

April 6, 2021

The Virginia Board of Funeral Directors and Embalmers convened virtually via WebEx for a full board meeting on Tuesday, April 6, 2021, with staff coordination on-site at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Henrico, Virginia.

**BOARD MEMBERS PRESENT:**

R. Thomas Slusser, Jr., FSL, President (On-site)  
Kenneth Scott Hickey, M.D., Citizen Member, Vice-President (Virtual)  
Muhammad Hanif, Citizen Member (Virtual)  
Louis R. Jones, FSL (Virtual)  
Mia F. Mimms, FSL, JD (Virtual)  
Blair H. Nelsen, FSL (Virtual)  
Joseph Frank Walton, FSL (Virtual)  
Joseph Michael Williams, FSL (Virtual)

**BOARD MEMBERS ABSENT:**

Jason Graves, FSL, Secretary-Treasurer (Virtual)

**DHP STAFF PRESENT FOR ALL OR PART OF THE MEETING:**

Barbara Allison-Bryan, M.D., Deputy Director, DHP (Virtual)  
Erin Barrett, Assistant Attorney General, Board Counsel (Virtual)  
David E. Brown, D.C., Director, DHP (Virtual)  
Sarah Georgen, Licensing and Operations Manager (Virtual)  
Kelley Palmatier, Deputy Executive Director (Virtual)  
Corie Tillman Wolf, Executive Director (On-Site)  
Heather Wright, Program Manager (Virtual)  
Elaine Yeatts, Sr. Policy Analyst (Virtual)

**OTHER GUESTS PRESENT (VIRTUAL)**

Henry Fisher, Video Conferencing Specialist, DHP  
Paul Harris, Regulatory Support Services, Inc.  
Bo Keeney, Association of Independent Funeral Homes of Virginia  
Karen Owens, Virginia Department of Health, Office of Emergency Medical Services  
Dianne Rencsok, Funeral Consumers Alliance of the Virginia Blue Ridge  
Samuel Rhue, Sr., FSL, John Tyler Community College  
Barry Robinson, Virginia Mortician's Association  
Lauren Thomas, The International Conference of Funeral Service Examining Boards  
Ben Traynham  
Unknown Caller (757-4\*\*-\*\*93)  
Unknown Caller (804-9\*\*-\*\*51)

*\*participant indicates attendance to count toward continuing education requirements*

## **CALL TO ORDER**

Mr. Slusser called the meeting to order at 9:30 a.m.

Due to the COVID-19 declared state of emergency and consistent with Amendment 28 to HB29 (Budget Bill for 2018-2020) and the applicable provisions of the Freedom of Information Act including Virginia Code § 2.2-3708.2, and with Executive Order 51 (2020) as issued and amended by the Governor due to the current state of emergency declared in the Commonwealth, the Board convened a virtual meeting to consider such regulatory and business matters as presented on the agenda and as necessary for the board to discharge its lawful purposes, duties, and responsibilities.

Mr. Slusser provided the Board members, staff, and the public with contact information should the electronic meeting be interrupted.

Mr. Slusser provided reminders to the Board and public regarding WebEx functions. Mr. Slusser completed a roll call of the Board members and staff.

With eight board members present at the meeting, a quorum was established.

Mr. Slusser read the mission of the Board, which is also the mission of the Department of Health Professions.

## **APPROVAL OF MINTUES**

Mr. Slusser opened the floor to any edits or corrections regarding the draft minutes for meetings held on January 19, 2021, including a Board meeting and formal hearing. Hearing none, the minutes were approved as presented.

## **ORDERING OF THE AGENDA**

Upon a **MOTION** by Dr. Hickey, properly seconded by Ms. Mimms, the Board voted to accept the agenda as written. The motion carried (8-0).

## **PUBLIC COMMENT**

Ms. Tillman Wolf read the written public comment from Barry Robinson, Virginia Morticians Association that was received and distributed to the Board members. (Attachment A)

## **AGENCY REPORT**

Dr. Brown discussed the creation of a Diversity, Equality, and Inclusion (DEI) Council at DHP. He stated that DHP has expanded outreach efforts for positions of leadership within the agency and has continued in-

house sessions for additional training. He also stated that DHP will continue to work with national associations regarding diversity opportunities.

Dr. Brown provided an update on state-level activities related to adult and medical use of marijuana. He stated that the General Assembly Legislative Session was finished and that the Governor introduced a bill to legalize marijuana in Virginia. Dr. Brown provided an update on the Board of Pharmacy program related to THC oils and the flower of the marijuana plant. He stated that the regulation of marijuana would likely be through a different state agency in Virginia.

Dr. Allison-Bryan discussed COVID-19 vaccines. She reported that they will become available to all adults on April 18, 2021 through Phase Two. She reported on Virginia's efforts to vaccinate adults and provided an update on the Virginia Department of Health statistics.

With no questions, Dr. Brown and Dr. Allison-Bryan concluded their reports.

## **PRESENTATIONS**

### ***Public Safety Exposure to Decedent Blood (HB 661, 2020) – Karen Owens, Emergency Operations Division Director, Virginia Department of Health, Office of Emergency Medical Services***

Ms. Owens provided a brief presentation on the process to enact the provisions of HB 661 (2020) related to collecting post-mortem blood samples where members of public safety employees may have been exposed to decedent blood.

Ms. Tillman Wolf stated that the Board will assist with getting this information distributed to licensees, along with any updates that may be provided. The Board members did not have any questions.

## **STAFF REPORTS**

### ***Executive Director's Report – Corie E. Tillman Wolf, JD, Executive Director***

#### ***COVID Data***

Ms. Tillman Wolf provided an overview of the COVID Data statistics as of January 15, 2021 as compared to April 2, 2021, as provided by the Virginia Department of Health (VDH).

#### ***COVID Response***

Ms. Tillman Wolf provided information on the status of the Mass Fatality Taskforce, convened by the Office of the Chief Medical Examiner (OCME), as well as the FEMA Funeral Assistance Program effective March 19, 2021. FEMA is making funds available to be used to reimburse families for funeral expenses for individuals who died of confirmed or suspected COVID beginning January 20, 2020. FEMA is beginning the application process effective April 12, 2021.

Ms. Tillman Wolf reported on Board operations. She reported on the continued virtual meetings and hearings, as needed. She reported that staff continues to telework and that the DHP building remains

generally closed to the public. She reported that disciplinary and licensing functions have continued successfully, as well as facility inspections, including some virtual inspections.

*Licenses for Funeral Directors and Embalmers*

Ms. Tillman Wolf provided an update on licensing operations related to the issuance of funeral director and embalmer licenses to coincide with the Board's Emergency Regulations that became effective on January 5, 2021.

She reported that the applications, internship forms, and frequently asked questions were available on the Board's website.

Ms. Tillman Wolf reported that the Board has received five (5) Funeral Director applications, with one (1) license issued. She reminded the Board that these applications are reviewed on a case-by-case basis to ensure satisfaction of the Board's requirements for the licenses.

Ms. Tillman Wolf stated the Laws, Rules, and Regulations (LRR) exam has been updated.

Ms. Tillman Wolf reported that the Board has received a number of questions related to these licenses. She provided a brief overview of the common questions, which include acceptance of previous internship hours, obtaining a combined license in the future if a single license is obtained now, satisfaction of educational requirements by completion of coursework versus a Board-approved funeral directing program, and confusion regarding the required examinations.

Mr. Nelsen stated that the International Conference of Funeral Service Examining Boards (International Conference) has identified the issues surrounding exam confusion as well and will be working towards a possible solution.

*Board Updates*

Ms. Tillman Wolf provided updates regarding the recently regulatory changes to Chapters 20 and 30 as part of the periodic review process that became effective March 3, 2021. She also discussed the recent Guidance Document updates effective March 18, 2021.

Ms. Tillman Wolf reported on the license renewal cycle that ended on March 31, 2021. She reminded the meeting participants that a "last license" was issued in 2021 for most license types. She also reminded participants that the posting requirements of a license did not change.

Ms. Tillman Wolf reported on the recent email notifications sent by the Board. She also reported on recent trainings and presentations to associations regarding Laws and Regulations and Preneed Regulations.

Ms. Tillman Wolf thanked Senior Investigators Wendy Ashworth and Leith Ellis for their participation in the recent training regarding inspections.

*LRR Exam Scores – CY 2020*

Ms. Tillman Wolf reported on the Laws, Rules, and Regulations examination scores for calendar year 2020. She reported 62 exam attempts with a pass rate of 92% and a fail rate of 8%.

*Updates – International Conference*

Ms. Tillman Wolf reported that the International Conference held a virtual annual meeting on February 24-25, 2021. Five staff members and three Board members were able to attend all or part of the virtual meeting.

Ms. Tillman Wolf reported on common issues noted by other boards including the COVID response, unlicensed practice, and an increase in surface transport and removal applications.

Ms. Tillman Wolf congratulated Blair Nelsen, FSL for his election as President of the International Conference Board of Directors. She further reported that Mia Mimms, JD, FSL served as Virginia’s Delegate at the meeting.

*Expenditure and Revenue Summary as of February 28, 2021*

Ms. Tillman Wolf presented the Expenditure and Revenue Summary as of February 28, 2021.

Cash Balance as of June 30, 2020	\$757,223
YTD FY21 Revenue	\$261,445
<u>Less FY21 Direct &amp; In-Direct Expenditures</u>	<u>\$426,245</u>
<b>Cash Balance as of February 28, 2021</b>	<b>\$592,423</b>

*2021 Board Meeting Dates*

Ms. Tillman Wolf announced the remaining upcoming 2021 Board meeting dates.

- July 13, 2021
- October 12, 2021

*Reminders*

Ms. Tillman Wolf provided reminders to the Board in regards to questions or communications to Board Members. She thanked the Board for their patience with virtual meetings and scheduling meeting requests.

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

***Discipline Report – Kelley Palmatier, JD, Deputy Executive Director***

As of April 2, 2021, Ms. Palmatier reported the following disciplinary statistics:

- 43 Patient Care Cases
  - 4 at Informal
  - 15 at Enforcement
  - 18 at Probable Cause

- 6 at APD
- 12 Non Patient Care Cases
  - 1 at Informal
  - 1 at Formal
  - 2 at Enforcement
  - 6 at Probable Cause
  - 2 at APD
- 16 at Compliance

Ms. Palmatier stated that the Clearance Rate was 75% (Goal is 100%) – 8 cases received, 6 cases closed. Ms. Palmatier stated that the caseload over 250 days was 33% (Goal under 20%) with 13 cases pending over 250 days. Ms. Palmatier stated that the cases closed within 415 days is 3% with 1 case pending over 415 days. Ms. Palmatier stated that the Time to Disposition cases closed within 250 days was 83% with 5 cases closed. She reported cases closed within 415 days is 83% with 5 cases closed.

Ms. Palmatier reported the following Total Cases Received and Closed:

- |                   |                   |
|-------------------|-------------------|
| ● Q1 2019 – 26/13 | ● Q2 2020 – 35/21 |
| ● Q2 2019 – 23/6  | ● Q3 2020 – 17/30 |
| ● Q3 2019 – 18/25 | ● Q4 2020 – 16/13 |
| ● Q4 2019 – 10/16 | ● Q1 2021 – 15/18 |
| ● Q1 2020 – 20/20 | ● Q2 2021 – 12/12 |

Percentage of all cases closed in 365 days

	Q1-20	Q2-20	Q3-20	Q4-20	Q1-21	Q2-21
FDE	80.5%	90.3%	68.1%	88.9%	75.8%	87%
Agency	80.6%	72.9%	74.3%	75.8%	70.1%	64%

Ms. Palmatier requested that the Board members contact her with any suggestions regarding additional statistics that they would like to have reported. With no questions, Ms. Palmatier concluded her report.

***Licensure Report – Sarah Georgen, Licensing and Operations Manager***

Ms. Georgen presented licensure statistics that included the following information:

*Renewal Statistics – All Licenses*

License	Renewal Percentage as of April 6, 2021
Funeral Service Licensees	88.60%
Funeral Director	85.29%

Embalmer Only	66.67%
Funeral Service Interns	77.90%
Establishments	92.14%
Branch Establishments	84.88%
Crematories	88.98%
Courtesy Card Holders	79.46%
Surface Transport & Removal Svc.	73.58%

*Licensure Statistics – All Licenses*

License	April 5, 2021	January 14, 2021	Difference (+/-)
Funeral Service Licensees	1,490	1,547	-57
Funeral Director	30	33	-3
Embalmer Only	2	2	0
Supervisors	529	609	-80
Funeral Service Interns	187	228	-41
Funeral Directing Interns	1	0	1
Establishments	398	419	-21
Branch Establishments	81	85	-4
Crematories	115	118	-3
CE Providers	9	9	0
Courtesy Card Holders	98	112	-14
Surface Transport & Removal Svc.	45	56	-11
<b>Total (*not incl. supervisors)</b>	<b>2,456</b>	<b>2,609</b>	<b>-153</b>

*Customer Satisfaction*

Ms. Georgen reported on the customer satisfaction statistics to include:

- Q1 20 – N/A
- Q2 20 – 85.7%
- Q3 20 – N/A
- Q4 20 – 83.3%
- Q1 21 – 100%
- Q2 21 – N/A

With no questions, Ms. Georgen concluded her report.

### **BOARD COUNSEL REPORT – Erin Barrett, Assistant Attorney General**

Upon a **MOTION** by Dr. Hickey, properly seconded by Mr. Walton, the Board convened in a closed meeting pursuant to Virginia Code Section §2.2-3711(A)(7) for consultation with legal counsel pertaining to actual litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body. Additionally, he moved that Ms. Tillman Wolf, Ms. Palmatier, Ms. Georgen, Ms. Wright, Dr. Brown, Dr. Allison-Bryan, and Ms. Barrett attend the closed meeting because their presence in the closed meeting was deemed necessary and would air the Board in its consideration of this matter. The motion carried (8-0).

Having certified that the matters discussed in the preceding closed session met the requirements of §2.2-3712 of the Code, the Board re-convened in open session. The certification vote was unanimous (8-0).

### **BREAK**

The Board took a break at 10:39 a.m. and returned at 10:50 a.m.

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

#### ***Report from the Board of Health Professions – Louis R. Jones, FSL***

Mr. Slusser noted that the Board of Health Professions Full Board Meeting minutes were sent to Board members prior to the meeting. Mr. Jones reported on the Board of Health Professions' recent election of officers.

With no questions, Mr. Jones concluded his report.

#### ***International Conference Report – Blair Nelsen, FSL, Mia Mimms, FSL, Muhammad Hanif***

Mr. Nelsen stated that the annual meeting was held February 24-25, 2021 with record attendance from 41 states and provinces. He stated that there was discussion of current issues, updates on funeral service legislation and legal issues facing various boards, and discussion on how boards are handling disciplinary processes in a virtual environment.

Mr. Nelsen provided updates on the item writing process for examinations, discussed the possibility of a national database administered by the Conference to report sanctions on licensees, and the possibility of allowing State Boards to provide approval for someone to take the national exam if all requirements had been met.

Mr. Nelsen announced election results through the Conference.



Ms. Mimms stated that the Conference had updated the Model Practice Act, which was available on their website.

Mr. Hanif stated that he was unable to attend the meeting due to technical difficulties.

With no questions, Mr. Nelsen, Ms. Mimms, and Mr. Hanif concluded their reports.

## LEGISLATION AND REGULATORY ACTIONS

### *Legislation/Regulatory Updates*

Ms. Yeatts provided an update on the regulatory actions in process.

She reported that periodic review updates to the Regulations of the Virginia Board of Funeral Directors and Embalmers (Chapter 20) and the Regulations for Preneed Funeral Planning (Chapter 30) became effective on March 3, 2021.

She reported that the proposed Regulations for the Funeral Service Internship Program (Chapter 40) remain at the Governor's office for approval.

Ms. Yeatts reviewed the legislation report from the 2021 General Assembly. Ms. Yeatts reviewed two bills that were related to the Board including HB 2005: *Disposition of the remains of a decedent; persons to make arrangements for funeral* which failed to report out of the General Laws and Technology Committee; and HB 2116: *Funeral service licensees, etc.; priority for personal protective equipment and immunization, etc.* which was passed by the Senate and House.

With no questions, Ms. Yeatts concluded her report.

## BOARD DISCUSSIONS AND ACTIONS

### *Adoption of Proposed Regulations Governing the Practice of Funeral Services to Replace Emergency Regulations for Licensure of Funeral Directors and Embalmers (18 VAC 65-20-10 et seq., 18 VAC 65-30-10 et seq., and 18 VAC 65-40-10 et seq.)*

Ms. Yeatts provided an overview of the Proposed Regulations Governing the Practice of Funeral Services to Replace Emergency Regulations for Licensure of Funeral Directors and Embalmers (18 VAC 65-20-10 et seq., 18 VAC 65-30-10 et seq., and 18 VAC 65-40-10 et seq.). She reviewed the suggested changes to the regulations, including amendments to the existing Emergency Regulations.

Upon a **MOTION** by Mr. Walton, properly seconded by Mr. Nelsen, the Board voted to adopt the Proposed Regulations to replace the Emergency Regulations for Licensure of Funeral Directors and Embalmers (18 VAC 65-20-10 et seq., 18 VAC 65-30-10 et seq., and 18 VAC 65-40-10 et seq.) as presented and amended. The motion carried (8-0). (Attachment B)

***Adoption of Revisions to Inspection Forms for Funeral Establishments and Crematories to Conform to Recent Regulatory Changes; Incorporation of Internships – Guidance Documents 76-21.3.1 and 76-21.3.2***

Ms. Tillman Wolf provided a review of proposed amendments to the inspection forms for funeral establishments and crematories to conform to recent regulatory changes.

Upon a **MOTION** by Mr. Nelsen, properly seconded by Mr. Walton, the Board voted to adopt the revisions to the inspection forms for funeral establishments and crematories to conform to recent regulatory changes numbered as Guidance Documents 76-21.3.1 and 76-21.3.2 as presented and amended. The motion carried (8-0).

***Consideration of Additional Guidance – Documentation of Express Permission for Embalming, 18VAC65-20-510; Test Cremations, 18VAC65-20-435***

Ms. Tillman Wolf provided information pertaining to the consideration of additional guidance regarding the documentation of express permission for embalming (18 VAC 65-20-510) and test cremations (18 VAC 65-20-435). The Board did not make a motion to adopt additional guidance at this time.

**NEXT MEETING**

The next meeting date is July 13, 2021.

**CONTINUING EDUCATION CREDIT**


Mr. Slusser provided the steps necessary to be awarded continuing education for the attendance at the meeting pursuant to 18 VAC 65-20-151. He announced that continuing education would be awarded to those that provided their first name, last name, license number, and the meeting code by email to [fanbd@dhp.virginia.gov](mailto:fanbd@dhp.virginia.gov) by April 13, 2021.

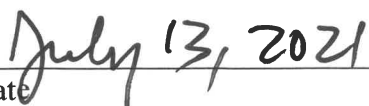
**ADJOURNMENT**

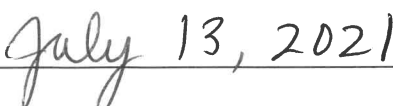
With all business concluded, the meeting adjourned at 11:52 a.m.

An audio recording of this meeting can be accessed at:  
[https://www.dhp.virginia.gov/funeral/fun\\_calendar.htm](https://www.dhp.virginia.gov/funeral/fun_calendar.htm)

  
R. Thomas Slusser, FSL, Board President

  
Corie Tillman Wolf, J.D., Executive Director

  
Date

  
Date



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## Fwd: Public Comments for April 6, 2021 Quarterly Board Meeting

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----- Forwarded message -----

From: <m\*\*\*\*\*@aol.com>

Date: Mon, Apr 5, 2021 at 10:48 AM

Subject: Public Comments for April 6, 2021 Quarterly Board Meeting

To: [corie.wolf@dhp.virginia.gov](mailto:corie.wolf@dhp.virginia.gov) <[corie.wolf@dhp.virginia.gov](mailto:corie.wolf@dhp.virginia.gov)>

Greetings Board Staff and Members

On behalf of President Chavela' D. Painter, and the entire membership of the Virginia Morticians' Association, Inc. we would like to thank Ms. Corie Tillman Wolf, Mr. Blair Nelson, Ms. Wendy Ashworthy and Mr. Lee Ellis for providing continuing education to our association recently.

Also, we wish to thank Ms. Wright and the entire the support staff for their quick and professional support over this past year.

Barry D. Robinson  
Legislative Chairman VMA

**Project 6539 - Proposed**

**Board Of Funeral Directors And Embalmers**

**Licenses for funeral directors and embalmers**

**18VAC65-20-130. Renewal of license; registration.**

A. A person, establishment, crematory, courtesy card holder or surface transportation and removal service that desires to renew its license or registration for the next year shall, not later than the expiration date as provided in 18VAC65-20-120, submit the renewal form and applicable fee.

1. In order to renew an active funeral service, funeral director, or embalmer license, a licensee shall be required to comply with continuing competency requirements set forth in 18VAC65-20-151.

2. The board shall not renew a license for any licensee who fails to attest to compliance with continuing competency requirements on the renewal form.

B. A person who or entity that desires to renew an expired license for up to one year following expiration shall comply with requirements of subsection A of this section and also submit the applicable fee for late renewal.

C. A person who or entity ~~which~~ that fails to renew a license, registration, or courtesy card by the expiration dates prescribed in 18VAC65-20-120 shall be deemed to have an invalid license, registration, or courtesy card and continued practice may subject the licensee to disciplinary action by the board.

**18VAC65-20-140. Reinstatement of expired license or registration.**

A. The board may consider reinstatement of an expired license or registration that has not been renewed within one year of expiration for up to three years following expiration. An

application request for reinstatement shall be submitted to the board and shall include payment of the reinstatement fee prescribed in 18VAC65-20-70.

B. If the Virginia license of a funeral service ~~provider~~ licensee, funeral director ~~and~~ or embalmer is lapsed three years or less and the applicant is seeking reinstatement, ~~he~~ the applicant shall provide evidence of having completing the number of continuing competency hours required for the period in which the license has been lapsed.

C. When a license is not reinstated within three years of its expiration date, an applicant shall reapply for licensure and pass the state examination.

**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.

**18VAC65-20-154. Inactive license.**

A. A funeral service licensee, funeral director, or embalmer who holds a current, unrestricted license in Virginia shall, upon a request for inactive status on the renewal application and submission of the required renewal fee of \$115, be issued an inactive license. The fee for late renewal up to one year following expiration of an inactive license shall be \$40.

1. An inactive licensee shall not be entitled to perform any act requiring a license to practice funeral service, funeral directing, or embalming in Virginia.

2. The holder of an inactive license shall not be required to meet continuing education requirements, except as may be required for reactivation in subsection B of this section.

B. A funeral service licensee, funeral director, or embalmer who holds an inactive license may reactivate his license by:

1. Paying the difference between the renewal fee for an inactive license and that of an active license for the year in which the license is being reactivated; and
2. Providing proof of completion of the number of continuing competency hours required for the period in which the license has been inactive, not to exceed three years.

**18VAC65-20-231. Requirements for a funeral director license by examination.**

A. To qualify for licensure as a funeral director, a person shall:

1. Be at least 18 years of age and hold a high school diploma or its equivalent;
2. Have completed a funeral service or funeral directing internship prescribed by the board in regulation;
3. Have graduated from a school of mortuary science or funeral service accredited by the American Board of Funeral Service Education, Incorporated or have completed an associate's degree or its equivalent, which consists of at least 60 credit hours of coursework, of which at least 30 hours shall be from a funeral directing program approved by the board;
4. Have successfully completed coursework in the area of pathology as approved by the board;
5. Have passed the National Board Examination in Arts or State Board Examination in Arts of the International Conference of Funeral Service Examining Boards; and
6. Have passed the Virginia State Board Examination on the laws, rules, and regulations for funeral practice.

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

C. The board, in its discretion, may license an individual convicted of a felony if such individual has successfully fulfilled all conditions of sentencing, been pardoned, or has had his civil rights restored. The board may refuse to license an individual who has a criminal or disciplinary proceeding pending against him in any jurisdiction in the United States.

**18VAC65-20-232. Requirements for an embalmer license by examination.**

A. To qualify for licensure as an embalmer, a person shall:

1. Be at least 18 years of age and hold a high school diploma or its equivalent;
2. Have completed a funeral service or embalming internship prescribed by the board in regulation;
3. Have graduated from a school of mortuary science or funeral service accredited by the American Board of Funeral Service Education, Incorporated or have completed an embalming program approved by the board;
4. Have passed the National Board Examination in Sciences or State Board Examination in Sciences of the International Conference of Funeral Service Examining Boards; and
5. Have passed the Virginia State Board Examination on the laws, rules, and regulations for funeral practice.

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

C. The board, in its discretion, may license an individual convicted of a felony if such individual has successfully fulfilled all conditions of sentencing, been pardoned, or has had his civil rights restored. The board may refuse to license an individual who has a criminal or disciplinary proceeding pending against him in any jurisdiction in the United States.



**18VAC65-20-235. Approval of educational programs.**

All applicants for ~~funeral service~~ licensure as a funeral service licensee are required to have graduated from a funeral service program offered by a school of mortuary science or funeral service accredited by the American Board of Funeral Service Education, Incorporated.

**18VAC65-20-350. Requirements for licensure by reciprocity or endorsement.**

A. Licenses for the practice of funeral service, funeral directing, embalming, or ~~its~~ an equivalent license issued by other states, territories, or the District of Columbia may be recognized by the board and the holder of such license ~~or licenses~~ may be granted a license to practice funeral service, funeral directing, or embalming within the Commonwealth.

Licenses may be granted to applicants by the board on a case-by-case basis if the applicant holds a valid license for the practice of funeral service, funeral directing, embalming, or ~~its~~ an equivalent license in another state, territory, or the District of Columbia and possesses credentials ~~which~~ that are substantially similar to or more stringent than required by the Commonwealth for initial licensure at the time the applicant was initially licensed.

B. An applicant for licensure by reciprocity or endorsement shall pass the Virginia State Board Examination.

**18VAC65-20-500. Disciplinary action.**

In accordance with the provisions of § 54.1-2806 of the Code of Virginia, the following practices are considered unprofessional conduct and may subject the licensee to disciplinary action by the board:

1. Breach of confidence. The unnecessary or unwarranted disclosure of confidences by the funeral licensee.
2. Unfair competition.

- a. Interference by a funeral service licensee, funeral director, or registered surface transportation and removal service when another has been called to take charge of a dead human body and the caller or agent of the caller has the legal right to the body's disposition.
  - b. Consent by a funeral service licensee or funeral director to take charge of a body unless authorized by the person or his agent having the legal right to disposition.
3. False advertising.
- a. No licensee or registrant shall make, publish, disseminate, circulate or place before the public, or cause directly or indirectly to be made, an advertisement of any sort regarding services or anything so offered to the public which contains any promise, assertion, representation, or statement of fact which is untrue, deceptive, or misleading.
  - b. The following practices, both written and verbal, shall constitute false, deceptive, or misleading advertisement within the meaning of subdivision 4 of § 54.1-2806 of the Code of Virginia:
    - (1) Advertising containing inaccurate statements; and
    - (2) Advertisement which gives a false impression as to ability, care, and cost of conducting a funeral, or that creates an impression of things not likely to be true.
  - c. The following practices are among those which shall constitute an untrue, deceptive, and misleading representation or statement of fact:
    - (1) Representing that funeral goods or services will delay the natural decomposition of human remains for a long term or indefinite time; and

- (2) Representing that funeral goods have protective features or will protect the body from gravesite substances over or beyond that offered by the written warranty of the manufacturer.
4. Inappropriate handling and storage of dead human bodies, consistent with § 54.1-2811.1 of the Code of Virginia and regulations of the board. Transportation and removal vehicles shall be of such nature as to eliminate exposure of the deceased to the public during transportation. During the transporting of a human body, consideration shall be taken to avoid unnecessary delays or stops during travel.
  5. Failure to furnish 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.
  6. Conducting the practice of funeral services, funeral directing, or embalming in such a manner as to constitute a danger to the health, safety, and well-being of the staff or the public.
  7. Inability to practice with skill or safety because of physical, mental, or emotional illness, or substance abuse.
  8. Failure to register as a supervisor for ~~a funeral service~~ an intern or failure to provide reports to the board as required by the Code of Virginia and 18VAC65-40-320.
  9. Failure to comply with applicable federal and state laws and regulations, including requirements for continuing education.
  10. Conducting activities or performing services that are outside the scope of a licensee's practice or for which the licensee is not trained and individually competent.

**18VAC65-20-630. Disclosures.**

Funeral providers licensees shall make all required disclosures and provide accurate information from price lists pursuant to the rules of the Federal Trade Commission. Price lists shall comply with requirements of the FTC and shall contain the information included in:

APPENDIX I - General Price List;

APPENDIX II - Casket Price List, Outer Burial Container Price List; and

APPENDIX III - Itemized Statement of Funeral Goods and Services Selected.

**18VAC65-30-10. Definitions.**

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

"Appointee" means the individual selected by the contract beneficiary to arrange a preneed funeral plan on behalf of the contract beneficiary.

"Capper," "steerer," or "shill" means a person who serves to entice another to purchase a product or to direct the course of action and choice of the buyer in a preneed funeral contract sale.

"Cash advance item" means 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 behalf of the contract buyer. 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.

"Consideration," "contract price," or "funds" means money, property, or any other thing of value provided to be compensation to a contract seller or contract provider for the funeral services and funeral goods to be performed or furnished under a preneed funeral contract. Consideration does not include late payment penalties and payments required to be made to a governmental agency at the time the contract is entered into.

"Contract" means a written, preneed funeral contract, and all documents pertinent to the terms of the contract under which, for consideration paid to a contract seller or a contract provider by or on behalf of a contract buyer prior to the death of the contract beneficiary, a person promises to furnish, make available, or provide funeral services or funeral goods after the death of a contract beneficiary.

"Contract beneficiary" means the individual for whom the funeral services and supplies are being arranged.

"Contract buyer" means the purchaser of the preneed contract.

"Contract provider" means the funeral establishment designated by the contract buyer and contracting with the contract buyer to provide for funeral services and supplies in the preneed funeral contract.

"Contract seller" means the funeral service licensee or funeral director who makes the preneed arrangements with the contract buyer for the funeral service and who makes the financial arrangements for the service and the goods and supplies to be provided.

"Designee" means the individual designated to make arrangements for burial or final disposition of the remains pursuant to § 54.1-2825 of the Code of Virginia.

"Funding source" means the trust agreement, insurance policy, annuity, personal property, or real estate used to fund the preneed plan.

"Funeral supplies and services" means the items of merchandise sold or offered for sale or lease to consumers that will be used in connection with a funeral or an alternative to a funeral or final disposition of human remains including caskets, combination units, and catafalques. Funeral goods does not mean land or interests in land, crypts, lawn crypts, mausoleum crypts, or niches that are sold by a cemetery that complies with Chapter 23.1 (§ 54.1-2310 et seq.) of Title 54.1 of the Code of Virginia. In addition, "funeral supplies and services" does not mean cemetery burial vaults or other outside containers, markers, monuments, urns, and merchandise items used for the purpose of memorializing a decedent and placed on or in proximity to a place of interment or entombment of a casket, catafalque, or vault or to a place of inurnment that are sold by a cemetery operating in accordance with Chapter 23.1 of Title 54.1 of the Code of Virginia.

"Guaranteed contract price" means (i) the amount paid by the contract buyer on a preneed funeral contract, and income derived from that amount, or (ii) the amount paid by a contract buyer for a life insurance policy or annuity as the funding source and its increasing death benefit. These amounts shall be accepted as payment in full for the preselected funeral goods and services.

"Income" means the amount of gain received in a period of time from investment of consideration paid for a preneed contract.

"Nonguaranteed contract price" means the costs of items on a preneed funeral contract that are not fixed for the specified funeral goods or funeral services selected and nonguaranteed costs may increase from the date of the contract to the death of the contract beneficiary and the family or estate will be responsible for paying at the time of need for the services and supplies that were nonguaranteed. Cash advance items are not guaranteed.

**18VAC65-30-50. Solicitation.**

A. In accordance with provisions of § 54.1-2806 of the Code of Virginia, a licensee shall not initiate any preneed solicitation using in-person communication by the licensee, his agents, assistants, or employees.

B. After a request to discuss preneed planning is initiated by the contract buyer or interested consumer, any contact and in-person communication shall take place only with a funeral service licensee or a funeral director. Funeral ~~service~~ interns shall not engage in preneed planning or sales.

**18VAC65-30-220. Content of preneed contracts.**

The following information shall be contained in any contract for preneed funeral planning.

Date: \_\_\_\_\_

Contract: \_\_\_\_\_

**PRENEED FUNERAL CONTRACT**

for

(Name of Recipient of Services)

\_\_\_\_\_

\_\_\_\_\_ (Zip) \_\_\_\_\_

**I. SUPPLIES AND SERVICES PURCHASED**

If the prices of goods and services are guaranteed, no additional cost will incur for your family or estate even though the actual prices of goods and services may increase between the date of this contract and the time of need. (Please see the disclosure document.)

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 an item, we will explain the reasons in writing below. If you selected a funeral that may require embalming, such as a funeral with a viewing, you may have to pay for embalming. You do not have to pay for embalming you did not select if you select arrangements such as a direct cremation or immediate burial.

Guaranteed Services Purchased	
I. BASIC SERVICES OF FUNERAL DIRECTOR AND STAFF	\$ _____
II. FUNERAL HOME FACILITIES	
A. Facilities and Staff for visitation/viewing	\$ _____
B. Facilities and Staff for funeral ceremony	\$ _____
C. Facilities and Staff for memorial service	\$ _____
D. Equipment and Staff for graveside service	\$ _____
(NOTE TO FUNERAL HOME: If you have additional charges such as facilities and staff for home/church viewing, or a charge for additional staff person or through calculation of manhours, etc., add here as extra items. If you have a charge for equipment for interment, add here.)	
III. EMBALMING	
A. Normal remains	\$ _____
B. Autopsy remains	\$ _____
IV. OTHER PREPARATION OF THE BODY	\$ _____
(NOTE: List all items that you placed under Other Preparation on your General Price List.)	
V. IMMEDIATE BURIAL	\$ _____
VI. DIRECT CREMATION	\$ _____
VII. TRANSFER OF REMAINS TO FUNERAL ESTABLISHMENT	\$ _____
VIII. FORWARDING REMAINS TO ANOTHER FUNERAL HOME	\$ _____
IX. RECEIVING REMAINS FROM ANOTHER FUNERAL HOME	\$ _____
X. AUTOMOTIVE EQUIPMENT	
A. Hearse	\$ _____
B. Limousine	\$ _____
(NOTE: List all others that you placed on General Price List.)	
XI. FUNERAL MERCHANDISE	



A. Casket (*describe)	
_____	
_____	\$ _____
B. Outer Burial Container (*describe)	
_____	
_____	\$ _____
C. List any others	
_____	\$ _____
Supplies Purchased	
Clothing	\$ _____
Temporary marker	\$ _____
Acknowledgment cards	\$ _____
Register/attendance books	\$ _____
Memorial folders	\$ _____
Other	\$ _____
<b>SUBTOTAL COSTS OF (GUARANTEED) SUPPLIES PURCHASED:</b>	<b>\$ _____</b>
<b>XII. PACKAGE PRICES</b>	
(NOTE: List all package prices by name.)	
<b>SUBTOTAL COSTS OF (GUARANTEED) SUPPLIES PURCHASED:</b>	<b>\$ _____</b>
Nonguaranteed Goods and Services Purchased	
The actual prices of goods and services below are NOT GUARANTEED. These items may include, but not be limited to, obituary notices, death certificates, cemetery fees, flowers, sales tax, etc. The prices are estimated and the estimates will be included in the Grand Total Contract Price. The differences between the estimated prices below and the actual cost will be settled with your family or estate at the time of need:	
<b>SUBTOTAL ESTIMATED COSTS OF NONGUARANTEED ITEMS:</b>	<b>\$ _____</b>
<b>GRAND TOTAL FOR PRENEED ARRANGEMENTS</b>	
1. Total cost of (guaranteed) services purchased	\$ _____
2. Total cost of (guaranteed) supplies purchased	\$ _____
3. Total estimated cost of nonguaranteed items	\$ _____
<b>GRAND TOTAL</b>	<b>\$ _____</b>
The only warranties, express or implied, granted in connection with the goods sold in this preneed funeral contract, are the express written warranties, if any, extended by the manufacturers thereof. No other warranties and no warranties of MERCHANTABILITY OR	

FITNESS FOR A PARTICULAR PURPOSE are extended by the (funeral home)

\_\_\_\_\_.

## II. GENERAL INFORMATION

In order that the Buyer may understand the relationship of all parties involved in this preneed arrangement and contract, the following is provided:

A. Buyer:

B. Funeral Home Providing Services:

C. Contract seller:

Employed by: (Funeral Home)

Virginia Funeral Director License Number:

### Method of Funding

A. Insurance

B. Trust

1. Amount to be trusted:

2. Name of trustee:

3. Disposition of Interest:

4. Fees, expenses, taxes deducted from earned interest:

5. Buyer's responsibility for taxes owned on interest:

The following information will be given if an insurance policy or annuity contract is used to fund this agreement:

A. Buyer:

B. Insurance Company:

C. Insurance Agent:

Employed by: (Insurance Company)

Licensed Funeral Director or Funeral Service Licensee in Virginia: \_\_\_yes \_\_\_no

Funeral Director or Funeral Service License Number (If Applicable):

Employed by Funeral Home (If Applicable):

D. The life insurance or annuity contract provides either that:

\_\_\_\_\_ The face value thereof shall be adjusted annually by a factor equal to the Consumer Price Index as published by the Office of Management and Budget of the United States;

or

\_\_\_\_\_ A benefit payable at death under such contract that will be equal or exceed the sum of all premiums paid for such contract plus thereon at the annual rate of at least 5.0%, compounded annually.

### III. CONSUMER INFORMATION

The Board of Funeral Directors and Embalmers is authorized by Chapter 28 (§ 54.1-2800 et seq.) of Title 54.1 of the Code of Virginia to regulate the practice of preneed funeral planning.

Consumer complaints should be directed to:

The Board of Funeral Directors and Embalmers

9960 Mayland Drive, Suite 300

Richmond, Virginia 23233

Telephone Number (804) 367-4479

Toll Free Number 1-800-533-1560

FAX: (804) 527-4413

### IV. DISCLOSURES

The disclosure statements will be available for your review. The General Price List shall be furnished to you by the contract seller. These contain information that you must receive by law

and/or the authority of the Board of Funeral Directors and Embalmers. You are entitled to receive all information in clear and simple language including the language of the funding agreement for this preneed arrangement.

If any law, cemetery, or crematory requires the purchase of any of those items listed in Part I, the requirements will be explained in writing.

By signing this contract, buyer acknowledges availability of and opportunity to read a copy of all of the required documents.

#### V. TERMINATION OF CONTRACT

This person who funds this contract through a trust agreement may terminate this preneed contract at any time prior to the furnishing of the services or supplies contracted for:

##### Within 30 days

If you terminate this preneed contract within 30 days of the date of this contract, you will be refunded all payments of whatever type you have made, plus any interest or income you may have earned.

##### More than 30 days

If you terminate this preneed contract more than 30 days after the date on this contract, you will be refunded whatever amount was required to be placed in a revocable trust fund, plus any interest or income it has earned.

Any person who funds this contract through a trust fund which is irrevocable or through an insurance/annuity policy or through the transfer of real estate/personal property may not be eligible for a refund.

## VI. STATEMENT OF GUARANTEE

By signing this contract, (Funeral Home) \_\_\_\_\_ agrees to the statement checked below (check one):

\_\_\_\_\_ Prefinancing guarantees that no additional payment will be required from the family or estate for guaranteed services and supplies provided the Grand Total of these arrangements is paid in full and the interest is allowed to accumulate in your account (see page \_\_\_\_\_ for Grand Total amount). Payment of the difference will be required for the nonguaranteed estimated items if they increase in price.

\_\_\_\_\_ The prices for items under supplies and services are not guaranteed.

## VII. AGREEMENT

In witness whereof, the Buyer and the Funeral Home have executed this contract, intending its terms to be in accordance with the Code of Virginia and any regulations implementing the Code. By signing this contract you acknowledge that you have been provided access to and the opportunity to read the Disclosure Statements.

(Designee of Funeral Home)	(Buyer)
(Funeral Home)	(Contract Date)

## VIII. PENALTIES OR RESTRICTIONS

The (funeral home) \_\_\_\_\_, has the following penalties or restrictions on the provisions of this contract.

1. (Insert geographic restrictions);
2. (Insert an explanation of the Funeral Home's inability to perform the request(s) of the Buyer);
3. (Insert a description of any other circumstances which apply);

4. (Insert information that if particular goods and services specified in the contract are unavailable at the time of need):

A. The funeral home shall be required to furnish supplies and services similar in style and at least equal in quality of material and workmanship; and

B. The representative of the deceased shall have the right to choose the supplies or services to be substituted.

Addendum to Preneed Contract

APPOINTEE AGREEMENT

I appoint \_\_\_\_\_ of (address) \_\_\_\_\_ to assist with the preneed arrangements in my behalf. The relationship of my appointee to me is \_\_\_\_\_.

Contract Beneficiary: \_\_\_\_\_ Date: \_\_\_\_\_

I accept the request of (contract beneficiary) \_\_\_\_\_ to assist with his/her preneed arrangements.

Appointee: \_\_\_\_\_ Date: \_\_\_\_\_

The foregoing was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

Notary: \_\_\_\_\_

Date Commission Expires: \_\_\_\_\_

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

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

"Direct supervision" means that a person licensed for the practice of funeral service ~~professional~~, funeral directing, or embalming is present and on the premises of the facility.

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

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

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

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

1. Funeral service, <u>funeral directing, or embalming</u> intern registration	\$150
2. Funeral service, <u>funeral directing, or embalming</u> intern renewal	\$125
3. Late fee for renewal up to one year after expiration	\$45
4. Duplicate copy of intern registration	\$25
5. Handling fee for returned check or dishonored credit card or debit card	\$50
6. Registration of supervisor	\$35
7. Change of supervisor	\$35
8. Reinstatement fee	\$195

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

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

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

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

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

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

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

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

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

**18VAC65-40-130. Funeral service, funeral directing, or embalming internship.**

A. ~~The~~ An internship for funeral service, funeral directing, or embalming shall consist of at least ~~3,000~~ 2,000 hours of training to be completed within no less than 12 months and no more than 48 months. For good cause shown, the board may grant an extension of time for completion of an internship.

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

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



D. A funeral directing intern shall receive training in all areas of funeral directing, including assisting in at least 25 funerals, 25 arrangement conferences, as well as visitations and financing of funeral services.

E. An embalming intern shall receive training in all aspects of embalming practice, including assisting in at least 25 embalmings, as well as treatment, restorative art, safety and sanitation, and organ, tissue, or anatomical donation.

F. An intern registration shall expire upon issuance by the board of a license to practice as a funeral service licensee, funeral director, or embalmer. When an internship has been completed for licensure as a funeral director or as an embalmer, the approval of an additional internship to meet the requirements for licensure as a funeral service licensee may be approved by the board in accordance with § 54.1-2817 of the Code of Virginia and the regulations of the board. Any additional internship granted shall be limited in duration to the time required for completion of hours and cases required for licensure. An internship may not be used to expand the scope of practice of a licensee.

G. An intern shall be identified to the public as a funeral service intern, funeral directing intern, or embalming intern in a title used, name tag worn, and any correspondence or communication in which the intern's name is used.

**18VAC65-40-180. Intern application package for funeral service licensure.**

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

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

**18VAC65-40-185. Intern application for funeral directing or embalming licensure.**

A. An applicant who attests to holding a high school diploma or its equivalent may seek registration with the board as a funeral directing or an embalming intern by submission of an application package, which shall include documentation of the qualifications and signatures of any supervising licensees.

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

C. The board, in its discretion, may approve an application to be a funeral directing or an embalming intern for an individual convicted of a felony, if the applicant has successfully fulfilled all conditions of sentencing, been pardoned, or has had civil rights restored. The board shall not, however, approve an application to be an intern for any person convicted of embezzlement or of violating subsection B of § 18.2-126 of the Code of Virginia. The board, in its discretion, may refuse to approve an application to be a funeral directing or an embalming intern for an individual who has a criminal or disciplinary proceeding pending against him in any jurisdiction in the United States.

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

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

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

required number of funerals or embalmings, the funeral service intern may seek approval for an additional training site; or

4. For a funeral directing internship, have 50 or more funerals over a 12-month period for each person to be trained. This total must be maintained throughout the period of training. If the establishment does not meet the required number of funerals, the funeral directing intern may seek approval for an additional training site; or

5. For an embalming internship, have 50 or more bodies for embalming over a 12-month period for each person to be trained. This total must be maintained throughout the period of training. If the establishment does not meet the required number of embalmings, the embalming intern may seek approval for an additional training site.

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

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

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

B. The board shall approve only funeral service licensees, licensed funeral directors, or licensed embalmers to give funeral training who have a full and unrestricted Virginia funeral license, have at least two consecutive years in practice and are employed full time in or under contract with the establishment, facility, or institution where training occurs.

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

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

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

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

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

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

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

**18VAC65-40-320. Reports to the board.**

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

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

B. If the internship is terminated or interrupted prior to completion of 1,000 hours or if the intern is changing supervisors or training sites, the intern and the supervisor shall submit a partial report

to the board with a written explanation of the cause of program termination or interruption or of the change in training or supervision.

1. The partial report shall provide the amount of time served and the dates since the last reporting period. Credit for partial reports shall be given for the number of hours of training completed.

2. Partial reports shall be received in the board office no later than 14 days after the interruption or termination of the internship or after the change in supervisors or training sites. ~~Credit may be deducted for late reports.~~

C. An intern shall not receive credit for training hours on a new 1,000-hour report until the previous 1,000-hour report has been approved by the board.

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

### Part III

#### Internship: ~~Funeral~~ Supervisors' Responsibilities

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

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

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

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

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

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

F. The supervisor shall provide the funeral service or funeral directing intern instruction on cremation and on the laws and regulations pertaining to cremation.

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

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

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