

**APPROVED 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, April 17, 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. Omps, FSL, President  
Joseph Frank Walton, FSL, Vice President  
Mia F. Mimms, FSL, JD, Secretary-Treasurer  
Connie B. Steele, FSL  
R. Thomas Slusser, Jr., FSL  
Ibrahim A. Moiz, Esq., Citizen Member  
Junius H. Williams, Jr., Citizen Member

**BOARD MEMBERS ABSENT**

Louis R. Jones, FSL  
Blair H. Nelsen, FSL

**STAFF PRESENT FOR ALL OR PART OF MEETING**

Corie Tillman Wolf, Executive Director  
Lynne Helmick, Deputy Executive Director  
Barbara Allison-Bryan, MD, DHP Chief Deputy  
Heather Wright, Program Manager, FDE/LTCA Boards  
Erin Barrett, Assistant Attorney General, Board Counsel  
Elaine Yeatts, Policy Analyst

**GUESTS PRESENT**

Kim Small, Visual Research  
Barry D. Robinson, Virginia Morticians Association  
Paul Harris, Regulatory Support Services  
Lacy Whittaker, Virginia Funeral Directors' Association  
W. Scott Johnson, First Choice Consulting  
Curtis Cunningham, Virginia Morticians Association

**CALLED TO ORDER**

Larry T. Omps, FSL, President, called the Board meeting to order at 10:03 a.m.

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

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.

## **ACCEPTANCE OF MINUTES**

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

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

The motion passed unanimously.

## **ORDERING OF AGENDA**

Ms. Tillman Wolf noted two revisions for the Board's consideration: that Dr. Barbara Allison-Bryan would be present to provide the Agency Report and Lisa Hahn would not be present to provide an Administrative Report.

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

## **PUBLIC COMMENT PERIOD**

Barry Robinson, VMA, questioned the appropriateness of some wording of the questions referring to "funeral service licensee" for the manager of record on the application for registration as a surface transportation and removal service. Mr. Robinson noted that the manager usually is not a licensee and this reference could create confusion. Mr. Robinson congratulated Junius Williams on his second term on the Board, which is coming to an end in June.

## **OLD BUSINESS**

Ms. Small presented the final draft of the revised Sanctioning Reference Points (SRP) manual. She pointed out the changes to the worksheet and the addition of impairment and care and handling of bodies to Case Types. Ms. Small offered the Board training on the revised SRPs. Ms. Tillman Wolf will coordinate training for the Board during an upcoming meeting.

Upon a motion by Mr. Williams, and properly seconded by Mr. Slusser, the Board voted to adopt the revised SRP manual as Guidance Document 65-14. The motion passed unanimously.

## **AGENCY DIRECTOR'S REPORT- Barbara Allison-Bryan, MD, DHP Chief Deputy Director**

Dr. Allison-Bryan introduced herself as the new Chief Deputy Director of the Department of Health Professions. She has previously served as a member of the Board of Medicine and of the Board of Health Professions.

Dr. Allison-Bryan reported that a significant number of bills impacted DHP during this year's General Assembly Session. DHP has been tasked by the General Assembly to research several concerns resulting from bills introduced this past session.

- DHP has been asked to research the need for registration of Community Health Workers.
- A bill was introduced to require outpatient treatment providers to report to the Prescription Monitoring Program. Because of concerns regarding compliance with federal law, DHP has been asked to research a resolution.

- A bill was introduced to require doctors and nurses to inform patients who had total hip or knee replacements of possible cobalt poisoning. DHP has been asked to propose a plan regarding how to inform patients.
- DHP has been asked to look at how practitioners can inform consumers of service and procedure pricing.

Dr. Allison-Bryan reported that DHP Reception and Information Technology employees have moved to the first floor. Dr. Allison-Bryan reported the overall security of the building is being reviewed. She encouraged Board members to provide input regarding their concerns for the security plan.

#### **STAFF REPORTS Executive Director's Report - Corie Tillman Wolf, Executive Director**

Ms. Tillman Wolf reported that 100% of the branch establishments and embalmers (only 2 embalmers) licenses were renewed. 95% of all the other licenses have been renewed. Because of a change in the statute that will become effective on July 1, 2018, licensees may receive electronic renewal notices for next year's renewal cycle.

Ms. Tillman Wolf presented the Expenditure and Revenue Summary as of February 28, 2018.

Cash Balance as of June 30, 2017	\$380,747
YTD FY18 Revenue	\$271,730
<u>Less YTD Direct &amp; In-Direct Expenditures</u>	<u>\$370,024</u>
<b>Cash Balance as of February 28, 2018</b>	<b>\$282,453</b>

Ms. Tillman Wolf provided the following updates:

- The Conference Annual Meeting – February 28-March 1, 2018 in New Orleans, LA
  - Ms. Tillman Wolf provided an update of some of the regulatory issues being addressed by other member boards and organizations.
    - California is currently developing alkaline hydrolysis regulations.
    - South Carolina recently adopted regulations regarding internet advertising.
    - Montana is in the process of developing regulations for student embalming.
    - CANA recently released its Revised Model Cremation Laws, which includes additional information on addressing disclosures for free/reduced price cremations where there are body part donations.
- Increase in National Exam Fees
  - Effective August 1, 2018, the fees for each section of the National Exam (Arts and Sciences) will increase from \$250 each section to \$285 each section.
- Board Updates
  - Ms. Tillman Wolf provided updates from the Board since the last meeting. A Board news brief was e-mailed out to licensees in March 2018. The most recent licensure renewal period ended on March 31<sup>st</sup>.
  - Ms. Tillman Wolf further reported that Lynne Helmick provided presentations on laws and regulations for the VMA, VFDA, IFHV; Blair Nelsen provided a presentation on Preneed; and Connie Steele provided a presentation on Laws and Regulations.

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

Licensure Statistics - All Licenses

License	Q1 FY 2018	April 12, 2018	Change (+/-)
Funeral Service Licensees	1,539	<b>1,486</b>	(53)
Funeral Director	39	<b>36</b>	(3)
Embalmer Only	2	<b>2</b>	--
Supervisors	522	<b>535</b>	13
Interns	195	<b>176</b>	(19)
Establishments	430	<b>427</b>	(3)
Branch Establishments	77	<b>78</b>	1
Crematories	113	<b>115</b>	2
CE Providers	16	<b>18</b>	2
Courtesy Card Holders	99	<b>88</b>	(11)
Surface Transport & Removal Svc.	45	<b>35</b>	(10)
<b>Total (*not incl. supervisors)</b>	2,555	<b>2,461</b>	<b>(94)</b>

Ms. Tillman Wolf also reported that there have been changes to the license applications, which includes adding questions for ADA compliance and adding DHP's new logo.

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

- Q1 18 - 100%
- Q2 18- N/A

Ms. Tillman Wolf provided reminders to Board members regarding requests for presentations and for changes in contact information.

The Board meeting dates for 2018 are:

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

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.

- 36 Total Cases
  - 6 in APD
  - 2 in Formal
  - 2 in Informal (heard on 4/13/18)
  - 16 in Investigation
  - 10 in Probable Cause
  - 6 licensees in Compliance Monitoring

Ms. Helmick reported that the statistics for Virginia Performs and other discipline statistics were not available for the 3<sup>rd</sup> quarter at this time.

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

### **COMMITTEE AND BOARD MEMBER REPORTS**

#### **Board of Health Professions Report - Junius Williams, Jr.**

Mr. Williams reported that he 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.

#### **Ad Hoc Committee on Funeral Internships – Tommy Slusser, FSL**

Mr. Slusser reported that Ad Hoc Committee met on April 13, 2018.

The Committee made the following recommendations to the Board regarding possible regulations related to student embalmers based upon SB143, which will become effective July 1, 2018:

- The mortuary program would be responsible for qualifying/deeming qualified the supervisor, establishment, and preparation room; however, the funeral home must not be under any licensure restrictions.
- Prior to performing an embalming task, the student is to have instruction in and observation of the task.
- Only three students may work on any one cadaver and each task is to be individually observed by the supervisor.
- “Immediate supervision” is defined as the supervisor must be physically and continuously present in the preparation room and is supervising each task performed.
- The embalming report should identify the names of each student working on the body. The supervisor must sign the report.
- A training site funeral home is to add language in the embalming permission document informing the consumer that it is a training facility for mortuary education students and that students may be assisting a licensee with embalming.
- The funeral service activities in which the students engage are only those in conjunction with the student’s academic training or embalming lab course.

Mr. Slusser stated that the Committee also recommended an additional meeting be scheduled to further discuss student embalming regulations with Frank Walton, Tidewater Community College, and Janet Stephens, John Tyler Community College.

Mr. Slusser stated that the Committee also recommended proposed regulation language related to unprofessional and inappropriate conduct directed towards interns, and that the Board adopt a staff draft of frequently asked questions (FAQs) related to funeral internships.

Ms. Yeatts added that the Board could act on the FAQs during this meeting. The regulatory process regarding student embalmers cannot start until the new statute becomes effective on July 1, 2018. Ms. Yeatts suggested the regulatory change regarding unprofessional conduct be included with the Board's periodic review of regulations.

Upon a Motion by Mr. Williams, properly seconded by Mr. Walton, the Board voted to accept the FAQ's related to funeral internships for posting on the Board's website. The motion passed unanimously.

### **Report from the Annual Meeting of the International Conference of Funeral Service Examining Boards – Blair Nelsen, FSL**

This item was tabled due to Mr. Nelsen's absence. Ms. Tillman Wolf provided some information regarding the Annual Meeting in her Executive Director's Report.

### **LEGISLATIVE AND REGULATORY ACTIONS – Elaine Yeatts Report of 2018 General Assembly**

Ms. Yeatts provided a brief overview of the 2018 General Assembly bills that could affect the Board, especially SB 831. Ms. Barrett pointed out that this bill would not change anything in practice because of the federal rule that funeral establishments must accept third party caskets. Ms. Yeatts reported that the bill requiring that use of EDRS by physicians was held over for the 2019 Session.

#### **Regulatory Actions**

Ms. Yeatts reported that the NOIRA for 18VAC65-40, Oversight of the Funeral Intern Program, has gone to the Governor's Office.

#### **Adoption of Final Regulations – Continuing Education (CE) for Attendance of Board meetings**

Ms. Yeatts reported that the proposed regulatory changes to 18VAC65-20-151 – CE credit for Board Meetings - are ready for final adoption. Ms. Yeatts discussed the one public comment received. Upon a motion by Mr. Slusser, and properly seconded by Mr. Moiz, the Board voted to adopt as final the proposed changes to 18VAC65-20-151, CE for Attendance of Board meetings. The motion passed unanimously.

#### **Adoption of Final Regulations – Permission to Embalm and Refrigeration of Human Remains**

Ms. Yeatts reported that the proposed regulatory changes to 18VAC62-20-510 and 18VAC65-20-581 for clarification of Permission to Embalm and Refrigeration of Human Remains are ready for final adoption. Ms. Yeatts discussed the one public comment that was received. Upon a motion by Ms. Steele, and properly seconded by Mr. Williams, the Board voted to adopt as final the proposed changes to 18VAC62-20-510 and 18VAC65-20-581, permission to embalm and refrigeration of human remains. The motion passed unanimously.

#### **Consideration of Revisions to and/or Readoption of Board Guidance Documents**

Ms. Yeatts reviewed with Board members the following Guidance Documents for consideration of revisions and/or re-adoption:

- 65-1 – Time Credit for Continuing Education Courses. Upon a motion by Mr. Walton, properly seconded by Ms. Steele, the Board voted to readopt this guidance document. The motion passed unanimously.
- 65-2 – Disposition of Disciplinary Cases for Practicing on an Expired License. Upon a motion by Ms. Steele, properly seconded by Ms. Mims, the Board voted to readopt this guidance document. The motion passed unanimously.
- 65-11 – Inspection Guidance Document. Upon a motion by Mr. Williams, properly seconded by Ms. Steele, the Board voted to adopt the revisions as drafted by staff to this guidance document. The motion passed unanimously.
- 65-13 – Guidance for Conduct of an Informal Conference by an Agency Subordinate. Upon a motion by Mr. Walton, properly seconded by Ms. Steele, the Board voted to repeal this guidance document. The motion passed unanimously.
- 65-17 – Initiating Disciplinary Action Against Funeral Homes for Failing to Submit Corrective Actions to Deficiencies Noted During Routine Inspections. Upon a motion by Mr. Williams, properly seconded by Mr. Walton, the Board voted to adopt the revisions to this guidance document as drafted by staff, which revises the title of the guidance document. The motion passed unanimously.

#### **Process for Periodic Review of the Board’s Regulations**

Ms. Yeatts explained the process of the periodic review of the regulations. She said it is about a two-year project. The Legislative/Regulatory Committee will be convened. Upon a motion by Mr. Slusser, properly seconded by Mr. Williams, the Board voted to begin the periodic review process and to notify the public accordingly. The motion passed unanimously.

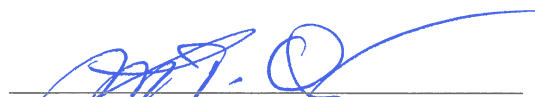
Ms. Yeatts briefly discussed HB 1158, which was omitted during her presentation.

#### **Next Meeting Date**

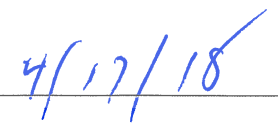
The next meeting date is July 12, 2018.

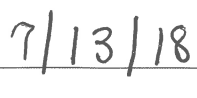
#### **ADJOURNMENT**

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

  
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Larry T. Omps, FSL, President

  
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Corie E. Tillman Wolf, Executive Director

  
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Date

  
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Date