

DRAFT UNAPPROVED

BOARD OF FUNERAL DIRECTORS AND EMBALMERS MINUTES OF BOARD MEETING

Tuesday, March 7, 2006
6603 West Broad Street, 5th Floor
Richmond, Virginia 23230-1712
Conference Room 1

Department of Health Professions

CALLED TO ORDER

Ms. Billie Watson Hughes, President, called the quarterly meeting of the Board of Funeral Directors and Embalmers to order at 9:05 a.m., on Tuesday, March 7, 2006 in Board Room #1 at 6603 West Broad Street, 5th Floor, Richmond, Virginia.

PRESIDING

Billie Watson Hughes

MEMBERS PRESENT

Rev. Alane C. Miles
Walter S. Ball
Robert B. Burger, Jr.
Michael J. Leonard
Barry Murphy
Joseph Jenkins, Jr.

MEMBERS ABSENT

Willard D. Tharp Rev.
Randolph T. Minter

STAFF PRESENT

Elizabeth Young, Executive Director
Robert A. Nebiker, Director
Sandra Ryals, Chief Deputy Director
Elaine Yeatts, Senior Policy Analyst
Annie B. Artis, Operations Manager

COUNSEL PRESENT

Jack E. Kotvas, Assistant Attorney General

GUESTS

Meredyth Partridge, Regulatory Support Services, Inc.
David Partridge, Regulatory Support Services, Inc.
Susan Motley, Virginia Funeral Directors Association
Barry D. Robinson, VMA

QUORUM

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

ORDERING OF THE AGENDA

The agenda was accepted as written.

INTRODUCTIONS

Mr. Nebiker introduced Sandra Ryals, Chief Deputy Director of DHP. Ms. Ryals stated that she was grateful for the opportunity to come to the meeting. The Board members introduced themselves to Ms. Ryals.

ACCEPTANCE OF MINUTES

Mr. Leonard made a motion to accept the minutes of the Special Conference Committee meeting on November 29, 2005 with amendments. The motion was properly seconded by Mr. Burger. The vote carried unanimously.

Mr. Burger made a motion to accept the minutes of the Board meeting of January 17, 2006. The motion was properly seconded by Mr. Ball. The vote carried unanimously.

Mr. Ball made a motion to accept the minutes of the Formal Hearing of January 17, 2006. The motion was properly seconded by Mr. Burger. The vote carried unanimously.

Mr. Ball made a motion to accept the minutes of the Examination Committee meeting of January 18, 2006. The motion was properly seconded Mr. Burger. The vote carried unanimously.

Mr. Burger made a motion to accept the minutes of the Legislative/Regulatory Committee meeting of February 8, 2006. The motion was properly seconded by Mr. Murphy. The vote carried unanimously.

PUBLIC COMMENT

There was no public comment.

NEW BUSINESS

2006 Virginia General Assembly

Ms. Yeatts gave an overview of the Post cross-over Legislation for 2006. She briefly reviewed the bills that directly affected the Board of Funeral Directors and Embalmers. Mr. Nebiker asked for clarification regarding pre-need arrangements.

HB 151 – Resident trainee; name changed to funeral service interns

This bill changes the term- resident trainee to the term- funeral service intern and it also allows the Board to adopt a more flexible reporting schedule for the interns. The bill is waiting for enactment.

HB 1145 – Dead human bodies; emergency medical services agencies exempt from transportation and removal registration.

This bill exempts emergency medical services agencies holding a permit issued by the Commissioner of Health from registration as surface transportation and removal services to remove and transport dead human bodies. The bill further requires funeral service establishments to continue complying with Board regulations governing transportation and removal services.

HB 571, HB 1299 and HB 1300

These bills were passed indefinitely.

Request to Release Assistant AG Opinion Regarding Casket Stores to a Commonwealth's Attorney

Mr. Kotvas gave a brief overview regarding the Attorney General's interpretation regarding casket stores. Ms. Yeatts stated that some boards within this agency list interpretations from the AG's office as a part of their guidance document. Mr.

Burger made a motion to release the Attorney General's opinion regarding casket stores to the Commonwealth's Attorney for limited persons. The motion was properly seconded by Rev. Miles. The vote carried unanimously.

Board of Health Professions Meetings

Ms. Yeatts briefly discussed the highlights of the Board of Health Professions meetings on January 17, 2006. She stated that the Board of Health Professions is currently working with the executive directors of each board regarding the sanctions reference study and an issues forum for the fall. Ms. Yeatts stated the minutes were provided as information only.

Cemetery Board

Ms. Young stated the minutes of the January 11, 2006 were provided to the board as general information. She will again to contact the executive director of that board to coordinate a joint meeting.

Request for Interpretation

Birth Certificates

Mr. Kotvas informed the Board that the law clearly states that birth certificates may be obtained by a funeral service licensee. He instructed board staff to contact Ms. Rainey, Director of Vital Statistics to send notices to local health department about the law. Mr. Leonard also asked if board staff would also address with Ms. Rainey the issue of having a specific type of pen that has to be used in order to file death certificates. He stated that if a particular type of pen is not used, the death certificate is rejected and the process has to be started again. Mr. Leonard further stated that death certificates must be completed before the body can be cremated.

Transit Permits

Mr. Kotvas stated that in order to carry dead human remains across state lines a transit permit must be obtained. He further stated that according to the Bureau of Vital Statistics, a transit permit is also required for cremains. Mr. Leonard asked what the purpose of a transit permit was. Ms. Young stated that she would contact Ms. Rainey for further clarification. Mr. Murphy made a motion to amend the code section for 2007 proposed Legislation. The motion was properly seconded by Mr. Burger. The vote carried unanimously.

Continuing Education Committee

Ms. Young informed the board that we are currently in a renewal cycle for funeral service licensee and 3% have been audited. She stated that she has been meeting with other board executives regarding continuing education. Ms. Young stated next year she is looking at a different process whereby if continuing education is not attested to at the time of renewal, the renewal card with the fees will be returned to the licensee. Mr. Burger suggested placing information in the next newsletter regarding the continuing education requirement. Ms. Young stated that this is the second renewal for continuing education. Many licensees are failing to attest to the five hours and staff must now send confirmation of attestation letters. Mr. Murphy suggested that a reminder be placed at the bottom of the renewal in bold letters to inform licensees that if continuing education is not attested to, the license will not be renewed.

International Conference

Ms. Hughes showed a slide presentation regarding the International Conference. She gave the board an overview of the test development process. Ms. Hughes stated the test is designed to test your entry level of knowledge. She stated that students who have a mortuary science degree tend to score higher on the examination. Ms. Hughes stated the goal of the conference is to change the two year programs to four years.

Examination Committee

Ms. Young informed the Board that the new testing agency, Professional Credential Services, Inc., has been with us since January 2006. She stated the first computerized based testing will begin the third week in March, 2006. Ms. Young stated that it is a pleasure working with PCS and the process has worked well.

Legislative/Regulatory Committee

Ms. Young gave a brief overview of the proposed FDE #1-3 provisions to the statutes. She stated that there are a few problems with the language in FDE #4 regarding limited licensure; therefore she and Ms. Yeatts will continue to draft language. Ms. Young felt that it would be better for the board to regulate the licensees and have a decision in how the facilities operate. She stated she would invite the associations to attend the legislative/regulatory committee meeting on March 22, 2006. Ms. Young stated that on April 19, 2006, the legislative committee will review the preneed law. She informed the board that

she has been reviewing the establishment files for chronological listings of preneed contracts.

Report of Initial and Renewal Applications of Waiver of Full-Time Manager Requirements

Ms. Young stated that the renewal process is labor intensive due to the review of vital statistic reports. She gave the board members a brief overview of the requirements for full-time managers.

EXECUTIVE DIRECTOR'S REPORT

Licensee Statistics

Ms. Young provided the quarterly report of the number of licensees.

Board Calendar

Ms. Young stated that there will be a Legislative/Regulatory committee meeting on March 22, 2006 at 9:00 a.m., to review the general regulations. She also scheduled the next meeting for April 19, 2006 at 9:00 a.m. to review the preneed regulations. Ms. Young further stated that she would like to add a Continuing Education committee meeting to the calendar in May, 2006 and she asked that as many board members as possible will attend.

Also, she stated that at the June 2006 meeting, the Board will receive recommendations from the subordinate about the conducted hearings.

Adjournment

With no further business, Mr. Murphy made a motion to adjourn the meeting at 11:25 a.m. The motion was properly seconded by Mr. Burger. The vote carried unanimously.

Billie Watson Hughes, President

Elizabeth Young, Executive Director

Date

Date