, address, and telephone number of the facility.
18VAC65-20-590	The facility is unable to show evidence (i.e. a contract with a medical waste disposal company) of proper disposal of waste products.

<u>Regulation</u>	<u>Deficiency(les) Cited</u>
18VAC65-20-540	Preparation room walls and floor joints are not tight. The floor and wall surfaces are not impervious to water.
18VAC65-20-570	Preparation room is not clean and sanitary. Supplies not used in the embalming process are stored in the preparation room.
18VAC65-20-510	The embalming report does not contain all of the following: <ul style="list-style-type: none"> • The name of the deceased and the date of death • The date and location of the embalming • The name and signature of the embalmer and the Virginia license number of the embalmer • If the embalming was performed by a funeral service intern, the name and signature of the supervisor.
18VAC65-30-70	The listing of preneed contracts is not maintained either chronologically or alphabetically. The preneed list does not have all the required information.

INSPECTION RESOURCE: The Board’s inspection forms are a good tool for licensees in preparing for an inspection and knowing what to expect during the process. These forms are readily available on the Board’s website and can be accessed through the links below:

[Funeral Inspection Report](#)

[Crematory Inspection Report](#)

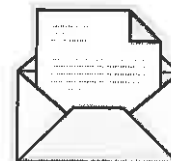
Upcoming Board Meetings

- **March 13, 2018 (1:00 p.m.)** – Ad Hoc Committee on Funeral Internships
- **April 17, 2018 (10:00 a.m.)** – Full Board Meeting
- **June 12, 2018 (10:00 a.m.)** – Full Board Meeting
- **October 16, 2018 (10:00 a.m.)** – Full Board Meeting

Be sure to check the Board’s website often for updated news and information.

Contact Information

Virginia Board of Funeral Directors & Embalmers
9960 Mayland Drive, Suite 300
Henrico, VA 23233
804-367-4479 – Office
804-527-4413 – Fax
fanbd@dhp.virginia.gov



Website: <http://www.dhp.virginia.gov/funeral/>

Legislation and Regulatory Actions

- **Report of the 2018 General Assembly**
- **Report on Regulatory Actions**
- **Board Action – Adoption of final regulations (CE credit for attendance of Board Meetings)**
- **Board Action – Adoption of final regulations (Permission to Embalm and Refrigeration of Human Remains)**
- **Guidance Documents**
 - Guidance Document 65-1 - Time Credit for Continuing Education Courses, Adopted June 5, 2007
 - Guidance Document 65-2 - Disposition of Disciplinary Cases for Practicing on an Expired License, Adopted July 16, 2012
 - Guidance Document 65-11 - Inspection Guidance Document, revised December 11, 2013
 - Guidance Document 65-13 - Guidance for Conduct of an Informal Conference by an Agency Subordinate, adopted December 8, 2004
 - Guidance Document 65-17 - Initiating Disciplinary Action Against Funeral Homes for Failing to Submit Corrective Actions to Deficiencies Noted During Routine Inspections, adopted January 17, 2012

Report of the 2018 General Assembly
Board of Funeral Directors and Embalmers

HB 501 Home hospice programs; disposal of drugs.

Chief patron: Hodges

Summary as passed House:

Home hospice programs; disposal of drugs. Requires every hospice to develop policies and procedures for the disposal of drugs dispensed as part of the hospice plan of care for a patient, which shall include requirements that such disposal be (i) performed in a manner that complies with all state and federal requirements for the safe disposal of drugs by a licensed nurse, physician assistant, or physician who is employed by or has entered into a contract with the hospice program; (ii) witnessed by a member of the patient's family or a second employee of the hospice program who is licensed by a health regulatory board within the Department of Health Professions; and (iii) documented in the patient's medical record.

HB 533 Veterans; acceptance of substantially equivalent military training, etc.

Chief patron: Freitas

Summary as passed House:

Professions and occupations; qualifications for licensure; acceptance of substantially equivalent military training, education, and experience. Directs the Department of Veterans Services to take steps to promote awareness among veterans of the acceptance of substantially equivalent military training, education, or experience by the Department of Professional and Occupational Regulation, the Department of Health Professions, or any other board named in Title 54.1 (Professions and Occupations).

HB 1071 Health regulatory boards; electronic notice of license renewal.

Chief patron: Heretick

Summary as passed House:

Health regulatory boards; license renewal; electronic notice. Provides that the Board of Funeral Directors and Embalmers, the Board of Medicine, and the Board of Nursing may send notices for license renewal electronically.

SB 143 Mortuary science education; practical experience required.

Chief patron: Spruill

Summary as passed Senate:

Mortuary science education; practical experience required. Requires every public institution of higher education that offers a degree in mortuary science to require students to complete practical experience in the areas of funeral service and embalming prior to graduation from such program. The bill also provides that a person who is duly enrolled in a mortuary education program may assist in embalming while under the supervision of a funeral service licensee or embalmer with an active, unrestricted license issued by the Board of Funeral Directors and Embalmers, provided that such embalming occurs in a funeral service establishment licensed by the Board and in accordance with regulations promulgated by the Board.

SB 258 Subpoenas; issuance by Director of Department of Health Professions or his designee.

Chief patron: Petersen

Summary as passed Senate:

Department of Health Professions; subpoenas. Provides that a subpoena issued by the Director of the Department of Health Professions or his designee may be delivered by (i) any person authorized to serve process under § 8.01-293, (ii) investigative personnel appointed by the Director, (iii) registered or certified mail or by equivalent commercial parcel delivery service, or (iv) email or facsimile if requested to do so by the recipient. The bill provides that upon failure of any person to comply with a subpoena, the Director may request that the Attorney General or the attorney for the Commonwealth for the jurisdiction in which the recipient of the subpoena resides, is found, or transacts business seek enforcement of the subpoena.

SB 831 Funeral services; acceptance of third-party-provided caskets.

Chief patron: Reeves

Summary as passed Senate:

Practice of funeral services; sale of certain items. Provides that when arrangements for funeral services have been made by a licensed funeral service establishment, funeral service licensees shall accept caskets provided by third parties in accordance with federal law.

VIRGINIA ACTS OF ASSEMBLY -- 2018 SESSION

CHAPTER 186

An Act to amend and reenact § 54.1-2805 of the Code of Virginia and to amend the Code of Virginia by adding in Article 2 of Chapter 9 of Title 23.1 a section numbered 23.1-903.3, relating to mortuary science education; practical experience requirement.

[S 143]

Approved March 5, 2018

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2805 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 2 of Chapter 9 of Title 23.1 a section numbered 23.1-903.3 as follows:

§ 23.1-903.3. Mortuary science education; practical experience requirement.

Every public institution of higher education that offers a degree in mortuary science shall require students to complete practical experience in the areas of funeral service and embalming prior to graduation from such program.

§ 54.1-2805. Engaging in the practice of funeral services or the business of preneed funeral planning or acting as a funeral director or embalmer without a license.

A. It shall be unlawful for any person to engage in or hold himself out as engaging in the practice of funeral services or the business of preneed funeral planning, to operate a funeral service establishment, or to act as a funeral director or embalmer or hold himself out as such unless he is licensed by the Board. Engaging in the practice of funeral services, preneed funeral planning, operating a funeral service establishment, or acting as a funeral director or embalmer shall be recognized as that of a health profession.

B. *Notwithstanding the provisions of subsection A, a person who is duly enrolled in a mortuary education program in the Commonwealth may assist in embalming while under the immediate supervision of a funeral service licensee or embalmer with an active, unrestricted license issued by the Board, provided that such embalming occurs in a funeral service establishment licensed by the Board and in accordance with regulations promulgated by the Board.*

VIRGINIA ACTS OF ASSEMBLY -- 2018 SESSION

CHAPTER 378

An Act to amend the Code of Virginia by adding a section numbered 54.1-2808.3, relating to funeral services; acceptance of third-party-provided caskets.

Approved March 19, 2018

[S 831]

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 54.1-2808.3 as follows:

§ 54.1-2808.3. Acceptance of third-party-provided caskets.

When arrangements for funeral services have been made with a licensed funeral service establishment, funeral service licensees shall accept caskets provided by third parties in accordance with 16 C.F.R. Part 453, Funeral Industry Practices, Federal Trade Commission.

ELECTRONIC CODE OF FEDERAL REGULATIONS

e-CFR data is current as of March 30, 2018

Title 16 → Chapter I → Subchapter D → Part 453

Title 16: Commercial Practices

PART 453—FUNERAL INDUSTRY PRACTICES

Contents

- §453.1 Definitions.
- §453.2 Price disclosures.
- §453.3 Misrepresentations.
- §453.4 Required purchase of funeral goods or funeral services.
- §453.5 Services provided without prior approval.
- §453.6 Retention of documents.
- §453.7 Comprehension of disclosures.
- §453.8 Declaration of intent.
- §453.9 State exemptions.

AUTHORITY: 15 U.S.C. 57a(a); 15 U.S.C. 46(g); 5 U.S.C. 552.

SOURCE: 59 FR 1611, Jan. 11, 1994, unless otherwise noted.

[↑ Back to Top](#)**§453.1 Definitions.**

(a) *Alternative container.* An "alternative container" is an unfinished wood box or other non-metal receptacle or enclosure, without ornamentation or a fixed interior lining, which is designed for the encasement of human remains and which is made of fiberboard, pressed-wood, composition materials (with or without an outside covering) or like materials.

(b) *Cash advance item.* A "cash advance item" is any item of service or merchandise described to a purchaser as a "cash advance," "accommodation," "cash disbursement," or similar term. A cash advance item is also any item obtained from a third party and paid for by the funeral provider on the purchaser's behalf. Cash advance items may include, but are not limited to: cemetery or crematory services; pallbearers; public transportation; clergy honoraria; flowers; musicians or singers; nurses; obituary notices; gratuities and death certificates.

(c) *Casket.* A "casket" is a rigid container which is designed for the encasement of human remains and which is usually constructed of wood, metal, fiberglass, plastic, or like material, and ornamented and lined with fabric.

(d) *Commission.* "Commission" refers to the Federal Trade Commission.

(e) *Cremation.* "Cremation" is a heating process which incinerates human remains.

(f) *Crematory.* A "crematory" is any person, partnership or corporation that performs cremation and sells funeral goods.

(g) *Direct cremation.* A "direct cremation" is a disposition of human remains by cremation, without formal viewing, visitation, or ceremony with the body present.

(h) *Funeral goods.* "Funeral goods" are the goods which are sold or offered for sale directly to the public for use in connection with funeral services.

(i) *Funeral provider.* A "funeral provider" is any person, partnership or corporation that sells or offers to sell funeral goods and funeral services to the public.

(j) *Funeral services.* "Funeral services" are any services which may be used to:

- (1) Care for and prepare deceased human bodies for burial, cremation or other final disposition; and
- (2) arrange, supervise or conduct the funeral ceremony or the final disposition of deceased human bodies.

(k) *Immediate burial.* An "immediate burial" is a disposition of human remains by burial, without formal viewing, visitation, or ceremony with the body present, except for a graveside service.

(l) *Memorial service.* A "memorial service" is a ceremony commemorating the deceased without the body present.

(m) *Funeral ceremony.* A "funeral ceremony" is a service commemorating the deceased with the body present.

(n) *Outer burial container.* An "outer burial container" is any container which is designed for placement in the grave around the casket including, but not limited to, containers commonly known as burial vaults, grave boxes, and grave liners.

(o) *Person.* A "person" is any individual, partnership, corporation, association, government or governmental subdivision or agency, or other entity.

(p) *Services of funeral director and staff.* The "services of funeral director and staff" are the basic services, not to be included in prices of other categories in §453.2(b)(4), that are furnished by a funeral provider in arranging any funeral, such as conducting the arrangements conference, planning the funeral, obtaining necessary permits, and placing obituary notices.

[Back to Top](#)

§453.2 Price disclosures.

(a) *Unfair or deceptive acts or practices.* In selling or offering to sell funeral goods or funeral services to the public, it is an unfair or deceptive act or practice for a funeral provider to fail to furnish accurate price information disclosing the cost to the purchaser for each of the specific funeral goods and funeral services used in connection with the disposition of deceased human bodies, including at least the price of embalming, transportation of remains, use of facilities, caskets, outer burial containers, immediate burials, or direct cremations, to persons inquiring about the purchase of funerals. Any funeral provider who complies with the preventive requirements in paragraph (b) of this section is not engaged in the unfair or deceptive acts or practices defined here.

(b) *Preventive requirements.* To prevent these unfair or deceptive acts or practices, as well as the unfair or deceptive acts or practices defined in §453.4(b)(1), funeral providers must:

(1) *Telephone price disclosure.* Tell persons who ask by telephone about the funeral provider's offerings or prices any accurate information from the price lists described in paragraphs (b)(2) through (4) of this section and any other readily available information that reasonably answers the question.

(2) *Casket price list.* (i) Give a printed or typewritten price list to people who inquire in person about the offerings or prices of caskets or alternative containers. The funeral provider must offer the list upon beginning discussion of, but in any event before showing caskets. The list must contain at least the retail prices of all caskets and alternative containers offered which do not require special ordering, enough information to identify each, and the effective date for the price list. In lieu of a written list, other formats, such as notebooks, brochures, or charts may be used if they contain the same information as would the printed or typewritten list, and display it in a clear and conspicuous manner. Provided, however, that funeral providers do not have to make a casket price list available if the funeral providers place on the general price list, specified in paragraph (b)(4) of this section, the information required by this paragraph.

(ii) Place on the list, however produced, the name of the funeral provider's place of business and a caption describing the list as a "casket price list."

(3) *Outer burial container price list.* (i) Give a printed or typewritten price list to persons who inquire in person about outer burial container offerings or prices. The funeral provider must offer the list upon beginning discussion of, but in any event before showing the containers. The list must contain at least the retail prices of all outer burial containers offered which do not require special ordering, enough information to identify each container, and the effective date for the prices listed. In lieu of a written list, the funeral provider may use other formats, such as notebooks, brochures, or charts, if they contain the same information as the printed or typewritten list, and display it in a clear and conspicuous manner. Provided, however, that funeral providers do not have to make an outer burial container price list available if the funeral providers place on the general price list, specified in paragraph (b)(4) of this section, the information required by this paragraph.

(ii) Place on the list, however produced, the name of the funeral provider's place of business and a caption describing the list as an "outer burial container price list."

(4) *General price list.* (i)(A) Give a printed or typewritten price list for retention to persons who inquire in person about the funeral goods, funeral services or prices of funeral goods or services offered by the funeral provider. The funeral provider must give the list upon beginning discussion of any of the following:

- (1) The prices of funeral goods or funeral services;
- (2) The overall type of funeral service or disposition; or
- (3) Specific funeral goods or funeral services offered by the funeral provider.

(B) The requirement in paragraph (b)(4)(i)(A) of this section applies whether the discussion takes place in the funeral home or elsewhere. Provided, however, that when the deceased is removed for transportation to the funeral home, an in-person request at that time for authorization to embalm, required by §453.5(a)(2), does not, by itself, trigger the requirement to offer the

general price list if the provider in seeking prior embalming approval discloses that embalming is not required by law except in certain special cases, if any. Any other discussion during that time about prices or the selection of funeral goods or services triggers the requirement under paragraph (b)(4)(i)(A) of this section to give consumers a general price list.

(C) The list required in paragraph (b)(4)(i)(A) of this section must contain at least the following information:

(1) The name, address, and telephone number of the funeral provider's place of business;

(2) A caption describing the list as a "general price list"; and

(3) The effective date for the price list;

(ii) Include on the price list, in any order, the retail prices (expressed either as the flat fee, or as the price per hour, mile or other unit of computation) and the other information specified below for at least each of the following items, if offered for sale:

(A) Forwarding of remains to another funeral home, together with a list of the services provided for any quoted price;

(B) Receiving remains from another funeral home, together with a list of the services provided for any quoted price;

(C) The price range for the direct cremations offered by the funeral provider, together with:

(1) A separate price for a direct cremation where the purchaser provides the container;

(2) Separate prices for each direct cremation offered including an alternative container; and

(3) A description of the services and container (where applicable), included in each price;

(D) The price range for the immediate burials offered by the funeral provider, together with:

(1) A separate price for an immediate burial where the purchaser provides the casket;

(2) Separate prices for each immediate burial offered including a casket or alternative container; and

(3) A description of the services and container (where applicable) included in that price;

(E) Transfer of remains to funeral home;

(F) Embalming;

(G) Other preparation of the body;

(H) Use of facilities and staff for viewing;

(I) Use of facilities and staff for funeral ceremony;

(J) Use of facilities and staff for memorial service;

(K) Use of equipment and staff for graveside service;

(L) Hearse; and

(M) Limousine.

(iii) Include on the price list, in any order, the following information:

(A) Either of the following:

(1) The price range for the caskets offered by the funeral provider, together with the statement: "A complete price list will be provided at the funeral home."; or

(2) The prices of individual caskets, disclosed in the manner specified by paragraph (b)(2)(i) of this section; and

(B) Either of the following:

(1) The price range for the outer burial containers offered by the funeral provider, together with the statement: "A complete price list will be provided at the funeral home."; or

(2) The prices of individual outer burial containers, disclosed in the manner specified by paragraph (b)(3)(i) of this section; and

(C) Either of the following:

(1) The price for the basic services of funeral director and staff, together with a list of the principal basic services provided for any quoted price and, if the charge cannot be declined by the purchaser, the statement: "This fee for our basic services will be added to the total cost of the funeral arrangements you select. (This fee is already included in our charges for direct cremations, immediate burials, and forwarding or receiving remains.)". If the charge cannot be declined by the purchaser, the quoted price shall include all charges for the recovery of unallocated funeral provider overhead, and funeral providers may include in the required disclosure the phrase "and overhead" after the word "services"; or

(2) The following statement: "Please note that a fee of (*specify dollar amount*) for the use of our basic services is included in the price of our caskets. This same fee shall be added to the total cost of your funeral arrangements if you provide the casket. Our services include (*specify*).". The fee shall include all charges for the recovery of unallocated funeral provider overhead, and funeral providers may include in the required disclosure the phrase "and overhead" after the word "services." The statement must be placed on the general price list together with the casket price range, required by paragraph (b)(4)(iii)(A)(1) of this section, or together with the prices of individual caskets, required by (b)(4)(iii)(A)(2) of this section.

(iv) The services fee permitted by §453.2(b)(4)(iii)(C)(1) or (C)(2) is the only funeral provider fee for services, facilities or unallocated overhead permitted by this part to be non-declinable, unless otherwise required by law.

(5) *Statement of funeral goods and services selected.* (i) Give an itemized written statement for retention for each person who arranges a funeral or other disposition of human remains, at the conclusion of the discussion of arrangements. The statement must list at least the following information:

(A) The funeral goods and funeral services selected by that person and the prices to be paid for each of them;

(B) Specifically itemized cash advance items. (These prices must be given to the extent then known or reasonably ascertainable. If the prices are not known or reasonably ascertainable, a good faith estimate shall be given and a written statement of the actual charges shall be provided before the final bill is paid.); and

(C) The total cost of the goods and services selected.

(ii) The information required by this paragraph (b)(5) may be included on any contract, statement, or other document which the funeral provider would otherwise provide at the conclusion of discussion of arrangements.

(6) *Other pricing methods.* Funeral providers may give persons any other price information, in any other format, in addition to that required by §453.2(b)(2), (3), and (4) so long as the statement required by §453.2(b)(5) is given when required by the rule.

[🔼 Back to Top](#)

§453.3 Misrepresentations.

(a) *Embalming provisions—(1) Deceptive acts or practices.* In selling or offering to sell funeral goods or funeral services to the public, it is a deceptive act or practice for a funeral provider to:

(i) Represent that state or local law requires that a deceased person be embalmed when such is not the case;

(ii) Fail to disclose that embalming is not required by law except in certain special cases, if any.

(2) *Preventive requirements.* To prevent these deceptive acts or practices, as well as the unfair or deceptive acts or practices defined in §§453.4(b)(1) and 453.5(2), funeral providers must:

(i) Not represent that a deceased person is required to be embalmed for:

(A) Direct cremation;

(B) Immediate burial; or

(C) A closed casket funeral without viewing or visitation when refrigeration is available and when state or local law does not require embalming; and

(ii) Place the following disclosure on the general price list, required by §453.2(b)(4), in immediate conjunction with the price shown for embalming: "Except in certain special cases, embalming is not required by law. Embalming may be necessary, however, if you select certain funeral arrangements, such as a funeral with viewing. If you do not want embalming, you usually have the right to choose an arrangement that does not require you to pay for it, such as direct cremation or immediate burial." The phrase "except in certain special cases" need not be included in this disclosure if state or local law in the area(s) where the provider does business does not require embalming under any circumstances.

(b) *Casket for cremation provisions—(1) Deceptive acts or practices.* In selling or offering to sell funeral goods or funeral services to the public, it is a deceptive act or practice for a funeral provider to:

(i) Represent that state or local law requires a casket for direct cremations;

(ii) Represent that a casket is required for direct cremations.

(2) *Preventive requirements.* To prevent these deceptive acts or practices, as well as the unfair or deceptive acts or practices defined in §453.4(a)(1), funeral providers must place the following disclosure in immediate conjunction with the price range shown for direct cremations: "If you want to arrange a direct cremation, you can use an alternative container. Alternative containers encase the body and can be made of materials like fiberboard or composition materials (with or without an outside covering). The containers we provide are (specify containers)." This disclosure only has to be placed on the general price list if the funeral provider arranges direct cremations.

(c) *Outer burial container provisions—(1) Deceptive acts or practices.* In selling or offering to sell funeral goods and funeral services to the public, it is a deceptive act or practice for a funeral provider to:

(i) Represent that state or local laws or regulations, or particular cemeteries, require outer burial containers when such is not the case;

(ii) Fail to disclose to persons arranging funerals that state law does not require the purchase of an outer burial container.

(2) *Preventive requirement.* To prevent these deceptive acts or practices, funeral providers must place the following disclosure on the outer burial container price list, required by §453.2(b)(3)(i), or, if the prices of outer burial containers are listed on the general price list, required by §453.2(b)(4), in immediate conjunction with those prices: "In most areas of the country, state or local law does not require that you buy a container to surround the casket in the grave. However, many cemeteries require that you have such a container so that the grave will not sink in. Either a grave liner or a burial vault will satisfy these requirements." The phrase "in most areas of the country" need not be included in this disclosure if state or local law in the area (s) where the provider does business does not require a container to surround the casket in the grave.

(d) *General provisions on legal and cemetery requirements—(1) Deceptive acts or practices.* In selling or offering to sell funeral goods or funeral services to the public, it is a deceptive act or practice for funeral providers to represent that federal, state, or local laws, or particular cemeteries or crematories, require the purchase of any funeral goods or funeral services when such is not the case.

(2) *Preventive requirements.* To prevent these deceptive acts or practices, as well as the deceptive acts or practices identified in §§453.3(a)(1), 453.3(b)(1), and 453.3(c)(1), funeral providers must identify and briefly describe in writing on the statement of funeral goods and services selected (required by §453.2(b)(5)) any legal, cemetery, or crematory requirement which the funeral provider represents to persons as compelling the purchase of funeral goods or funeral services for the funeral which that person is arranging.

(e) *Provisions on preservative and protective value claims.* In selling or offering to sell funeral goods or funeral services to the public, it is a deceptive act or practice for a funeral provider to:

(1) Represent that funeral goods or funeral services will delay the natural decomposition of human remains for a long-term or indefinite time;

(2) Represent that funeral goods have protective features or will protect the body from gravesite substances, when such is not the case.

(f) *Cash advance provisions—(1) Deceptive acts or practices.* In selling or offering to sell funeral goods or funeral services to the public, it is a deceptive act or practice for a funeral provider to:

(i) Represent that the price charged for a cash advance item is the same as the cost to the funeral provider for the item when such is not the case;

(ii) Fail to disclose to persons arranging funerals that the price being charged for a cash advance item is not the same as the cost to the funeral provider for the item when such is the case.

(2) *Preventive requirements.* To prevent these deceptive acts or practices, funeral providers must place the following sentence in the itemized statement of funeral goods and services selected, in immediate conjunction with the list of itemized cash advance items required by §453.2(b)(5)(i)(B): "We charge you for our services in obtaining: (specify cash advance items)," if the funeral provider makes a charge upon, or receives and retains a rebate, commission or trade or volume discount upon a cash advance item.

[Back to Top](#)

§453.4 Required purchase of funeral goods or funeral services.

(a) *Casket for cremation provisions—(1) Unfair or deceptive acts or practices.* In selling or offering to sell funeral goods or funeral services to the public, it is an unfair or deceptive act or practice for a funeral provider, or a crematory, to require that a casket be purchased for direct cremation.

(2) *Preventive requirement.* To prevent this unfair or deceptive act or practice, funeral providers must make an alternative container available for direct cremations, if they arrange direct cremations.

(b) *Other required purchases of funeral goods or funeral services—(1) Unfair or deceptive acts or practices.* In selling or offering to sell funeral goods or funeral services, it is an unfair or deceptive act or practice for a funeral provider to:

(i) Condition the furnishing of any funeral good or funeral service to a person arranging a funeral upon the purchase of any other funeral good or funeral service, except as required by law or as otherwise permitted by this part;

(ii) Charge any fee as a condition to furnishing any funeral goods or funeral services to a person arranging a funeral, other than the fees for: (1) Services of funeral director and staff, permitted by §453.2(b)(4)(iii)(C); (2) other funeral services and funeral goods selected by the purchaser; and (3) other funeral goods or services required to be purchased, as explained on the itemized statement in accordance with §453.3(d)(2).

(2) *Preventive requirements.* (i) To prevent these unfair or deceptive acts or practices, funeral providers must:

(A) Place the following disclosure in the general price list, immediately above the prices required by §453.2(b)(4) (ii) and (iii): "The goods and services shown below are those we can provide to our customers. You may choose only the items you desire. If legal or other requirements mean you must buy any items you did not specifically ask for, we will explain the reason in writing on the statement we provide describing the funeral goods and services you selected." Provided, however, that if the charge for "services of funeral director and staff" cannot be declined by the purchaser, the statement shall include the sentence: "However, any funeral arrangements you select will include a charge for our basic services" between the second and third sentences of the statement specified above herein. The statement may include the phrase "and overhead" after the word "services" if the fee includes a charge for the recovery of unallocated funeral provider overhead;

(B) Place the following disclosure in the statement of funeral goods and services selected, required by §453.2(b)(5)(i): "Charges are only for those items that you selected or that are required. If we are required by law or by a cemetery or crematory to use any items, we will explain the reasons in writing below."

(ii) A funeral provider shall not violate this section by failing to comply with a request for a combination of goods or services which would be impossible, impractical, or excessively burdensome to provide.

[Back to Top](#)

§453.5 Services provided without prior approval.

(a) *Unfair or deceptive acts or practices.* In selling or offering to sell funeral goods or funeral services to the public, it is an unfair or deceptive act or practice for any provider to embalm a deceased human body for a fee unless:

(1) State or local law or regulation requires embalming in the particular circumstances regardless of any funeral choice which the family might make; or

(2) Prior approval for embalming (expressly so described) has been obtained from a family member or other authorized person; or

(3) The funeral provider is unable to contact a family member or other authorized person after exercising due diligence, has no reason to believe the family does not want embalming performed, and obtains subsequent approval for embalming already performed (expressly so described). In seeking approval, the funeral provider must disclose that a fee will be charged if the family selects a funeral which requires embalming, such as a funeral with viewing, and that no fee will be charged if the family selects a service which does not require embalming, such as direct cremation or immediate burial.

(b) *Preventive requirement.* To prevent these unfair or deceptive acts or practices, funeral providers must include on the itemized statement of funeral goods and services selected, required by §453.2(b)(5), the statement: "If you selected a funeral that may require embalming, such as a funeral with viewing, you may have to pay for embalming. You do not have to pay for embalming you did not approve if you selected arrangements such as a direct cremation or immediate burial. If we charged for embalming, we will explain why below."

[Back to Top](#)

§453.6 Retention of documents.

To prevent the unfair or deceptive acts or practices specified in §§453.2 and 453.3 of this rule, funeral providers must retain and make available for inspection by Commission officials true and accurate copies of the price lists specified in §§453.2 (b) (2) through (4), as applicable, for at least one year after the date of their last distribution to customers, and a copy of each statement of funeral goods and services selected, as required by §453.2(b)(5), for at least one year from the date of the arrangements conference.

[Back to Top](#)

§453.7 Comprehension of disclosures.

To prevent the unfair or deceptive acts or practices specified in §§453.2 through 453.5, funeral providers must make all disclosures required by those sections in a clear and conspicuous manner. Providers shall not include in the casket, outer burial

container, and general price lists, required by §§453.2(b)(2)-(4), any statement or information that alters or contradicts the information required by this part to be included in those lists.

[⬆️ Back to Top](#)

§453.8 Declaration of intent.

(a) Except as otherwise provided in §453.2(a), it is a violation of this rule to engage in any unfair or deceptive acts or practices specified in this rule, or to fail to comply with any of the preventive requirements specified in this rule;

(b) The provisions of this rule are separate and severable from one another. If any provision is determined to be invalid, it is the Commission's intention that the remaining provisions shall continue in effect.

(c) This rule shall not apply to the business of insurance or to acts in the conduct thereof.

[⬆️ Back to Top](#)

§453.9 State exemptions.

If, upon application to the Commission by an appropriate state agency, the Commission determines that:

(a) There is a state requirement in effect which applies to any transaction to which this rule applies; and

(b) That state requirement affords an overall level of protection to consumers which is as great as, or greater than, the protection afforded by this rule; then the Commission's rule will not be in effect in that state to the extent specified by the Commission in its determination, for as long as the State administers and enforces effectively the state requirement.

[⬆️ Back to Top](#)

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VIRGINIA ACTS OF ASSEMBLY -- 2018 SESSION

CHAPTER 207

An Act to amend and reenact § 32.1-263 of the Code of Virginia, relating to death certificates; medical certification; electronic filing; hospice.

[H 1158]

Approved March 8, 2018

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-263 of the Code of Virginia is amended and reenacted as follows:

§ 32.1-263. Filing death certificates; medical certification; investigation by Office of the Chief Medical Examiner.

A. A death certificate, including, if known, the social security number or control number issued by the Department of Motor Vehicles pursuant to § 46.2-342 of the deceased, shall be filed for each death that occurs in the Commonwealth. Non-electronically filed death certificates shall be filed with the registrar of any district in the Commonwealth within three days after such death and prior to final disposition or removal of the body from the Commonwealth. Electronically filed death certificates shall be filed with the State Registrar of Vital Records *through the Electronic Death Registration System* within three days after such death and prior to final disposition or removal of the body from the Commonwealth. Any death certificate shall be registered by such registrar if it has been completed and filed in accordance with the following requirements:

1. If the place of death is unknown, but the dead body is found in the Commonwealth, the death shall be registered in the Commonwealth and the place where the dead body is found shall be shown as the place of death. If the date of death is unknown, it shall be determined by approximation, taking into consideration all relevant information, including information provided by the immediate family regarding the date and time that the deceased was last seen alive, if the individual died in his home; and

2. When death occurs in a moving conveyance, in the United States of America and the body is first removed from the conveyance in the Commonwealth, the death shall be registered in the Commonwealth and the place where it is first removed shall be considered the place of death. When a death occurs on a moving conveyance while in international waters or air space or in a foreign country or its air space and the body is first removed from the conveyance in the Commonwealth, the death shall be registered in the Commonwealth but the certificate shall show the actual place of death insofar as can be determined.

B. The licensed funeral director, funeral service licensee, office of the state anatomical program, or next of kin as defined in § 54.1-2800 who first assumes custody of a dead body shall ~~file~~ *complete* the certificate of death ~~with the registrar~~. He shall obtain ~~the~~ *the personal data of the deceased necessary to complete the certificate of death*, including the social security number of the deceased or control number issued to the deceased by the Department of Motor Vehicles pursuant to § 46.2-342, from the ~~next of kin or~~ *the best qualified person or source available* and obtain the medical certification from the person responsible therefor.

If a licensed funeral director, funeral service licensee, or representative of the office of the state anatomical program completes the certificate of death, he shall file the certificate of death with the State Registrar of Vital Records electronically using the Electronic Death Registration System and in accordance with the requirements of subsection A. If a member of the next of kin of the deceased completes the certificate of death, he shall file the certificate of death in accordance with the requirements of subsection A but shall not be required to file the certificate of death electronically.

C. The medical certification shall be completed, signed in black or dark blue ink, and returned to the funeral director within 24 hours after death by the physician in charge of the patient's care for the illness or condition which resulted in death except when inquiry or investigation by the Office of the Chief Medical Examiner is required by § 32.1-283 or 32.1-285.1, or by the physician that pronounces death pursuant to § 54.1-2972. *If the death occurred while under the care of a hospice provider, the medical certification shall be completed by the decedent's health care provider and filed electronically with the State Registrar of Vital Records using the Electronic Death Registration System for completion of the death certificate.*

In the absence of such physician or with his approval, the certificate may be completed and signed by the following: (i) another physician employed or engaged by the same professional practice; (ii) a physician assistant supervised by such physician; (iii) a nurse practitioner practicing as part of a patient care team as defined in § 54.1-2900; (iv) the chief medical officer or medical director, or his designee, of the institution, hospice, or nursing home in which death occurred; (v) a physician specializing in the delivery of health care to hospitalized or emergency department patients who is employed by or engaged by the facility where the death occurred; (vi) the physician who performed an autopsy upon the decedent; ~~or~~ (vii) an individual to whom the physician has delegated authority to complete and sign the

certificate, if such individual has access to the medical history of the case and death is due to natural causes; or (viii) *a physician licensed in another state who was in charge of the patient's care for the illness or condition that resulted in death.*

D. When inquiry or investigation by the Office of the Chief Medical Examiner is required by § 32.1-283 or 32.1-285.1, the Chief Medical Examiner shall cause an investigation of the cause of death to be made and the medical certification portion of the death certificate to be completed and signed within 24 hours after being notified of the death. If the Office of the Chief Medical Examiner refuses jurisdiction, the physician last furnishing medical care to the deceased shall prepare and sign the medical certification portion of the death certificate.

E. If the death is a natural death and a death certificate is being prepared pursuant to § 54.1-2972 and the physician, nurse practitioner, or physician assistant is uncertain about the cause of death, he shall use his best medical judgment to certify a reasonable cause of death or contact the health district physician director in the district where the death occurred to obtain guidance in reaching a determination as to a cause of death and document the same.

If the cause of death cannot be determined within 24 hours after death, the medical certification shall be completed as provided by regulations of the Board. The attending physician or the Chief Medical Examiner, an Assistant Chief Medical Examiner, or a medical examiner appointed pursuant to § 32.1-282 shall give the funeral director or person acting as such notice of the reason for the delay, and final disposition of the body shall not be made until authorized by the attending physician, the Chief Medical Examiner, an Assistant Chief Medical Examiner, or a medical examiner appointed pursuant to § 32.1-282.

F. A physician, nurse practitioner, or physician assistant who, in good faith, *files or signs* a certificate of death or determines the cause of death shall be immune from civil liability, only for such signature and determination of causes of death on such certificate, absent gross negligence or willful misconduct.

Report on Regulatory Actions (as of April 4, 2018)

Board		Board of Funeral Directors and Embalmers
Chapter	Action / Stage Information	
[18 VAC 65 - 20]	Regulations of the Board of Funeral Directors and Embalmers	<u>Clarification of permission to embalm and refrigeration of human remains</u> [Action 4765] Proposed - Register Date: 12/25/17 Board to adopt final 4/17/18
[18 VAC 65 - 20]	Regulations of the Board of Funeral Directors and Embalmers	<u>CE credit for board meetings</u> [Action 4806] Proposed - Register Date: 1/8/18 Board to adopt final 4/17/18
[18 VAC 65 - 40]	Regulations for the Funeral Service Intern Program	<u>Oversight of funeral intern program</u> [Action 4895] NOIRA - At Governor's Office for 20 days

Agenda Item: Board Action –Adoption of final amendments

Staff Note:

Included in your package are:

A copy of proposed amendments for CE credit for attendance at Board meetings

A copy of the minutes from public hearing on proposed regulations

A copy of the statute (Code of Virginia) for continuing education

Action:

Motion to adopt the proposed amendments to 18VAC65-20-151, Continuing competency requirements for renewal of an active license as a **final action**

Project 5113 - Proposed

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

CE credit for board meetings

18VAC65-20-151. Continued competency requirements for renewal of an active license.

A. Funeral service licensees, funeral directors or funeral embalmers shall be required to have completed a minimum of five hours per year of continuing education offered by a board-approved sponsor for licensure renewal in courses that emphasize the ethics, standards of practice, preneed contracts and funding, or federal or state laws and regulations governing the profession of funeral service.

1. One hour per year shall cover compliance with laws and regulations governing the profession, and at least one hour per year shall cover preneed funeral arrangements. The one-hour requirement on compliance with laws and regulations may be met once every two years by attendance at a meeting of the board or at a committee of the board or an informal conference or formal hearing.

2. One hour of the five hours required for annual renewal may be satisfied through delivery of professional services, without compensation, to low-income individuals receiving health services through a local health department or a free clinic organized in whole or primarily for the delivery of those services. One hour of continuing education may be credited for one hour of providing such volunteer services, as documented by the health department or free clinic. For the purposes of continuing education credit for volunteer service, an approved sponsor shall be a local health department or free clinic.

B. Courses must be directly related to the scope of practice of funeral service. Courses for which the principal purpose is to promote, sell or offer goods, products or services to funeral homes are not acceptable for the purpose of credit toward renewal.

C. The board may grant an extension for good cause of up to one year for the completion of continuing education requirements upon written request from the licensee prior to the renewal date. Such extension shall not relieve the licensee of the continuing education requirement.

D. The board may grant an exemption for all or part of the continuing education requirements for one renewal cycle due to circumstances determined by the board to be beyond the control of the licensee.

Mr. Omgs provided reminders to the Board members and audience regarding microphones, sign in sheets, computer agenda materials, and breaks.

Ms. Tillman Wolf then read the emergency egress instructions.

Public Hearing

A public hearing was convened at 10:05 a.m. to receive public comments on proposed changes to the General Regulations Governing Funeral Directors and Embalmers for clarification of permission to embalm and refrigeration of human remains. Mr. Omgs called for comment.

Public comment was provided by Barry Robinson, President of the Virginia Morticians Association (VMA). Mr. Robinson stated that he concurred with the wording of the proposed regulations, but requested clarification as to when the new regulations would go into effect.

Ms. Tillman Wolf stated that the new regulations would go into effect once it is published in the Register and following the 30-day final adoption period. She stated that the public will be notified once a date has been determined.

The public hearing was adjourned at 10:05 a.m.



Public Hearing

A public hearing was convened at 10:06 a.m. to receive public comments on proposed changes to the General Regulations Governing Funeral Directors and Embalmers for consideration of continuing education (CE) for attendance of board meetings.

Public comment was provided by Barry Robinson, President of the Virginia Morticians Association (VMA). Mr. Robinson requested clarification as to if a person appears before the board for an informal conference or formal hearing as a respondent or a witness, if they would be awarded continuing education for attendance. Ms. Barrett responded stating that the individual would attend due to being a respondent or a witness under subpoena, therefore it would not count as continuing education.

The public hearing was adjourned at 10:09 a.m.

ACCEPTANCE OF MINUTES

Upon a motion by Mr. Jones, and properly seconded by Ms. Steele, the Board voted to accept the following meeting minutes:

- Minutes of Board Meeting – October 10, 2017
- Examination Committee Meeting – October 10, 2017
- Ad Hoc Committee on Funeral Internships – December 7, 2017

The motion passed unanimously.

§ 54.1-2816.1. Continuing education requirements; promulgation of regulations.

A. The Board shall promulgate regulations governing continuing education requirements for funeral services licensees, funeral directors and embalmers licensed by the Board.

B. The Board shall approve criteria for continuing education courses, requiring no more than five hours per year, that are directly related to the respective license and scope of practice of funeral service licensees, funeral directors and embalmers. Approved continuing education courses shall include, but not be limited to, at least one hour per year covering compliance with federal or state laws and regulations governing the profession, and at least one hour per year covering preneed funeral arrangements. Course providers may be required to register continuing education courses with the Board pursuant to Board regulations. The Board shall not allow continuing education credit for courses where the principal purpose of the course is to promote, sell or offer goods, products or services to funeral homes.

C. All course providers shall furnish written certification to licensees of the Board attending and completing respective courses, indicating the satisfactory completion of an approved continuing education course. Each course provider shall retain records of all persons attending and those persons satisfactorily completing such continuing education courses for a period of two years following each course. Applicants for renewal or reinstatement of licenses issued pursuant to this article shall retain for a period of two years the written certification issued by any Board-approved provider of continuing education courses. The Board may require course providers or licensees to submit copies of such records or certification, as it deems necessary, to ensure compliance with continuing education requirements.

D. The Board shall have the authority to grant exemptions or waivers in cases of certified illness or undue hardship.

E. The Board may provide for an inactive status for those licensees who do not practice in Virginia. The Board may adopt regulations reducing or waiving continuing education requirements for any licensee granted such inactive status. However, no licensee granted inactive status may have their license changed to active status without first obtaining additional continuing education hours as may be determined by the Board. No person or registrant shall practice in Virginia as an embalmer, funeral director, or funeral service licensee unless he holds a current, active license.

Agenda Item: Board Action –Adoption of final amendments

Staff Note:

Included in your package are:

A copy of proposed amendments for permission to embalm and refrigeration of human remains

A copy of the minutes from public hearing on proposed regulations

Action:

Motion to adopt the proposed amendments to 18VAC65-20-510 (Embalming) and 18VAC65-20-581 (Refrigeration requirements), as a **final action**

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

Clarification of permission to embalm and refrigeration of human remains

Part VII

Standards for Embalming and Refrigeration

18VAC65-20-510. Embalming report.

A. In accordance with the provisions of subdivision 26 of § 54.1-2806 and subsection B of § 54.1-2811.1 of the Code of Virginia, express permission by a next of kin for embalming means written authorization to embalm as a specific and separate statement on a document or contract provided by the funeral establishment. Express permission may include direct, verbal authorization to embalm, provided it is followed as soon as possible by a written document or statement 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.

B. Every funeral establishment shall record and maintain a separate, identifiable report for each embalming procedure conducted, which shall at a minimum include the following information:

1. The name of the deceased and the date of death;
2. The date and location of the embalming;
3. The name and signature of the embalmer and the Virginia license number of the embalmer; and
4. If the embalming was performed by a funeral service intern, the name and signature of the supervisor.

18VAC65-20-581. Refrigeration requirements.

A. If a dead human body is to be in the possession of a funeral establishment 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 shall be placed and maintained in refrigeration in a mechanical refrigeration unit suitable for storing human remains in accordance with subsection B of § 54.1-2811.1 of the Code of Virginia.

B. The mechanical refrigeration unit may be located in the funeral establishment or crematory, or the funeral establishment or crematory may enter into an agreement or contract with another funeral establishment, crematory, or other licensed entity for refrigeration in a mechanical refrigeration unit.

C. Evidence of compliance with the requirement for refrigeration shall be maintained as a log entry or other documentation indicating times of placement in and removal of a body in refrigeration.

Mr. Omps provided reminders to the Board members and audience regarding microphones, sign in sheets, computer agenda materials, and breaks.

Ms. Tillman Wolf then read the emergency egress instructions.



Public Hearing

A public hearing was convened at 10:05 a.m. to receive public comments on proposed changes to the General Regulations Governing Funeral Directors and Embalmers for clarification of permission to embalm and refrigeration of human remains. Mr. Omps called for comment.

Public comment was provided by Barry Robinson, President of the Virginia Morticians Association (VMA). Mr. Robinson stated that he concurred with the wording of the proposed regulations, but requested clarification as to when the new regulations would go into effect.

Ms. Tillman Wolf stated that the new regulations would go into effect once it is published in the Register and following the 30-day final adoption period. She stated that the public will be notified once a date has been determined.

The public hearing was adjourned at 10:05 a.m.

Public Hearing

A public hearing was convened at 10:06 a.m. to receive public comments on proposed changes to the General Regulations Governing Funeral Directors and Embalmers for consideration of continuing education (CE) for attendance of board meetings.

Public comment was provided by Barry Robinson, President of the Virginia Morticians Association (VMA). Mr. Robinson requested clarification as to if a person appears before the board for an informal conference or formal hearing as a respondent or a witness, if they would be awarded continuing education for attendance. Ms. Barrett responded stating that the individual would attend due to being a respondent or a witness under subpoena, therefore it would not count as continuing education.

The public hearing was adjourned at 10:09 a.m.

ACCEPTANCE OF MINUTES

Upon a motion by Mr. Jones, and properly seconded by Ms. Steele, the Board voted to accept the following meeting minutes:

- Minutes of Board Meeting – October 10, 2017
- Examination Committee Meeting – October 10, 2017
- Ad Hoc Committee on Funeral Internships – December 7, 2017

The motion passed unanimously.



Logged in as

Elaine J. Yeatts

Agency Department of Health Professions

Board Board of Funeral Directors and Embalmers

Chapter Regulations of the Board of Funeral Directors and Embalmers [18 VAC 65 – 20]

Action: Clarification of permission to embalm and refrigeration of human remains

Action 4765 / Stage 8022

Proposed Stage

- [Edit Stage](#)
- [Withdraw Stage](#)
- [Go to RIS Project](#)

Documents		
Proposed Text	12/11/2017 8:51 am	Sync Text with RIS
Agency Statement	8/16/2017	Upload / Replace
Attorney General Certification	8/21/2017	
DPB Economic Impact Analysis	10/3/2017	
Agency Response to EIA	10/3/2017	Upload / Replace
Governor's Approval Memo	12/4/2017	
Registrar Transmittal	12/4/2017	

Status	
Incorporation by Reference	No
Exempt from APA	No, this stage/action is subject to article 2 of the <i>Administrative Process Act</i> and the standard executive branch review process.
Attorney General Review	Submitted on 8/16/2017 Review Completed: 8/21/2017 Result: Certified
DPB Review	Submitted on 8/21/2017 Economist: Oscar Ozfidan Policy Analyst: Jeannine Rose Review Completed: 10/3/2017 <i>DPB's policy memo is "Governor's Confidential Working Papers"</i>
Secretary Review	Secretary of Health and Human Resources Review Completed: 11/3/2017

Governor's Review	Review Completed: 12/4/2017 Result: Approved
Virginia Registrar	Submitted on 12/4/2017 <u>The Virginia Register of Regulations</u> Publication Date: 12/25/2017  Volumes: 34 Issue: 9
Public Hearings	01/16/2018 10:05 AM
Comment Period	Ended 2/23/2018 0 comments

Contact Information

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This person is the primary contact for this board.

10

Virginia Board of Funeral Directors and Embalmers

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.

Virginia Board of Funeral Directors and Embalmers

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.

Board of Funeral Directors and Embalmers

Guidance on Time Credit for Continuing Education

Credit for one hour of live coursework in continuing education must include at least 50 minutes of instruction.

Credit for self-study courses or activities is limited to the actual amount of time it takes the licensee to complete the course or activity and may not exceed the time credit assigned by the approved continuing education provider. For example, if a self-study course is assigned two hours of CE credit by the provider, but the licensee completes the course in one hour, he may only count one hour of credit toward completion of this CE requirement for renewal of licensure. If the course is assigned two hours of CE credit by the provider, but the licensee takes three hours to finish, he may only count two hours of CE credit.

VIRGINIA BOARD OF FUNERAL DIRECTORS AND EMBALMERS

DISPOSITION OF DISCIPLINARY CASES FOR PRACTICING ON EXPIRED LICENSES

The Board of Funeral Directors and Embalmers delegates to the Executive Director for the Board the authority to offer a prehearing consent order to resolve disciplinary cases in which a Funeral Service Licensee or Funeral Service Establishment has been found to be practicing with an expired license.

Disciplinary Action for Practicing with an Expired License

The Board adopted the following guidelines for resolution of cases of a Funeral Service Licensee or Funeral Director or Embalmer only practicing with an expired license:

Cause	Possible Action
First offense; 90 days or less	Confidential Consent Agreement
First offense; 91 days to 180 days	Consent Order; Monetary Penalty of \$1,000

Disciplinary Action for Practicing with an Expired License

The Board adopted the following guidelines for resolution of cases of a Funeral Establishment practicing with an expired license:

Cause	Possible Action
First offense; 90 days or less	Confidential Consent Agreement
First offense; 91 days to 180 days	Consent Order; Monetary Penalty of \$1,500

Board of Funeral Directors and Embalmers

GUIDANCE FOR INSPECTORS

Can refrigeration be provided at another location, branch or main establishment other than the crematory location?

Yes, the crematory can arrange for off-site refrigeration. A letter from the provider of the refrigeration should be requested during the inspection.

If a funeral home or crematory transports a body from the hospital or place of death, does the body have to be in a cremation container?

The intent of the regulation is that upon arrival at the funeral home the decedent shall be placed in a cremation container for transfer to the crematory.

Is the DEQ permit number of the retort required on every form in the deceased's cremation record?

No, it is only required to be listed on one form in the decedent's cremation record.

Can a crematory that operates within a funeral establishment have a separate manager of record or can the establishment's manager serve as the manager of record for both?

Yes, a manager of record of the funeral establishment can also serve as manager of record of the crematory or they can have two separate managers. However if the manager of record of the crematory is not a licensee, the establishment's manager of record is ultimately responsible for both the establishment and the crematory.

If a crematory is not a funeral establishment or a branch of a funeral establishment, can they sell preneed?

No, they must be licensed as a funeral establishment or a branch of a funeral establishment.

Do the regulations still require a contract number on a preneed contract?

No, however the funeral home must be able to show verification of the funding and payment.

What duties can unlicensed staff perform in the preparation of the body?

The board stated that an unlicensed person could assist with cosmetizing, dressing and casketing the deceased. An unlicensed individual may wash or use soap and water to cleanse or prepare a dead human body for disposition by the authorized agents, family, or friends of the deceased who do so privately without pay or as part of the ritual washing and preparation of dead human bodies prescribed by religious practices.

When a funeral home takes arrangement instructions from another funeral home on an at-need contract, whose signature should be on the buyer's signature line?

It is not mandated by regulations but is suggested to have the calling funeral home's name and the name of the funeral director who is giving instruction on the buyer's signature line.

Can a funeral home keep a log or spreadsheet versus an individual embalming record?

No, 18VAC65-20-510 clearly requires that every funeral establishment shall record and maintain a separate, identifiable report for each embalming procedure conducted, which shall at a minimum include the following: the deceased's name and date of death, the date and location of the embalming, the name and signature of the embalmer and the license number of the embalmer and if the embalming was performed by a funeral service intern and if so the signature of the supervisor, location of embalming, date of death, date of embalming.

If a funeral home lists the full price of a package on the Statement of Goods and Services must it also identify on the contract the specific items that are included in the package?

Yes, either list them individually on the Statement of Goods and Services or place an asterisk around each item included in the package on the contract. The intent is that the reader can understand which items are included in the package.

Is it acceptable to the board for a license to be posted in a private business office?

No, a public lounge or an arrangement room is acceptable. The regulation states that each licensee shall post an original or photocopy of his license in a place conspicuous to consumers of funeral services in each establishment or branch where he is employed.

Additionally, if the funeral establishment uses contract embalmers only on rare occasions, a funeral home does not have to post that embalmer's license as long as the funeral home keeps it on file (Board approved 12/06)

If the preparation room at the main establishment is not used must it still be inspected?

For every licensed funeral establishment, there must be an operable preparation room at either the main establishment or at a branch establishment. Even if a preparation room at the main establishment is not used, it shall be inspected and contain requirements and must be operable.

Can enamel based paint be used as a material impervious to water?

Enamel based paint is considered impervious to water and is an acceptable material for the floor and wall surfaces.

If the preparation room is kept clean and sanitary but the floor has some permanent stains on it should it be cited as a deficiency?

No, permanent or irreversible stains due to embalming procedures are acceptable and should not be cited as a deficiency.

Are telephones, telephone books, radio allowed to be in the preparation room?

Telephones, telephone books and radios are acceptable. Additionally, items or supplies necessary in the preparation of a body or related to an embalming procedure are acceptable.

May a drainage tube be connected to the embalming table and run straight into the sewer?

Yes, the regulations states that the preparation room shall be equipped with a flush or slop sink connected with public sewer or with septic tank where no public sewer is available.

Can the disinfectants and antiseptic solutions be stored on the floor in the preparation room in properly labeled containers?

Yes, both disinfectants and antiseptic solutions may be stored on the floor of the prep room in properly labeled containers. Antiseptics are used for hand-washing and personal hygiene. Most disinfectants are commercial and generic brands are acceptable. Bleach may be used for disinfecting, but cannot be mixed with formaldehyde. The two chemicals together become combustible.

What type of evidence does the board want regarding disposal of waste materials?

Disposal of all waste materials shall be in conformity with local, state, and federal law and regulation to avoid the possible spread of disease. The funeral service establishment shall provide evidence of a current contractual agreement with or services provided by a licensed medical waste disposal company. Evidence may include a letter of agreement, a contract or a recent billing for the service.

Will the board accept electronic copies of requested documents that are no longer current?

Yes, the Board will accept electronic copies of forms that are no longer current.

Can the main funeral service establishment maintain all records, including those for branch establishments with the exception of embalming reports, which must be maintained at the site of embalming.

Yes

If the funeral home charges the same price for embalming of normal remains and autopsy remains, is it only necessary to list the charge once on the general price list?

Yes

Can you provide guidance on the price range for the following categories?

Immediate Burial: Your prices should range from your immediate burial package with container provided by purchaser to your immediate burial package plus your most expensive casket.

Direct Cremation: A price range must be given for a direct cremation. Your prices should range from direct cremation with a container provided by the purchaser to the price for direct cremation plus the most expensive wooden casket acceptable for

cremation or the most expensive cremation casket. When in doubt, please refer to Appendix 1 for reference or call the board office.

Funeral Merchandise: The casket and outer burial container price range shall match the Casket and Outer Burial Price Lists. The price does not include tax on the merchandise.

Outer Burial Container Price List: The required disclosure shall be required on the Outer Burial List and on the General Price List. (According to FTC, if the required disclosure is on the Outer Burial Container Price List, then it is not necessary to have it on the General Price List). Although FTC does not require the manufacturers' names on the price lists, the Board does require this as means to identify the caskets and outer burial containers.

Must the preneed list be separate from the insurance company's list and can a blanket statement be used indicating if 10% of the funds are retained?

The list may have a blanket statement indicating whether 10% of the funds are retained and if funeral merchandise is stored on the premises. The preneed list must be separate from the insurance company's list and contain the required information stipulated in the Board's Preneed Regulation.

When do you add a name to the preneed list and when should you remove a name from the chronological list?

The proper time to add a name to the preneed list is when the funeral director and the buyer sign the pre-need contract. The time to remove a name from the list is after the death of the contract beneficiary.

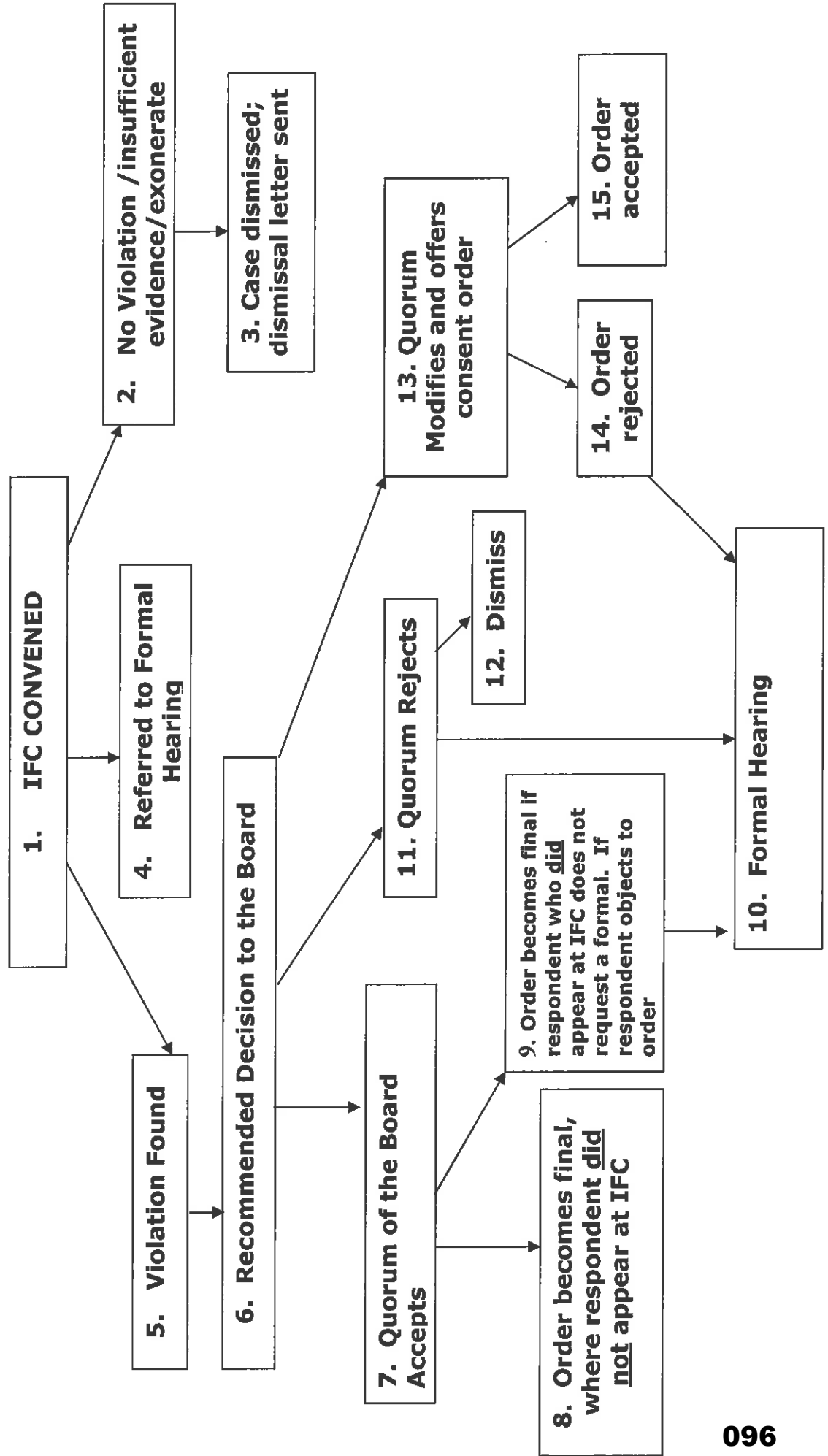
What is a proper ventilation system?

The preparation room must have a ventilation system, which operates and is appropriate to the size and function of the room, and takes the air from the inside to the outside of the room. Holding a piece of paper near the vent usually will provide an adequate test for an operable ventilation system.

The final language in House Bill 201 is somewhat vague in the actual refrigeration requirement. The language reads "no more than approximately 40 degrees". What temperature will be within acceptable limits?

The Board agreed to accept a 10% variance of the required temperature.

Guidance for Conduct of an Informal Conference by an Agency Subordinate of a Health Regulatory Board at the Department of Health Professions



Narrative explanation of Flow Chart on Delegation to an Agency Subordinate

This describes the process in which a subordinate hears a case at an informal conference up to a case that may be referred to a formal hearing.

1. Pursuant to a notice, the designated agency subordinate (“subordinate”) will convene the informal conference (“IFC”) before a subordinate in the same manner as an IFC before a committee of the board. Following the presentation of information by the parties, the subordinate will consider the evidence presented and render a recommended decision regarding the findings of fact, conclusions of law, and if appropriate, the sanction to be imposed.
2. The subordinate may recommend that the respondent be exonerated, that there be a finding of no violation, or that insufficient evidence exists to determine that a statutory and/or regulatory violation has occurred.
3. If the subordinate makes such a finding, the case is dismissed and a dismissal letter is issued to the respondent notifying him of the determination.
4. The subordinate may decide that the case should be referred to a formal hearing. A hearing before the board would then be scheduled and notice sent to the respondent.
5. The subordinate may determine that a violation has occurred and recommend the findings of fact and conclusions of law along with an appropriate sanction.
6. With the assistance of APD, the subordinate drafts a recommended decision, which includes the findings of fact, conclusions of law and sanction. The recommendation is provided to the respondent and to the board and must be ratified by a quorum of the board.
7. If a quorum of the board accepts the recommended decision and:
 8. If the respondent did not appear at the IFC, the board’s decision becomes a final order that can only be appealed to a circuit court; or
 - 9-10. If the respondent did appear at the IFC and objects to the order, he may request a

formal hearing before the board. A case referred to a formal hearing proceeds in the same manner as cases considered by special conference committees convened pursuant to Va. Code § 54.1-2400(10). If the respondent who appeared at the IFC does not request a formal hearing, the order becomes final after a specified timeframe.

11. A quorum of the board may reject the recommended decision of the subordinate, in which case:

The board may decide to refer the case for a formal hearing **(10)**; or the board may decide to dismiss the case and a dismissal letter is issued to the respondent notifying him of the decision of the board **(12)**.

13. A quorum of the board may modify the subordinate's recommended decision, and a consent order reflecting the modified decision is presented to the respondent:

If the respondent accepts the consent order, it is duly entered **(15)**; or if the respondent rejects the consent order **(14)**, the case proceeds to a formal hearing before the board **(10)**.

Virginia Board of Funeral Directors and Embalmers

Initiating Disciplinary Action Against Funeral Homes for Failing to Submit Corrective Action to Deficiencies Noted During Routine Inspections

1. Board staff reviews all inspection reports and responses to deficiencies cited during the inspections
 - a. Licensees are given information at the time of inspection that they are to respond to the deficiencies within 14 days of the inspection.
 - b. Board staff tracks receipt of the inspection reports and the deficiency corrections.

2. If the licensee fails to respond within 14 days of the inspection
 - a. Board staff will send a certified letter (a copy of the letter will be sent first class mail) to the Manager of Record's (MOR) address of record in 2-5 days of the response due date. The letter will include a new due date which will be 10 days after the date of the letter.
 - b. Board staff will initiate disciplinary action against the funeral home 5 days after second due date if there is no response.
 - c. A Pre-hearing Consent Order based on the following guidelines will be sent to the MOR:
 - i. \$100 monetary penalty for failing to respond in a timely manner plus \$100 additional penalty for each citation of deficiency.
 - ii. FH must submit acceptable corrective action.
 - iii. \$100 penalty will be added for each week after the deadline the PHCO remains unsigned, unless a special conference committee has been requested by the licensee.
 - d. If the licensee fails to respond to the pre-hearing consent order or does not agree to it, the matter will be referred to an informal conference.

3. If the licensee responds with unacceptable corrective action
 - a. A letter will be sent to the MOR's address of record in 2-5 days after the Board received the correction action to inform the MOR of problems with the corrective action. The letter will include a new due date, which will be 10 days after the date of the letter, for additional corrections.
 - b. If the funeral home fails to respond with new corrections within the new deadline, a certified letter will be sent to the MOR's address of record in 2-5 days of the deadline (a copy of the letter will be sent first class mail). The letter will include a new due date which will be 7 days after the date of the letter.
 - c. Disciplinary action against the funeral home will be initiated 5 days after the third due date.
 - d. A Pre-hearing Consent Order based on the following guidelines will be sent to the MOR:

- i. \$100 monetary penalty for failing to respond in a timely manner plus \$100 additional penalty for every citation not addressed.
 - ii. FH must submit acceptable corrective action.
 - iii. \$100 penalty will be added for each week after the deadline the PHCO remains unsigned, unless a special conference committee has been requested by the licensee.
 - e. If the licensee fails to respond to the pre-hearing consent order or does not agree to it, the matter will be referred to an informal conference.
4. If the licensee has been previously disciplined for failing to respond to inspection citations of deficiencies, the matter should be referred to the Special Conference Committee.
5. Nothing in this Guidance Document prevents the Board from taking disciplinary action against the Manager of Record.

Sanctioning Reference Points (SRPs)
Revised SRP Manual (DRAFT)

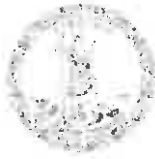
Sanctioning **Reference Points** **Instruction Manual**

Board of Funeral Directors **and Embalmers**

Guidance Document 65-14
Adopted March 2007
(Revised April 2010)
(Revised January 2018)

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February 6, 2018

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 the study were consistent with state statutes which specify that the Board of Health Professions (BHP) periodically review the investigatory and disciplinary processes to ensure the protection of the public and the fair and equitable treatment of health professionals.

After interviewing the Board of Funeral Directors and Embalmers members and staff, a committee of board members, staff, and research consultants assembled a research agenda involving the most exhaustive statistical study of sanctioned Funeral Service Providers and Establishments ever conducted in the United States. The analysis included collecting over 100 factors on all Board of Funeral Directors and Embalmers sanctioned cases in Virginia between 2002 and 2006. 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 sanctioning reference points (SRP). Using both the data and collective input from the Board of Funeral Directors and Embalmers and staff, analysts developed a usable sanctioning worksheet as a way to implement the reference system.

More recently, BHP recommended that the SRPs be evaluated to determine if the program had met the objectives set forth in 2001. After conducting board member and staff interviews and an updated analysis to assess worksheet factors, scores, and sanctioning recommendations, the Board of Funeral Directors and Embalmers made a number of revisions to its Sanctioning Reference Points worksheet. This manual reflects those adopted revisions and provides the Board with a new SRP worksheet representing the most current sanctioning data available.

Sincerely yours,

David E. Brown, D.C.
Director
Virginia Department of Health Professions

Cordially,

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

Table of Contents

General Information	4
Overview	4
Background	4
Goals	4
Methodology	4
Qualitative Analysis	4
Quantitative Analysis	5
Wide Sanctioning Ranges	5
Voluntary Nature	5
Worksheets Not Used in Certain Cases	6
Case Selection When Multiple Cases Exist	7
Sanctioning Reference Points Case Type Table	7
Completing the Coversheet and Worksheet	7
Scoring Factor Instructions	7
Using Sanctioning Thresholds to Determine a Specific Sanction	8
Sanctioning Reference Points Threshold Table	8
Sanctioning Reference Points Coversheet, Worksheet, & Instructions	10
SRP Coversheet for Funeral Directors & Embalmers	11
SRP Worksheet Instructions for Funeral Directors & Embalmers	12
SRP Worksheet for Funeral Directors & Embalmers	13

GENERAL INFORMATION

Overview

The Virginia Board of Health Professions has spent the last 15 years studying sanctioning in disciplinary cases. The study is examining all 13 health regulatory boards. Focusing on the Board of Funeral Directors and Embalmers (Funeral), this manual contains background on the project, the goals and purposes of the Sanctioning Reference Points (SRP) system, and a revised worksheet with offense and respondent factors that are scored in order to help Board members determine how similarly situated respondents have been treated in the past.

This SRP system is based on a specific sample of cases, and thus only applies to those persons sanctioned by the Virginia Board of Funeral. Moreover, the worksheets and sanctioning thresholds have not been tested or validated on any other groups of persons. Therefore, they should not be used to sanction respondents coming before other health regulatory boards, other states, or other disciplinary bodies.

The current SRP system is comprised of a single worksheet which scores a number of offense and respondent factors identified using quantitative and qualitative analyses and built upon the Department's effort to maintain consistency in sanctioning over time. The original Funeral SRP Manual was adopted in March 2007, and has been applied to cases closed in violation for the past 12 years.

These instructions and the use of the SRP system fall within current DHP and Board of Funeral policies and procedures. Furthermore, all sanctioning recommendations are those currently available to and used by the Board and are specified within existing Virginia statutes. If an SRP worksheet recommendation is more or less severe than a Virginia statute or DHP regulation, the existing laws or policy supersedes the worksheet recommendation.

Background

In 2010, the Board of Health Professions (BHP) recommended that the SRPs be evaluated to determine if the program had met the objectives set forth in 2001. The purpose of this study was to evaluate the SRP system against its own unique set of objectives. The SRPs were designed to aid board members, staff and the public in a variety of ways. This Effectiveness Study sought to examine whether or not the SRPs were successful, and if not, which areas required improvement. The study resulted in changes to the manual for the Board of Funeral. This manual is the result of those adopted changes.

Goals

The Board of Health Professions and the Board of Funeral 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. This approach combines information from past practice with policy adjustments, in order to ensure and maintain a system that better reflects current sanctioning practice. The SRP manual adopted in 2007 was based on a descriptive approach with a limited number of normative adjustments. This study was conducted in a similar manner; however, it draws on data covering a more recent historical time period (2012-2016, partial 2017) and relies on the full Funeral Board's input to inform SRP system modifications.

Qualitative Analysis

Researchers conducted in-depth personal interviews with board members and staff. Researchers also had informal conversations with representatives from the Attorney General's office and the Executive Director of BHP. The interview results were used to build consensus regarding the purpose and utility of SRPs and to further guide this study's analysis. Additionally, interviews helped ensure the factors that board members consider when sanctioning continued to be included during the quantitative phase of the study. Previous scoring factors were examined for their continued relevance and sanctioning influence.

Quantitative Analysis

In 2007, researchers collected detailed information on all Funeral disciplinary cases ending in a violation between 2002 and 2006; five years of sanctioning data. 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's 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 factors that were identified as potentially influencing sanctioning decisions. Using statistical analysis to construct a "historical portrait" of past sanctioning decisions, the relevant factors along with their relative weights were derived. Those factors and weights were formulated into a sanctioning worksheet, which became the SRPs. As mentioned, the revised worksheet reflects the most recent data available; this ensures that worksheet factors, scores, and recommendations continue to reflect current sanctioning practice.

Offense factors such as financial or material gain were examined along with such factors as prior board or criminal history and past substance abuse. Some factors were deemed inappropriate for use in a structured sanctioning reference system. Although many factors, both "legal" and "extra-legal," can help explain sanction variation, only those "legal" factors the Boards felt should consistently play a role in a sanction decision were included on the final worksheet. By using

this method, the hope is to achieve more neutrality in sanctioning by making sure the same set of "legal" factors are considered 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 Boards with a sanctioning model that encompasses roughly 75% of historical practice. This means that approximately 25% of past cases receive sanctions either higher or lower than what the reference points indicate, recognizing that aggravating and mitigating factors play a legitimate role in sanctioning. The wide sanctioning ranges allow the Board to individualize sanctions within the broader SRP recommended range to fit the circumstances of each case.

Voluntary Nature

The SRP system should be viewed as a decision-aid to be used by the Board of Funeral. Sanctioning within the SRP ranges is totally voluntary, meaning that the system is viewed strictly as a tool and the Board may choose any 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 Pre-Hearing Consent Orders. The coversheet and worksheet will be referenced by Board members during Closed Session after a violation has been determined.

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, the

Board often attempts to mirror the sanction handed down by the other Board. The Virginia Board of Funeral 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 (CCAs) – SRPs will not be used in cases settled by CCA.

Certain Pre-Defined Sanctions – The Sanctioning Reference Points system does not apply to certain cases that have already been assigned pre-determined actions as set by the health regulatory board. The Board of Funeral has adopted Guidance Documents in the areas of Continuing Education Deficiencies (Guidance document 65-16), Failing to Submit Corrective Action to Deficiencies Noted During Routine Inspections (Guidance document 65-17) as follows:

Continuing Education Deficiencies, Guidance Document, 65-16	Possible Action
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.	Issue a CCA for those licensees who fail to meet the CE requirements, the CCA may require the licensee to submit proof of completion of the missing contact 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.
If the licensee was not truthful in responding to the renewal attestation or if the licensee has previously been found in violation of CE requirements.	Issue a PHCO: 1. Monetary Penalty of \$100 per missing contact hour; 2. Monetary Penalty of \$300 for a fraudulent renewal certification; and 3. 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.
If the licensee fails to respond to the audit or does not wish to sign the CCA or PHCO that is offered or has previously been disciplined pursuant to a Board Order for not meeting the CE requirements.	The case will be referred to an informal fact-finding conference.

Failing to Submit Corrective Action to Deficiencies Noted During Routine Inspections, Guidance Document: 65-17	Possible Action
If the licensee fails to respond within 14 days of the inspection Board staff will send a certified letter to the Manager of Record's address of record in 2-5 days of the response due date. The letter will include a new due date which will be 10 days after the date of the letter. Board staff will initiate disciplinary action against the funeral home 5 days after second due date if there is no response.	A Pre-hearing Consent Order based on the following guidelines will be sent to the MOR: 1. \$100 monetary penalty for failing to respond in a timely manner plus \$100 additional penalty for each citation of deficiency. 2. FH must submit acceptable corrective action. 3. \$100 penalty will be added for each week after the deadline the PHCO remains unsigned, unless a special conference committee has been requested by the licensee.
If the licensee fails to respond to the pre-hearing consent order or does not agree to it	The matter will be referred to an informal conference

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 which appears highest on the following table. For example, a respondent found in violation for Mishandling of preneed funds and Impairment due to use of alcohol would receive 50 points, since Inability to Safely Practice is above Fraud in the Case Type Group column and receives more points. If an offense type is not listed, the most analogous offense type is used.

Sanctioning Reference Points Case Type Table

Case Type Group	Included Case Categories	Applicable Points
Inability to Safely Practice	<ul style="list-style-type: none"> • Impairment due to use of alcohol, illegal substances, or prescription drugs • Incapacitation due to mental, physical or medical conditions 	50
Unlicensed Activity	<ul style="list-style-type: none"> • Practicing a profession or occupation without holding a valid license as required by statute or regulation to include: practicing on a revoked, suspended, lapsed, non-existent or expired license, as well as aiding and abetting the practice of unlicensed activity 	40
Fraud	<ul style="list-style-type: none"> • Improper patient billing, mishandling of pre-need funds, fee splitting, and falsification of licensing/renewal documents 	30
Business Practice Issues	<ul style="list-style-type: none"> • Solicitation, records, inspections, audits, required report not filed, or disclosure 	15

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 the 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. Additionally, the manual, including blank coversheets and worksheets, can be found on the Department of Health Professions web site: 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 scores 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 members have final say in how a case is scored.

Using Sanctioning Thresholds to Determine a Specific Sanction

The Funeral worksheet has four scoring thresholds with increasing point values and respectively increasing sanction severities. The table here shows the historically used sanctions for each threshold. The column to the left, "Worksheet Score," contains the

threshold scores located at the bottom of the worksheet. The column to the right, "Available Sanctions," shows the specific sanction types that each threshold level covers. After considering the sanction recommendation, the Board may fashion a more detailed sanction(s) based on individual case circumstances.

Sanctioning Reference Points Threshold Table

Worksheet Score	Available Sanctions
0 - 60	No Sanction Reprimand Monetary Penalty
61 - 130	Monetary Penalty Treatment/Monitoring <ul style="list-style-type: none"> • Stayed Suspension • Probation • Terms <ul style="list-style-type: none"> • HPMP • Inspection • Continuing Education (CE) • Reimburse client • Shall not be MOR (either indefinitely or during probationary period) • Honor previous client contract, repay original amount plus 3% interest • Prohibited from applying for licensure until completion of terms, provide Board with documentation of completion • Take and pass state exam for funeral service providers • Mental health/substance abuse evaluation • Begin/continue in outpatient treatment (mental health/substance abuse, medical) with report from therapist • Shall not use alcohol or mood altering drugs except as prescribed • Unrestricted communication between provider and board • Notify board of change in employment • Shall not write preneed contracts (either indefinitely or during probation period) • MOR shall read chapter 28 of title 54.1 of code and regulations • Provide evidence to board that all deficiencies have been corrected
131 - 220	Treatment/Monitoring <ul style="list-style-type: none"> • Stayed Suspension • Probation • Terms <ul style="list-style-type: none"> • HPMP • Inspection • Continuing Education (CE) • Reimburse client • Shall not be MOR (either indefinitely or during probationary period) • Honor previous client contract, repay original amount plus 3% interest • Prohibited from applying for licensure until completion of terms, provide Board with documentation of completion • Take and pass state exam for funeral service providers • Mental health/substance abuse evaluation • Begin/continue in outpatient treatment (mental health/substance abuse, medical) within report from therapist • Shall not use alcohol or mood altering drugs except as prescribed • Unrestricted communication between provider and board • Notify board of change in employment

	<ul style="list-style-type: none"> • Shall not write preneed contracts (either indefinitely or during probation period) • MOR shall read chapter 28 of title 54.1 of code and regulations • Provide evidence to board that all deficiencies have been corrected <p>Recommend Formal Hearing</p> <ul style="list-style-type: none"> • Loss of License • Revocation • Suspension • Surrender
221 or more	<p>Recommend Formal Hearing</p> <ul style="list-style-type: none"> • Loss of License • Revocation • Suspension • Surrender

**Sanctioning Reference Points
Coversheet, Worksheet, & Instructions**



Step 1: Case Type – Select the case type from the list and score accordingly. If a case has multiple aspects, enter the point value for the one most serious case type that is highest on the list. (score only one)

Inability to Safely Practice/Drug Related-Patient Care – 50 Points

- Impairment due to use of alcohol, illegal substances, or prescription drugs
- Incapacitation due to mental, physical or medical conditions

Unlicensed Activity – 40 Points

- Practicing a profession or occupation without holding a valid license as required by statute or regulation to include: practicing on a revoked, suspended, lapsed, non-existent or expired license, as well as aiding and abetting the practice of unlicensed activity

Fraud – 30 Points

- Improper patient billing, mishandling of pre-need funds, fee splitting, and falsification of licensing/renewal documents

Business Practice Issues – 15 Points

- Solicitation, records, inspections, audits, required report not filed, or disclosure

Step 2: Offense and Prior Record Factors – Score all factors relative to the totality of the case presented. (score all that apply)

Enter "50" if the offense involved two or more decedents or a third party acting on behalf of one or more decedent. There must be a minimum total of two decedents to score this factor. Third party involvement includes, but is not limited to, family members acting on behalf of the decedent. Third party involvement is not limited to family.

Enter "45" if the respondent took no corrective action regarding the incident. Corrective action could include reimbursement of preneed funds (with or without interest), make up continuing education deficiencies. Corrective action must take place prior to Informal Conference or Pre-Hearing Consent Order.

Enter "25" if the respondent was the Manager of Record (MOR) at the time of the incident. This includes "acting" MOR.

Enter "25" if there was financial or material gain by the respondent.

Enter "20" if the case involved Care and Handling of Decedent. Care and Handling may include such cases as: improper refrigeration, improper embalming, improper

cremation services, unprofessional burial services, unprofessional dressing, unprofessional casketing or cosmetology, unprofessional removal/transport services, and/or bodily desecration/abuse.

Enter "20" if this was an act of commission. An act of commission is interpreted as purposeful or with knowledge.

Enter "20" if there was any action against the respondent. Actions against the respondent can include: civil or criminal action as well as sanctioning by an employer. A sanction from an employer may include: suspension, review, or termination. The action must be related to the case.

Enter "10" if multiple respondents were associated with the case. When multiple respondents are involved there will be a separate case number for a different respondent's license number with facts from the same incident.

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

Enter "10" if the respondent was impaired in any way at the time of the offense due to substance abuse (alcohol or drugs) or mental/physical incapacitation.

Enter "10" if the respondent has any prior violations decided by the Virginia Board of Funeral Directors and Embalmers.

Enter "10" if the respondent has any prior similar Virginia Board of Funeral Directors and Embalmers 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 3: Add Case Type and Offense and Prior Record for a Total Worksheet Score

Step 4: Determining the Sanction Recommendation

The Total Worksheet Score corresponds to the Sanctioning Reference Points recommended sanction located at the bottom of the worksheet. To determine the appropriate recommended sanction, find the range on the left that contains the Total Worksheet Score for the current worksheet. That range has a corresponding range of recommended sanctions. For instance, a Total Worksheet Score of 80 is recommended for "Monetary Penalty to Treatment/Monitoring."

Step 5: Coversheet

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



Case Type (score only one)

- Inability to Safely Practice
- Unlicensed Activity
- Fraud
- Business Practice Issues

Points	Score	
50	_____	} Score Only One
40	_____	
30	_____	
15	_____	

Offense and Prior Record Factors (score all that apply)

- Two or more decedents involved
- Respondent took no corrective action
- Respondent was the MOR at the time of the incident
- Financial or material gain by the respondent
- Care and Handling of Decedent involved
- Act of commission
- Any action against the respondent
- Multiple respondents associated with case
- Case involved a facility violation
- Respondent impaired in any way
- One or more prior violations
- Were any of the previous violations similar to the instant offense?

50	_____	} Score All That Apply
45	_____	
25	_____	
25	_____	
20	_____	
20	_____	
20	_____	
10	_____	
10	_____	
10	_____	
10	_____	
10	_____	

Total Worksheet Score

Score	Sanctioning Recommendations	Monetary Penalty Recommendations
0-60	No Sanction/Reprimand to Monetary Penalty	Up to \$1,000
61-130	Monetary Penalty to Treatment/Monitoring	\$500 to \$2,000
131-220	Treatment/Monitoring to Recommend Formal or Accept Surrender	\$1,000 to \$5,000
221 or more	Recommend Formal Hearing or Loss of License	\$5,000 or more

Respondent Name: _____

Date: _____

Confidential pursuant to § 54.1-2400.2 of the Code of Virginia

