

APPROVED

BOARD OF FUNERAL DIRECTORS AND EMBALMERS MINUTES OF BOARD MEETING

Tuesday, March 13, 2007

**Department of Health Professions
6603 West Broad Street, 5th Floor
Richmond, Virginia 23230
Conference Room 1**

CALL TO ORDER

A meeting of the Virginia Board of Funeral Directors and Embalmers was called to order at 10:03 a.m.

PRESIDING

Barry Murphy, President

MEMBERS PRESENT:

Billie Watson Hughes
Randolph T. Minter
Walter S. Ball
Rev. Yvonne Jones Bibbs
Willard D. Tharp
Blair H. Nelsen
Robert B. Burger, Jr.
Michael Leonard

COUNSEL:

Jack E. Kotvas, Assistant Attorney General

STAFF PRESENT:

Elizabeth Young, Executive Director
Sandra Ryals, Director
Emily Wingfield, Chief Deputy Director
Elaine Yeatts, Senior Policy Analyst
Jeanette Meade, Administrative Assistant

QUORUM:

With eight members present, a quorum was established.

GUESTS PRESENT:

Barry D. Robinson, Virginia Mortuary Association
Bruce Kenney, Independent Funeral Homes of Virginia
Bo Kenney, Independent Funeral Homes of Virginia
Sherri Douglas, Regulatory Support Services, Inc.

**Virginia Board of Funeral Directors and Embalmers
Board Meeting
March 13, 2007**

2

Elizabeth Carter, Executive Director,
Boards of Optometry and Board of Health Professions
Neal Kauder, President, Visual Research Inc.
Kim Langston, Visual Research Inc.;

ORDERING OF THE AGENDA:

The Board voted to approve the agenda with amendments.

DIRECTOR'S COMMENTS:

Sandra Ryals, Director of DHP provided a report on Governor Kaine's current initiatives. The first is the Virginia Performs website. The site provides information about each agency's strategic objectives. The objectives for DHP are customer service, license applications processing time and improving disciplinary procedures. With regard to disciplinary procedures, DHP is being asked to resolve patient care cases within 250 days of receipt. The second initiative is the Council on Virginia's Future. Lastly, the third initiative is the Real Estate Initiative. DHP, along with six other state agencies, will move to the former Circuit City Headquarters, off of Mayland Drive, Richmond, Virginia. The move will take place in mid-August of this year.

REVIEW OF MINUTES

Mr. Tharp made a motion to approve the minutes of the Task Force on Cremation Laws and Regulation meeting of November 30, 2006. The motion was properly seconded by Ms. Hughes. The vote carried unanimously.

Mr. Burger made a motion to accept the minutes of the Board Meeting of December 12, 2006 with amendments. The motion was properly seconded by Mr. Minter. The vote carried unanimously.

PUBLIC COMMENT:

There was no public comment.

Sanction Reference Study

Dr. Liz Carter of DHP and Mr. Neal Kauder, President of Visual Research, Inc. presented the final revision of the Board's Sanction Reference Manual. Mr. Nelsen questioned the number of points for unlicensed activity and he believed that the points needed to be increased. Mr. Nelsen made a motion to increase the unlicensed activity (under case type) points from 10 to 20. With a properly seconded motion by Mr. Tharp, the motion was approved unanimously.

Mr. Nelsen made a motion to approve the manual and process as amended. The motion was properly seconded by Ms. Hughes. The vote carried unanimously.

Mr. Kauder and Ms. Langford of Visual Research will provide training to Board members on March 28, 2007 at 1:00 p.m.

American Funeral and Cemetery Trust Services

Mr. Leonard stated he spoke with Mr. Charles Whitmore about the services of the American Funeral and Cemetery Trust Services and spoke to Mr. Whitmore as a private citizen. The Board listened to Mr. Whitmore's presentation. Mr. Murphy thanked Mr. Whitmore for his presentation to the Board.

Executive Session

The Board voted 9-0 in favor of the motion to enter a closed meeting at 12:43 p.m., Pursuant to §2.2-3711(A) (2) of the Code of Virginia to receive legal advice from counsel related to continuing education.

On a properly seconded motion by Ms. Hughes, the Board voted 9-0 in favor of the motion, to reconvene in open session at 11:24 a.m., pursuant to §2.2-3712(D) of the Code.

Ms. Hughes made a motion for the Board to create a guidance document establishing criteria for review of continuing education courses. Also, she added to the motion that for the Board to approve a NOIRA for criteria for reviews of continuing education course. With a properly seconded motion by Mr. Burger, the Board approved the motion.

VIRGINIA GENERAL ASSEMBLY UPDATE:

Ms. Yeatts provided an update of the laws passed during the 2007 Virginia General Assembly. House Bill 1682 requires DHP to provide more information about the closure of disciplinary cases to the source and respondent. She briefly discussed House Bill 1953 which allows burial associations to sell trusts. House Bill 2157 prohibits the Board of Medicine from publishing notices that have not been adjudicated.

The Board asked Mr. Kotvas for an interpretation of "person" as defined in §54.1-2408.1 of the *Code of Virginia* and its significance to the terms- "business" and "facility".

INTERPRETATION ISSUES

Address on General Price List

The Board stated that the physical location, not the mailing address of the funeral service establishment shall be on the general price list.

Posting of Licenses

The Board stated that the licenses shall be posted in the hallway, not the arrangement room, of the funeral service establishment.

Letters from Regulatory Support Services

Ms. Partridge of Regulatory Support Services Inc. wrote the Board asking for an interpretation of §54.1-2811 of the Code of Virginia relating to preparation rooms in funeral service establishments. The Board replied that all main funeral service establishments must have an operable prep room, unless the branch has one that is operable.

Ms. Partridge provided written comment in support of the jurisprudence examination. Some Board members commented that the exam is some measure of knowledge. The Board will take Ms. Partridge's comments under advisement.

Task Force on Cremation Laws and Regulations

Mr. Tharp provided his report to the Board. Mr. Tharp made a motion for the majority of recommendations of the Task Force on Cremation Laws and Regulations be written in regulations as opposed to statute. With a properly seconded motion by Mr. Burger, the Board approved the motion unanimously.

International Conference

Ms. Hughes stated that the 2007 convention will be from April 18-22, 2007 in Nashville, TN. Ms. Young will present a disciplinary resolutions workshop during the convention. Ms. Young and Ms. Meade will attend for the Board.

Board of Health Professions

Ms. Hughes provided a summary of the meeting on January 18, 2007.

Cemetery Board

Ms. Young provided the meeting of January 10, 2007 minutes for the Board review and consideration.

OLD BUSINESS

LEGISLATIVE/REGULATORY COMMITTEE

Ms. Young provided a copy of the final funeral service intern regulations which will become effective March 21, 2007.

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

The Board reviewed the quarterly report. Ms. Young stated that renewals of the waiver would be generated by December 15, 2006 for expiration of January 31, 2007.

Executive Director's Report

Licensee Statistics

Ms. Young provided that the total number of licensees is 2443.

Disciplinary Statistics

Budget

Ms. Young discussed the list of expenditures/revenue for the period ending January

**Virginia Board of Funeral Directors and Embalmers
Board Meeting
March 13, 2007**

6

31, 2007.

Board Calendar

Ms. Young presented the Board's calendar for the 2007 year.

ADJOURNMENT:

With no further business, the committee adjourned at 12:36 p.m.

Barry Murphy, Chair

Elizabeth Young, Executive Director

Date

Date