

**BOARD OF FUNERAL DIRECTORS AND EMBALMERS
MINUTES OF REGULATORY AND BY-LAWS COMMITTEE MEETING**

**Tuesday, May 7, 2002
6606 W. Broad Street, 5th Floor
Room 1
Richmond, Virginia**

**Department of Health Professions
6606 West Broad Street
Richmond, Virginia 23230-1717**

- CALL TO ORDER:** A meeting of the Virginia Board of Funeral Directors and Embalmers' Regulatory and By-Law Committee was called to order at 9:03 a.m.
- PRESIDING:** Paul Whitten, Chair
- MEMBERS PRESENT:** Bobby Gardner, Sr.
Charles Morehead
Ann Hubble, Citizen Member
Robert "Bob" Oman
Jack Miller
Bobby Gardner, Sr.
J. Michael Williams
- MEMBERS ABSENT:** Pratt P. Stelly
- STAFF PRESENT:** Elizabeth Young, Executive Director
Vickie Hutson-McCloud, Administrative Staff Assistant
- OTHER PRESENT:** Gayle Jaspen, Chief Deputy Director of DHP
Elaine Yeatts, Senior Regulatory Analyst of DHP
- GUEST:** R.L. Petty, VFDA
H.L.J. Peebles, VMA
E.W. Copeland, VFDA
M. Partridge, RSS, Inc.
David Partridge, RSS, Inc.
Ron Jordan, LeClair Ryan Consulting
Billie Hughes, VMA
Joseph Jenkins, III, VMA
Joann McElmurray, VFDA
Bruce Keeney, IFHV
- QUORUM:** With 8 members present, a quorum was established.
- ORDERING AGENDA:** **OF** On a properly seconded motion by Mr. Williams, the Board moved to accept the agenda.

PUBLIC COMMENT: None.

NEW BUSINESS: **Part I. General Provisions.**

18 VAC 65-20-10. Definitions.

Contact Hour: On a properly seconded motion by Mr. Morehead, the Committee recommends that the definition of contact hour be deleted from the general provisions.

18 VAC 65-20-70. Required fees.

B.8. Application for continuing education provider and renewal application for continuing education provider \$200.00.

18 VAC 65-20-130. Renewal of license; registration.

A. A person, establishment, crematory, courtesy card holder or surface transportation and removal service who desires to renew his license or registration for the next year shall, not later than the expiration date as provided in 18 VAC 65-20-120, submit the renewal application and applicable fee. In order to renew an active funeral service, director or embalmer license, a licensee shall be required to comply with continuing competency requirements set forth in 18 VAC 65-20-121.

18 VAC 65-20-140. Reinstatement of expired license or registration.

B. If the Virginia license of a funeral service provider, funeral director and embalmer is lapsed three years or less and the applicant is seeking reinstatement, he 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.

18 VAC 65-20-150. Reapplication of license [Repealed].

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

18 VAC 65-20-151. Continuing competency requirements for renewal of an active license.

A. After March 31, 2004, funeral service licensees, funeral directors or funeral embalmers shall be required to have competed a minimum of 5 contact hours of continuing education offered by a board-approved sponsor for each annual licensure renewal. A minimum of three of these hours shall be in courses that emphasize the ethics, standards of practice, or laws and regulations governing the profession of funeral service in Virginia.

B. Course must be directly related to the scope of practice of funeral service. Continuing education course shall emphasize, by not be limited to, professional ethics, standards of practice, and laws and regulations governing the profession. 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.

18 VAC 65-20-152. Continuing education providers.

A. The following organizations are recognized by the board as providers of continuing education:

- ~~1. National Funeral Directors Association and state chapters;~~
 - ~~2. National Funeral Directors and Morticians Associations and state chapters;~~
 - ~~3. Independent Funeral Homes Association of Virginia;~~
 - ~~4. Cremation Association of North America;~~
 - ~~5. International Conference of Funeral Services Examining Boards Inc.;~~
 - ~~6. Nation Selected Morticians;~~
1. Local, state or federal government agencies; or
 2. Regionally accredited colleges and universities; or
 3. Other not for profit providers approved by the board.

On a properly seconded motion by Ms. Hubble, the Committee approved the above additions to the general provisions.

B. Courses providers not listed in subsection A may apply for approval by the board as continuing education providers.

1. To be considered for board approval, a continuing education provider shall submit:
 - a. Documentation of an instructional plan and course objectives for continuing education courses that meet the criteria set forth in 18 VAC 65-20-151 B;
 - b. A syllabus of the course or courses to be offered with the credentials of the course instructors, and description of each session, including number of contact hours and
 - c. The continuing education fee set forth under 18

VAC 65-20-70.

2. Board approval of continuing education providers under this subsection shall expire ~~one year~~ July 1st annually from the date of issuance, and may be renewed upon submission of documentation on courses and instructors and provider fee as required by the board.

On a properly seconded motion by Mr. Miller, the Committee approved the above additions to the general provisions.

C. Continuing education providers approved under subsection A or B or this section shall:

1. Maintain documentation of the course titles and objectives and of licensee attendance and completion of course for a period of ~~four~~ three years and provide to the board upon request;
2. Monitor attendance at classroom or similar educational experiences for compliance with law and regulations; and
3. Provide a certificate of completion for licensees who successfully complete a course.

On a properly seconded motion by Mr. Oman, the Committee approved the above additions to the general provisions.

18 VAC 65-20-153. Documenting compliance with continuing education requirements.

A. All licensees with active status are required to maintain original documentation for a period of three years.

B. After the end of each renewal period, the board may conduct a random audit of licensees to verify compliance with the requirements for that renewal period.

C. Upon request, a licensee shall provide documentation within fourteen days as follows:

1. Official transcripts showing credit hours earned from an accredited institution; or
2. Certificates of completion from approved providers.

D. Compliance with continuing education requirements, including the maintenance of records and the relevance of the courses to the category of licensure is the responsibility of the licensee. The board may request additional information if such compliance is not clear from the transcripts or certificates.

E. Continuing education hours required by disciplinary order shall not be used to satisfy renewal requirements.

On a properly seconded motion by Ms. Hubble, the Committee approved the above additions to the general provisions.

18 VAC 65-20-154. Inactive license.

A. A funeral service licensee, funeral director or embalmers who holds a current, unrestricted license in Virginia shall, upon a request on the renewal application and submission of the required renewal fee of \$75 be issued an inactive license.

1. The holder of an inactive license shall not be required to meet continuing education requirements.
2. An inactive licensee shall not be entitled to perform any act requiring a license to practice funeral services in Virginia.

B. A funeral service licensee, funeral director or embalmers 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 biennium 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

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which the license has been inactive, not to exceed three years.

On a properly seconded motion by Mr. Bristow, the Committee approved the above additions to the general provisions.

ADJOURNMENT

With all business concluded, the Committee adjourned at 12:04 p.m.

Paul Whitten, Chair

Elizabeth Young, Executive Director

Date

Date