

APPROVED
VIRGINIA BOARD OF FUNERAL DIRECTORS AND EMBALMERS
MEETING MINUTES

The Virginia Board of Funeral Directors and Embalmers convened for a board meeting on Tuesday, September 9, 2008 at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 200, 2nd Floor, Conference Room #1, Richmond, Virginia.

The following Board members were present:

Willard D. Tharp, FSL
Walter S. Ball
Billie Watson Hughes, FSL
Michael Leonard, FSL
Randolph T. Minter, FSL
Barry Murphy, FSL
Blair Nelsen, FSL

The following Board members were not in attendance:

Robert B. Burger, Jr., FSL
Rev. Yvonne Jones-Bibbs

DHP staff present for all or part of the meeting included:

Lisa R. Hahn, Executive Director
Elaine Yeatts, Senior Policy Analyst
Annie B. Artis, Licensure Operations Manager
Holly Manke, Administrative Assistant
Charles Giles, Budget Manager, Finance Division

Representative from the Office of the Attorney General was present for the meeting:

Amy Marschean, Senior Assistant Attorney General

Guests Present:

Bo Kenney, Association of Independent Funeral Homes of Virginia (IFHV)
Bruce Kenney, Association of Independent Funeral Homes of Virginia (IFHV)
Meredyth Partridge, Regulatory Support Services, Inc. (RSS)
David Bashline, Regulatory Support Services, Inc. (RSS)
Samantha Pinner Romano, Virginia Funeral Directors Association (VFDA)
Mike Doherty, Virginia Cemetery Association

CALLED TO ORDER

Mr. Tharp, President, called the Board meeting to order at 9:12 a.m.

ORDERING OF AGENDA

Ms. Yeatts asked that the adoption of the PPG regulations be added to the agenda under New Business.

Upon a motion by Ms. Hughes and properly seconded by Mr. Minter the board voted to amend the agenda by adding adoption of the PPG regulations under new business.

The members voting yes were Mr. Ball, Ms. Hughes, Mr. Leonard, Mr. Minter, Mr. Murphy, Mr. Nelsen and Mr. Tharp. There were no negative votes.

The vote passed unanimously.

ACCEPTANCE OF MINUTES

Upon a motion by Mr. Nelsen and properly seconded by Mr. Ball the Board voted to accept the minutes of the June 3, 2008 board meeting as amended.

The members voting yes were Mr. Ball, Ms. Hughes, Mr. Leonard, Mr. Minter, Mr. Murphy, Mr. Nelsen and Mr. Tharp. There were no negative votes.

The vote passed unanimously.

Upon a motion by Mr. Minter and properly seconded by Mr. Leonard the Board voted to accept the minutes of the informal conference committee meeting of March 4, 2008.

The members voting yes were Mr. Ball, Ms. Hughes, Mr. Leonard, Mr. Minter, Mr. Murphy, Mr. Nelsen and Mr. Tharp. There were no negative votes.

The vote passed unanimously.

Upon a motion by Mr. Minter and properly seconded by Mr. Leonard the Board voted to accept the minutes of the informal conference committee of March 31, 2008.

The members voting yes were Mr. Ball, Ms. Hughes, Mr. Leonard, Mr. Minter, Mr. Murphy, Mr. Nelsen and Mr. Tharp. There were no negative votes.

The vote passed unanimously.

Upon a motion by Mr. Leonard and properly seconded by Mr. Murphy the Board voted to accept the minutes of the informal conference committee of June 3, 2008.

The members voting yes were Mr. Ball, Ms. Hughes, Mr. Leonard, Mr. Minter, Mr. Murphy, Mr. Nelsen and Mr. Tharp. There were no negative votes.

The vote passed unanimously.

Upon a motion by Mr. Minter and properly seconded by Mr. Nelsen the Board voted to accept the minutes of the informal conference committee of July 15, 2008.

The members voting yes were Mr. Ball, Ms. Hughes, Mr. Leonard, Mr. Minter, Mr. Murphy, Mr. Nelsen and Mr. Tharp. There were no negative votes.

The vote passed unanimously.

PUBLIC COMMENT PERIOD

There was no public comment.

EXECUTIVE DIRECTOR'S REPORT

Discipline Statistics

Ms. Hahn reported that we have received 33 and closed 50 cases since 2/11/08. We currently have 26 open cases. Ms. Hahn stated that from July 1, 2007 thru December 31, 2007, cases remained in probable cause for 134 days.

Virginia Performs

Ms. Hahn reported for the quarter ending June 30, 2008, the licensing standards were 100% and customer satisfaction was 89%. Ms. Hahn stated a rating of 100% was achieved in regard to patient care cases closed within 250 days. Ms. Hahn stated that in looking at January through May, our probable cause standard was down to 33 days and since June 1, 2008, it is down to 7 days. She stated this success is because of the hard working staff and dedicated board members.

Budget

Ms. Hahn stated the cash balance as of June 30, 2007 was \$4,024. The year-to-date FY-08 revenue received was \$549,315; the direct and allocated expenditures were \$580,668. There was a prior period adjustment of \$1,312, leaving a cash balance as of June 30, 2008 of (\$26,017). Ms. Hahn stated that with the day-to-day expenditures there is not much that may be shaved off. She further stated that a fee increase may be necessary. However, she stated that with the current budget situation, a fee increase may not be

approved. Ms. Yeatts stated that in regard to the budget the only options that could be considered, at this time, are to take no action or to publish a Notice of Intended Regulatory Action (NOIRA) and compile a package that expresses the need for a fee increase.

Ms. Hahn introduced Mr. Giles, Finance Manager. Mr. Giles stated he reviewed the figures and the main concern was the renewal and application fees. The projected figures for 2009 and 2010 were examples for the board's review. He further stated that raising the fees \$50 above the current cost was not going to do a lot to reduce the deficit; certainly \$100 would help but would not completely eliminate the deficit. Mr. Giles stated that all boards incurred costs as a result of the relocation of the agency in terms of expenses. He further stated that in December, 2008, a letter will be sent to each board outlining where they stand as far as fees are concerned; a four-year projection will be presented.

Ms. Hahn reported that she plans to institute some internal changes in order to further reduce our expenditures such as eliminating overtime; reduce special projects for funeral and email versus mailing correspondence. She also recommended to the Board that they consider a reduction in the number of board meetings from 4 to 3 per year.

Upon a motion by Ms. Hughes and properly seconded by Mr. Minter the Board voted to move forward with the NOIRA and request that fees be increased.

The members voting yes were Mr. Ball, Ms. Hughes, Mr. Leonard, Mr. Minter, Mr. Murphy, Mr. Nelsen and Mr. Tharp. There were no negative votes.

The vote passed unanimously.

2009 Board Calendar

Ms. Hahn stated the next board meeting is scheduled for December 2, 2008 at 9:00 a.m. and she suggested it be rescheduled if there is no regulatory action required at that time. Ms. Yeatts recommended that the calendar be adjusted to meet around the 3rd week of January, 2009 regarding the crematory regulations. She stated that the NOIRA will also be introduced at that time. Ms. Hahn stated she would review the calendar and choose new dates for 2009 and post them on the website. Mr. Ball asked if staff could review the cost of each meeting and prepare a list of expenditures that are incurred at each meeting.

Mr. Nelsen stated that based on upcoming legislation, the board may need to have the next board meeting in December as scheduled.

Newsletter

Ms. Hahn presented the newsletter to the board for their review. She stated that Kathy Truesdale prepared the newsletter. Ms. Hahn asked that the board review the newsletter

and let her know if there were any changes, revisions and/or deletions that should be made by Friday September 12, 2008.

New Business

Status Report of K. L. Jordan

Ms. Hahn reported that Henrico's case against K. L. Jordan is proceeding and they anticipate early fall to go before a Grand Jury seeking a direct indictment. She stated the board will not dispose of the cremated remains until this criminal case is resolved.

Regulatory Action – Adoption of Public Participation Guidelines -Elaine Yeatts

Ms. Yeatts recommended that the Board adopt the model Public Participation Guidelines (PPG) regulations as an exempt action.

Upon a motion by Mr. Nelsen and properly seconded by Mr. Ball the Board voted to repeal Chapter 10 and adopt Chapter, the Model Public Participation Guidelines.

The members voting yes were Mr. Ball, Ms. Hughes, Mr. Leonard, Mr. Minter, Mr. Murphy, Mr. Nelsen and Mr. Tharp. There were no negative votes.

The vote passed unanimously.

Regulatory Update

Ms. Yeatts stated that the funeral regulations were revised September 3, 2008. She stated the primary changes were the definition of manager of record and the prescribed content of what the embalming report must contain; Appendix III-the embalming report was eliminated. The revised regulations are posted on the website.

Ms. Yeatts stated Delegate Armstrong's bill regarding the next of kin has been carried over to 2009; however, it will be back for consideration.

Ms. Yeatts further stated there is a draft bill which is a proposal to allow health regulatory boards to have some of the administrative costs charged to the respondents.

Ms. Yeatts stated that imposing the cost would become part of the order and the proceeds would be credited to the funeral board to help offset cost to the agency.

Other Discussions

Mr. Tharp suggested the board meet with the medical examiner's and registrar's office to further discuss death certificates.

Mr. Minter inquired as to whether board members could receive 5 hours of continuing education credits for their attendance at board meetings, informal hearings and formal hearings since rules and regulations were always discussed. The board determined that these meetings could not be used to acquire 5 hours of continuing education.

ADJOURNMENT

There being no further business before the Board, the meeting adjourned at 10:39 a.m.

Willard D. Tharp, FSP, Chair

Lisa R. Hahn, Executive Director

DATE

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