

**BOARD OF FUNERAL DIRECTORS AND EMBALMERS
MINUTES OF GENERAL BOARD MEETING**

**Tuesday, June 4, 2002
6606 West Broad Street
Richmond, Virginia 23230-1717
Conference Room 1**

Department of Health Professions

CALL TO ORDER: A meeting of the Virginia Board of Funeral Directors and Embalmers was called to order at 9:05 a.m.

PRESIDING: Charles M. Bristow, Jr.

MEMBERS PRESENT: Paul Whitten
Bobby Gardner, Sr.
Robert "Bob" Oman
Ann Lee Hubble, Citizen Member
Jack Miller
Charles Morehead
Pratt P. Stelly
J. Michael Williams

MEMBERS ABSENT: None.

STAFF PRESENT: Elizabeth Young, Executive Director
Vickie Hutson-McCloud, Administrative Staff Assistant

COUNSEL PRESENT: Roscoe Roberts, Assistant Attorney General

GUESTS: Meredith P. Partridge, RSS, Inc.
David Partridge, RSS, Inc.

QUORUM: With nine members of the Board present, a quorum was established.

ORDERING OF AGENDA: On a properly seconded motion by Mr. Morehead the Board approved the agenda.

ACCEPTANCE OF MINUTES: On a properly seconded motion by Mr. Morehead, the Board moved to approve the Minutes of the Board Meeting on March 5, 2002.

On a properly seconded motion by Mr. Miller, the Board moved to approve the Minutes of the Formal Hearing on March 5, 2002.

On a properly seconded motion by Mr. Oman, the Board moved to approve the Minutes of the Special Conference Committee Meeting on February 27, 2002.

**Virginia Board of Funeral Directors and Embalmers
General Board Meeting
June 4, 2002**

2

On a properly seconded motion by Mr. Williams, the Board moved to approve the Minutes of the Regulatory and By-Laws Committee Meeting on April 30, 2002.

On a properly seconded motion by Mr. Williams, the Board moved to approve the Minutes of the Regulatory and By-Laws Committee Meeting on May 7, 2002.

On a properly seconded motion by Mr. Gardner, the Board moved to approve the Minutes of the Formal Hearing on May 7, 2002.

PUBLIC COMMENT:

None.

NEW BUSINESS:

Election of 2002-2003 Officers:

On a properly seconded motion by Ms. Hubble, the Board nominated Mr. Williams for Secretary-Treasurer. The motion passed unanimously. On a properly seconded motion by Mr. Miller, Mr. Williams was nominated for Secretary-Treasurer. On a properly seconded motion by Mr. Whitten, the nominations were closed. A roll call vote was requested:

| | |
|----------------------|-----|
| Mr. Bristow: | Yes |
| Mr. Gardner: | Yes |
| Mr. Williams: | Yes |
| Ms. Hubble: | Yes |
| Mr. Miller: | Yes |
| Mr. Morehead: | Yes |
| Mr. Oman: | Yes |
| Mr. Whitten: | Yes |
| Ms. Stelly | Yes |

The motion passed 9 to 0. Mr. Williams was elected for the position of Secretary-Treasurer.

On a properly seconded motion by Ms. Stelly, Mr. Gardner was nominated for Vice-President. On a properly seconded motion by Mr. Miller, Mr. Garner was nominated for Vice-President. Both motions passed unanimously. On a properly seconded motion by Mr. Mr. Morehead, the Board voted to close the nominations. A roll call vote was requested:

**Virginia Board of Funeral Directors and Embalmers
General Board Meeting
June 4, 2002**

| | |
|----------------------|-----|
| Mr. Bristow: | Yes |
| Mr. Gardner: | Yes |
| Mr. Williams: | Yes |
| Ms. Hubble: | Yes |
| Mr. Miller: | Yes |
| Mr. Morehead: | Yes |
| Mr. Oman: | Yes |
| Mr. Whitten: | Yes |
| Ms. Stelly | Yes |

The motion passed 9 to 0. Mr. Gardner was elected for the position of Vice-President.

On a properly seconded motion by Mr. Miller, Mr. Whitten was nominated for President. On a properly seconded motion by Mr. Oman, Mr. Whitten was nominated for President. Both motions passed unanimously. On a properly seconded motion by Mr. Williams, the Board voted to close the nominations. A roll call vote was requested:

| | |
|----------------------|-----|
| Mr. Bristow: | Yes |
| Mr. Gardner: | Yes |
| Mr. Williams: | Yes |
| Ms. Hubble: | Yes |
| Mr. Miller: | Yes |
| Mr. Morehead: | Yes |
| Mr. Oman: | Yes |
| Mr. Whitten: | Yes |
| Ms. Stelly | Yes |

The motion passed 9 to 0. Mr. Whitten was elected for the position of President.

Ms. Young congratulated the new officers.

**REGULATORY AND By- Proposed Regulations:
LAWS COMMITTEE:**

On a properly seconded motion by Mr. Morehead, the Board adopted the proposed regulations.

On a properly seconded motion by Mr. Oman, the Board invited Robert Nebiker, Director of the Department of Health Professions to the July 16, 2002 Board Meeting. They plan to discuss his May 30th memo regarding a proposed definition of branch.

The Board took a break at 11:10 a.m. and reconvened at 11:20 a.m.

**LEGISLATIVE
COMMITTEE:**

Ms. Young provided the Board with recommended legislative proposal adopted by the Legislative Committee on June 3, 2002.

On a properly seconded motion by Mr. Morehead, the Board moved to approve the merger of the Legislative and Regulatory-By-Laws Committees to the Regulatory/Legislative Committee.

Proposal Identifier Number -- FDE-1:

§54.1-2800. Definitions. As used in this chapter, unless the context requires a different meaning:

“At-need” means at the time of death or while death is imminent, through final disposition as defined in §32.1-249 of the Code of Virginia.

“Funeral service establishment” means any main establishment, branch or chapel which is permanently affixed to the real estate and for which a certificate of occupancy has been issued by the local building official where any part of the profession of funeral directing, practice of funeral services, or the act of embalming may be performed.

§54.1-2806. Refusal, suspension or revocation of license. The Board may refuse to admit a candidate to any examination, refuse to issue a license to any applicant and may suspend a license for a stated period of indefinitely, or revoke any license or censure or reprimand any licensee or place him on probation for such time as it may designate for any of the following causes:

25. Having the denial, revocation, suspension, restriction, or any other disciplinary action of a license, certificate, or registration to practice in another state, the District of Columbia or a United States possession or territory.

On a properly seconded motion by Mr. Morehead, the Board moved to adopt the above changes.

Proposal Identifier Number – FDE-2:

§54.1-2813. License for the practice of funeral services.

To be licensed for the practice of funeral services, a person shall (i) be at least eighteen years of age; (ii) not have been convicted of a felony; (iii) hold a high school diploma or its equivalent; (iv) have completed no less than eighteen a traineeship as prescribed in regulation; months as a resident trainee; (v) have graduated from a school of mortuary science or funeral service approved by the Board; and (vi) have passed the examination for licensure.

§54.1-2817. Resident trainees.

The Board shall promulgate regulations to determine the requirements for traineeship and limitations of time each applicant may serve as a resident trainee.

~~Credit shall not be allowed for any period of resident traineeship that has been completed more than three years prior to application for license or more than five years prior to examination for license.~~

On a properly seconded motion by Mr. Whitten, the Board moved to adopt the above changes.

Proposal Identifier Number – FDE-3:

§54.1-2810. Licensure of funeral establishments.

Each funeral establishment license shall expire annually at a time prescribed by Board regulation. A license may be renewed within thirty days of its expiration. ~~Upon expiration of the license, the Board shall notify each licensee of the provisions of this section.~~

§54.1-2816. License renewal; failure to return renewal form.

At least sixty days prior to the expiration of a license, the Board shall mail to each person licensed to practice funeral service, embalming or funeral directing a printed form to be completed and returned to the Board together with the prescribed fee. The license of any person who does not return the completed form prior to the date of expiration shall automatically expire. ~~The Board shall immediately notify the person of the expiration and the reinstate requirements.~~ The Board shall may reinstate an expired license pursuant to regulations adopted by the Board. ~~upon receipt, within thirty days of the notice of expiration, of the completed form and the prescribed fee. Reinstatement after the thirty-day period shall be at the discretion of the Board.~~

On a properly seconded motion by Mr. Whitten, the Board moved to adopt the above changes.

Proposal Identifier Number – FDE-4:

§54.1-2408.1. Summary suspension of licenses, certificates or registrations; allegations to be in writing.

A. Any health regulatory board may suspend the license, certificate of registration of any person or facility holding a license, certificate or registration issued by it without a hearing simultaneously with the institution of proceedings for a hearing, if the relevant board finds that there is a substantial danger to the public health or safety which warrants this action. A board may meet by telephone conference call when summarily suspending a license, certificate or registration if a good faith effort to assemble a

quorum of the board has failed and, in the judgment of a majority of the members of the board, the continued practice by the individual constitutes a substantial danger to the public health or safety. Institution of proceedings for a hearing shall be provided simultaneously with the summary suspension. The hearing shall be scheduled within a reasonable time of the date of the summary suspension.

On a properly seconded motion by Mr. Williams, the Committee moved to approve the above change upon interpretation from board counsel. Further, the Board requested that Ms. Young seek the opinions from the Boards of Veterinary Medicine and Pharmacy regarding this change.

On a properly seconded motion by Mr. Miller, the Board moved to adopt the above changes.

Proposal Identifier Number – FDE-5:

§54.1-2803. Specific powers and duties of the Board.

2. To regulate and inspect funeral service establishments and crematories. ~~their operation and license.~~

On a properly seconded motion by Mr. Gardner, the Board moved to adopt the above change.

**VFDA CREMATORY
COMMITTEE:**

Ms. Young provided the Board with a brief report on the findings of the recent crematory inspections by the Enforcement Division of the Department. She also provided copies of the regulations and laws governing crematories in Virginia.

OLD BUSINESS:

Inspections of Crematories:

Ms. Young provided the Board with a summary report of the inspections of crematories in March of 2002.

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

Ms. Young provided to the Board with a report of the initial and renewal applications of waiver of full-time manager requirements.

Executive Director's Report:

Ms. Young advised the Board that it currently has 91 open disciplinary cases. Ms. Young provided the Board with a Licensee Count Report, Budget Report as of April 30, 2002, and a current Board Calendar.

PRESENTATION:

The Virginia Board of Funeral Directors and Embalmers presented a plaque to Charles Morehead, Board Member. Mr. Morehead has been serving the Board for the last four years.

Mr. Bristow stated that Ms. Hubble would be presented with her plaque during the Virginia Funeral Directors Association Convention in Roanoke, Virginia.

Mr. Bristow thanked everyone for their hard work. Further, he thanked Mr. Williams, Mr. Miller, Mr. Morehead and Mr. Whitten for their help on the Legislative Committee.

ADJOURNMENT

With all business concluded, the Committee adjourned at 12:01 p.m.

Charles M. Bristow, Jr., President

Elizabeth Young, Executive Director

Date

Date