

VIRGINIA BOARD OF FUNERAL DIRECTORS AND EMBALMERS

**Department of Health Professions
Perimeter Center
9960 Mayland Drive, Henrico VA 23233-1463
Board Room #4, Second Floor
April 14, 2015 at 10:00 a.m.**

BOARD MEETING AGENDA

CALL TO ORDER

ORDERING OF AGENDA

ACCEPTANCE OF MINUTES - Tab 1

- Board Meeting - January 13, 2015
Formal Hearing - January 13, 2015

INFORMAL CONFERENCES HELD (INFORMATIONAL PURPOSES ONLY)

- (1) Informal Conference - January 13, 2015

PUBLIC COMMENT PERIOD

DIRECTOR'S REPORT - Dr. David Brown, D.C.

EXECUTIVE DIRECTOR'S REPORT - Lisa R. Hahn - Tab 2

NEW BUSINESS

- Legislative/Regulatory Reports- Elaine Yeatts - Tab 3
- North Carolina State Board of Dental Examiners vs. FTC - Discussion

Tab 1

UNAPPROVED
VIRGINIA BOARD OF FUNERAL DIRECTORS AND EMBALMERS
BOARD MEETING MINUTES

The Virginia Board of Funeral Directors and Embalmers convened for a board meeting on Tuesday, January 13, 2015 at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room 4, Henrico, Virginia.

BOARD MEMBERS PRESENT

Christopher P. Vincent, FSL, President, Chair
Connie B. Steele, FSL, Vice-President
J. Paul Welch, FSL, Secretary-Treasurer
Eric V. Wray, II, FSL
Robert Oman, FSL
Louis R. Jones, FSL
R. Thomas Slusser, Jr., FSL
Ibrahim A. Moiz, Esq., Citizen Member

BOARD MEMBER ABSENT

Junius H. Williams, Jr., Citizen Member

DHP STAFF PRESENT FOR ALL OR PART OF THE MEETING

Lisa R. Hahn, Executive Director
Lynne Helmick, Deputy Executive Director, Discipline
Missy Currier, Deputy Executive Director, Licensing
Jaime Hoyle, Chief Deputy Director
Elaine Yeatts, Senior Policy Analyst

BOARD COUNSEL

Erin Barrett, Assistant Attorney General

QUORUM

With 8 members present a quorum was established.

GUESTS PRESENT

Janet Rainey, Director & State Registrar, Vital Records
Paul Harris, Regulatory Support Services, Inc.
Karen McPherson, Virginia Morticians Association (VMA)
Abbey Shepperson, VFDA

CALL TO ORDER

Chris Vincent, President, called the meeting of the Virginia Board of Funeral Directors and Embalmers to order at 10:10 a.m. Mr. Vincent gave welcome to Ibrahim Moiz as the newest member nominated to the board. Mr. Vincent asked that the board members extend their condolences to the loss of Junius Williams Mother.

ORDERING OF AGENDA

The Agenda was re-ordered in order to accommodate the tight time frame that Janet Rainey from Vital Records would have to meet with the board. Ms. Yeatts also included the addition of the adoption of final regulations for human remains. Upon a motion by Eric Wray and properly seconded by Bob Oman, the board accepted the agenda as amended. The motion passed unanimously.

ACCEPTANCE OF MINUTES

Upon a motion by Louis Jones and properly seconded by Tommy Slusser, the Board voted to accept the following Meeting Minutes:

- Board Meeting – August 20, 2014
- Public Hearing – October 7, 2014
- Exam Committee Meeting – December 10, 2014

The motion passed unanimously.

PUBLIC COMMENT PERIOD

There was no public comment.

AGENCY CHIEF DEPUTY DIRECTORS REPORT – Jaime Hoyle

Ms. Hoyle shared that DHP had outsourced their Human Resource Department to the Department of Human Resource Management (DHRM) in an effort to streamline HR functions while realizing a significant cost savings to the Agency.

Ms. Hoyle spoke about the Governor's Task Force addressing the serious epidemic of overdose deaths in Virginia caused by prescriptions drugs and Heroin. She stated that several work groups had been formed and they would reassemble following the outcome of the 2015 General Assembly with a project completion goal of June 30, 2015.

EXECUTIVE DIRECTOR'S REPORT – Lisa R. Hahn

Ms. Hahn also welcomed Ibrahim Moiz to the board and shared that she met with him the week prior to brief him on board procedures.

Expenditure and Revenue Summary

Ms. Hahn stated she would begin her report with the bleak news but was looking forward to seeing positive changes in the budget soon.

FY15 Budget

• Cash Balance as of June 30, 2014	\$(242,833)
• YTD FY15 Revenue	\$ 24,860
• Less direct & In-Direct expenditure	<u>\$262,703</u>
• Cash Balance on Nov. 30, 2014	\$(480,676)

Discipline Statistics (as of 01/08/2015)

- 29 open cases
- 20 are in Investigations
- 3 in Probable Cause
- 4 in APD
- 1 Informal
- 1 Formals
- 27 Orders are being monitored for Compliance

2014 Conferences and Hearings Statistics

3 Formal Hearings:

- (1) Denied Reinstatement
- (1) Suspended the right to renew FH license
- (1) Suspended the right to renew FSL license

8 Informal Conferences:

- (1) Violation with no sanction
- (1) Consent Order for Indefinite Suspension
- (1) Consent Order for Indefinite Suspension of right to renew license
- (2) Reprimands with terms
- (3) Cases referred to full Board

2012 - 2014 Calendar Year Statistics

2012:

- 87 cases received
- 94 cases closed
- 14 (15%) of closed cases went to IFC

2013:

- 71 cases received
- 77 cases closed
- 7 (9%) of closed cases went to IFC

2014:

- 67 cases received
- 72 cases closed
- 7 (10%) of closed cases went to IFC

Licensee Statistics (as of 12/22/14)

- Branch Establishments –65
- Continuing Education Providers – 23
- Courtesy Card Holders -74
- Crematories – 104
- Embalmer only – 4
- Funeral Director –51 Funeral Supervisors - 423
- Funeral Establishment – 438
- Funeral Service Licensee's – 1,529
- Funeral Intern – 200
- Surface Transport and Removal Services – 50
- Total – 2,964

Virginia Performs

1st Quarter 2015:

- Licensing Standard less than 30 days – 100%
- Clearance Rate-43% (rec'd 7 – closed 3) During the entire 2014 we had a clearance rate over 100%-700%
- Pending Caseload older than 250 days- 5% (1 case)
- % of cases closed within 250 days- 100%
- Customer Satisfaction – 100% (Q4 FY 2014)

Ms. Hahn interrupted her Executive Director's Report at this time to allow Ms. Rainey from Vital Records to discuss the status of the Electronic Death Registration System (EDRS).

VITAL RECORDS REPORT – Janet Rainey

Ms. Rainey addressed the Board by stating that the EDRS was going well and that they were able to overcome a lot of the initial concerns and issues that occurred following their system release on November 1, 2014. She provided statistics regarding the number of Funeral Service Licensees, Funeral Service Establishments and Doctors who were signed up to use the EDRS. Ms. Rainey explained that with limited staff it was difficult to answer the multitude of calls they received after implementation, but that over time they were able to address most all of the concerns. Ms. Rainey also stated that there were many resourceful links provided on the Vital Records Home Page regarding EDRS that would benefit many users.

Members followed with questions and comments and of particular concern to the board was how to get doctors to participate in the EDRS. Ms. Rainey did state that she is visiting with several hospitals to encourage participation but that she also welcomes any suggestions the board may have.

Ms. Hahn concluded by thanking Ms. Rainey for taking time to meet with the board and she encouraged members to notify Vital Records if they have any issues and to also refer to the information on their website.

BREAK

The board recessed at 11:00 a.m. and reconvened at 11:10 a.m.

EXECUTIVE DIRECTOR’S REPORT CONTINUED– Lisa R. Hahn

Conferences & Presentations

- Lisa Hahn - attended the International Conference of Funeral Service Examining Boards (ICFSEB) August 25-28th, where she continued working with the committee on the Model Practice Act. Ms. Hahn stated she would send the members the final copy once approved.
- Lynne Helmick traveled to Virginia Beach September 11, 2014 to present on Laws and Regulations for the VFDA Traveling Caravan.

Board Business

Ms. Hahn shared the following with the board;

- Share Point – the board portal Pilot program has been discontinued as the process was not an effective and efficient way of sharing electronic information with board members. Our IT department will continue to find alternative solutions.

- The Examination Committee met on December 10th; Eric Wray, Committee Chair would report later.
- Fee Increase –
 - Effective tomorrow – January 14th;
 - Information has been posted on the website.
 - Share letter and ask for any changes
- Renewals – Due March 31st. First of the two shortfall fees will be assessed. We anticipate that we may receive some unhappy callers.

Ebola Virus Disease (EVD) Strategy Meeting

- Ms. Hahn shared that she attended two meetings with the Office of Chief Medical Examiners and several stakeholders to discuss the following strategies for Ebola Preparedness.

First meeting held at OCME on October 15, 2014:

- Managing Decedent Remains & Questions and Answers.
- Compiled information which was immediately posted on the Board's website.

Second Meeting held at DHP on October 29, 2014:

- Discussed the potential issues that could arise within the funeral profession when handling human remains in the event of an Ebola Outbreak.
 - Associations agreed to survey their membership to see if they could interest volunteers in receiving training.
 - OCME provided Ms. Hahn with a list of individuals who could conduct HAZMAT training, a list of recommended personal protective equipment for remains containment and decontamination and approx cost of items, cost of heat sealed body bag and radioactive marker company source. She shared this information with the associations.
 - Soon after the meeting, we learned that MCV and UVA had been designated as the primary hospitals in the state to treat Ebola patients. If death occurs, they would also prepare and package body for disposition.
- Ms. Hahn shared she had met with the Board of Medicine and VFDA regarding how DHP can assist with the Electronic Death Registration System (EDRS)

Governor's Task Force on Drug and Heroin Abuse

Ms. Hahn referred back to Jaime Hoyle's Report on the Governor's Task Force on Drug and Heroin Abuse and reiterated that this task was of high importance to the Governor, his Administrators as well as Dr. Brown, Agency Director. Ms. Hahn suggested that one way in which the funeral profession could assist this effort would be to inform families to make sure

they properly dispose of the remaining prescription drugs of the deceased family member. Adding this to their checklist could aid in curbing this epidemic.

Staff Notes

- If you have a change of address, email address, cell phone number, please remember to contact us so that we have the most current information on file.
- Licensing Staff – We welcome our newest staff member Heather Wright. Heather is the new Program Manager for the Board of Long Term Care Administrators.

Staff Recognition

Ms. Hahn gave special thanks to Kathy Petersen for all of her extra time and hard work coordinating the 2014 Angel Tree project as well as her efforts with Feedmore. Kathy was also elected as Chair of the Department's Social Planning Committee.

Ms. Hahn mentioned that Lynne Helmick has taken over as the Compliance Case Manager for all three boards and that she has done a great job at making the transition go smoothly.

Ms. Hahn thanked Missy Currier for covering the Long Term Care Board while the recruitment and selection process was underway to fill the vacant position. Ms. Currier continued to perform the duties of her own position while providing this additional job. A special thanks to Vicki Saxby and Laura Mueller for their extra efforts during this timeframe.

2015 Board Meeting Calendar

- January 13th
- April 14th
- July 14th
- October 2nd

NEW BUSINESS

Regulatory Actions – Elaine Yeatts

Ms. Yeatts stated that no comment was received on the proposed text for replacement of emergency regulations which expired. Upon a motion by Bob Oman and properly seconded by Eric Wray, the board voted to adopt the proposed text to 18VAC65-20-436 Standards for registered crematories or funeral establishments relating to cremation. The motion carried unanimously.

2015 Legislation – Elaine Yeatts

Ms. Yeatts briefed the board on several bills being introduced into the 2015 Session of the General Assembly which included 13 DHP Bills.

Consideration of Guidance Documents – Elaine Yeatts

Ms. Yeatts began her report by stating that the board received a Petition for Rulemaking that would require an amendment to the Code of Virginia. Ms. Yeatts stated she responded to the Petitioner that the request would require amending the Code which the board did not have the authority to do. Ms. Yeatts also told the Petitioner that she would ask the board if they would be willing to make a change to guidance document 65-8.

Discussion followed with a motion by Bob Oman and properly seconded by Eric Wray, for the board to reaffirm Guidance Document 65-8 as of January 13, 2015. The motion carried unanimously.

- **Guidance Document 65-8 - Sale of Caskets**

The Board permits casket stores to provide the sale of caskets to the public as long as they are licensed as an establishment or branch of an establishment and abide by the same laws and regulations as a licensee.

The Code of Virginia (§54.1-2800) defines "Practice of funeral services" as "engaging in the care and disposition of the human dead, the preparation of the human dead for the funeral service, burial or cremation, the making of arrangements for the funeral service or for the financing of the funeral service and the selling or making of financial arrangements for the sale of funeral supplies to the public."

Ms. Hahn stated that the board had received complaints of crematories or funeral establishments conducting funeral business with unlicensed companies. Ms. Hahn asked the board if they wish to approve the Guidance Document 65-4 in an effort to remind funeral establishments that it is their responsibility to ensure they are dealing with a licensed establishment.

Upon a motion by Paul Welch and properly seconded by Eric Wray, the board voted to adopt Guidance Document 65-4. The motion carried unanimously.

- **Guidance Document 65-4 - Aiding and Abetting Unlicensed Practice**

Virginia Code § 54.1-2806(10) prohibits licensees of the Board of Funeral Directors and Embalmers ("Board") from "[a]iding or abetting an unlicensed person to practice within the funeral service profession[.]" All licensees of the Board are responsible for adhering to the laws and regulations governing the funeral service profession in Virginia.

If a licensee of the Board contracts to provide funeral services of any kind with another funeral director, funeral home, or entity providing funeral services, where the other contracting party is not licensed to practice within the funeral service profession, the licensee of the Board is in violation of Virginia Code § 54.1-2806(10) and may face disciplinary action. Specifically, the contracting party must be licensed in the state in which arrangements are or will be made.

Before entering into a business arrangement with another funeral director, funeral home, or entity providing funeral services, the Board recommends that Virginia licensed funeral service professionals verify the licensure status of the other party in the state in which arrangements are or will be made. Virginia licenses can be verified through the Department of Health Professions' license look-up feature, available at www.dhp.virginia.gov. Many other states have online license verification for funeral service professionals as well. As an alternative, a licensee may simply request that a potential contracting party provide the licensee with a copy of the contracting party's valid license.

The burden of ensuring that a licensee is compliant with the laws and regulations governing the practice of funeral services in Virginia rests solely with the licensee. Therefore, the Board recommends that licensees verify the licensure status of all parties with which they contract to provide funeral services.

Phoenix II-3 – Lynne Helmick

Ms. Helmick reported that a funeral establishment contacted her regarding the Phoenix II-3 cremation retort which has a secondary reduction chamber. Ms. Helmick stated that the retort maintains separation of the bodies and ashes, is more fuel efficient and emits less air particulates. She explained that the board would be required to change the regulation in order for the system to be used as intended.

Following discussion, a motion was made by Eric Wray and properly seconded by Bob Oman to amend 18VAC65-20-436 (B) (3) the regulation as follows:

18VAC65-20-436. Standards for registered crematories or funeral establishments relating to cremation.

B. Standards for cremation. The following standards shall be required for every crematory:

3. A crematory shall not cremate the human remains of more than one person simultaneously in the same ~~retort~~ chamber, unless the crematory has received specific written authorization to do so from the person signing the cremation authorization form.

The motion carried unanimously.

Examination Committee Report – Eric Wray II, Committee Chair

Mr. Wray reported that on December 10th the committee met for almost the entire day to review and re-reference each and every item in the data bank. He stated that Patsy Steele from PES participated in the review and that the examination was in good shape and he thanked the members for their hard work.

ADJOURNMENT:

Upon a motion by Eric Wray and properly seconded by Paul Welch, the board concluded the meeting at 12:10 p.m.

Christopher P. Vincent, Jr., President

Lisa R. Hahn, Executive Director

Date

Date

UNAPPROVED

VIRGINIA BOARD OF FUNERAL DIRECTORS & EMBALMERS FORMAL ADMINISTRATIVE HEARING MINUTES

Tuesday, January 13, 2015

1:00 P.M.

Department of Health Professions
9960 Mayland Drive, Suite #300
Henrico, Virginia 23233

CALL TO ORDER: The Formal Hearing of the Board was called to order at 1:10 p.m.

MEMBERS PRESENT: Connie Steele, FSL, Chair
Paul Welch, FSL
Eric Wray, FSL
Louis Jones, FSL
Tommy Slusser, FSL
Ibrahim Moiz, Esq., Citizen Member

MEMBERS ABSENT: Junius Williams, Jr., Citizen Member

BOARD COUNSEL: Erin L. Barrett, Assistant Attorney General

DHP STAFF PRESENT: Lisa R. Hahn, Executive Director

COURT REPORTER: Angela Pegram Court Reporting Services, LLC

PARTIES ON BEHALF OF COMMONWEALTH: Amanda Blount, Adjudication Specialist

COMMONWEALTH WITNESS: Missy Currier, Deputy Executive Director

MATTER SCHEDULED: George E. Penn, FSL
License No.: 0502-840027
Case No.: 152211

ESTABLISHMENT OF A QUORUM:

With six (6) members of the Board present, a quorum was established.

DISCUSSION:

Mr. Penn did not appear before the Board in accordance with the Board's Notice of Formal Hearing dated December 15, 2014, and was not represented by counsel. Ms. Steele noted that proper and adequate notice was given, the time was 1:10 p.m. and Mr. Penn was not present. The Board proceeded with the hearing. They received evidence and sworn testimony from the parties called by the Commonwealth, regarding the matters as set forth in the Statement of Particulars.

CLOSED SESSION:

Upon a motion by Paul Welch, and duly seconded by Eric Wray, the Board voted to convene a closed meeting at 1:25 p.m., pursuant to §2.2-3711.A(27) of the Code of Virginia, for the purpose of deliberation to reach a decision in the matter of George E. Penn, FSL. Additionally, she moved that Ms. Barrett and Ms. Hahn attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations.

RECONVENE:

Upon a motion by Paul Welch, and duly seconded by Eric Wray, the Board voted to re-convene at 2:25 p.m.

CERTIFICATION:

Paul Welch certified that the matters discussed in the preceding closed session met the requirements of §2.2-3712 of the Code of Virginia, the Board reconvened in open session.

DECISION:

Upon a motion by Paul Welch and duly seconded by Louis Jones, the Board moved to SUSPEND the license of George E. Penn, FSL to practice as a funeral service licensee in the Commonwealth of Virginia, for no less than eighteen (18) months.

VOTE:

Before Mr. Penn can reinstate his license he must come into compliance with his April 18, 2013 Order.

ADJOURNMENT:

The vote was unanimous.

The Board adjourned at 2:30 p.m.

Connie Steele, FSL, Chair

Lisa R. Hahn, Executive Director

Date

Date

Tab 2

Virginia Department of Health Professions
Board of Funeral Directors
Cash Balance
As of January 31, 2015

	104- Funeral Directors and Emba
Board Cash Balance as of June 30, 2014	\$ (242,833)
YTD FY15 Revenue	33,805
Less: YTD FY15 Direct and In-Direct Expenditures	<u>(357,708)</u>
Board Cash Balance as of January 31, 2015	<u><u>(566,736)</u></u>

**Board of Funeral Directors & Embalmers
Revenue Report
July 1, 2014 through January 31, 2015**

	Revenue Operating Budget	Current Year Total Revenue	(Over) Under Revenue Operating Budget	% of Budget Remaining
Board of Funeral Directors and Emb				
Fee Revenue				
2401 · Application Fee	36,425.00	21,685.00	14,740.00	40.5%
2406 · License & Renewal Fee	469,165.00	5,835.00	463,330.00	98.8%
2407 · Dup. License Certificate Fee	240.00	210.00	30.00	12.5%
2409 · Board Endorsement - Out	3,850.00	2,150.00	1,700.00	44.2%
2421 · Monetary Penalty & Late Fees	3,270.00	150.00	3,120.00	95.4%
2430 · Board Changes Fee	3,875.00	2,475.00	1,400.00	36.1%
2432 · Misc. Fee (Bad Check Fee)	35.00	0.00	35.00	100.0%
9060 · Miscellaneous Revenue	3,900.00	1,300.00	2,600.00	66.7%
Total Revenue	520,760.00	33,805.00	486,955.00	93.5%

	Operational Budget	Current Year Expenditures	(Over) Under Operational Budget	% of Budget Remaining
Expense				
5011110 Employer Retire Contrb-Def Ben	10,168.00	6095.09	4,072.91	40.1%
5011120 Salary Social Security&Medicare	6,309.00	3555.51	2,358.09	37.4%
5011140 Group Life Insurance	1,089.00	599.24	489.76	45.0%
5011150 Employer Health Ins Premium	18,048.00	10964.71	7,083.29	39.2%
5011160 Retiree Health Ins Cr Premium	965.00	527.19	437.81	45.4%
5011170 VSDB & Longterm Disability Ins	602.00	321.05	280.95	46.7%
5011230 Salaries, Classified	82,466.00	49987.03	32,478.97	39.4%
5011250 Salaries, Overtime	0.00	13.87	(13.87)	0.0%
5011380 Deferred Comp Match Payments	840.00	404.5	435.50	51.8%
5011620 Salaries, Annual Leave Balance	0.00	46.32	(46.32)	0.0%
5011630 Salaries, Sick Leave Balances	0.00	93.36	(93.36)	0.0%
5012110 Express Services	200.00	0	200.00	100.0%
5012140 Postal Services	3,500.00	773.73	2,726.27	77.9%
5012150 Printing Services	1,500.00	170.64	1,329.36	88.6%
5012160 Telecom Services (VITA)	300.00	176.1	123.90	41.3%
5012170 Telecom Services (Non-State)	0.00	236.4	(236.40)	0.0%
5012190 Inbound Freight Services		0.15	(0.15)	0.0%
5012210 Organization Memberships	1,200.00	250	950.00	79.2%
5012220 Publication Subscriptions	600.00	0	600.00	100.0%
5012240 Employee Trainng/Workshop/Conf	1,000.00	0	1,000.00	100.0%
5012250 Employee Tuition Reimbursement	1,000.00	0	1,000.00	100.0%
5012270 Employee Training Travel	800.00	0	800.00	100.0%
5012360 X-Ray & Laboratory Services		0		0.0%
5012420 Fiscal Services	9,520.00	45.09	9,474.91	99.5%
5012440 Management Services	120.00	14.12	105.88	88.2%
5012470 Legal Services	150.00	0	150.00	100.0%
5012510 Custodial Services	0.00	44.69	(44.69)	0.0%
5012530 Equipment Repair & Maint Srvc	40.00	3.01	36.99	92.5%

	Revenue Operating Budget	Current Year Total Revenue	(Over) Under Revenue Operating Budget	% of Budget Remaining	
Board of Funeral Directors and Emb					
5012630	Clerical Services	5,500.00	0	5,500.00	100.0%
5012640	Food & Dietary Services	2,100.00	270.58	1,829.42	87.1%
5012660	Manual Labor Services	1,200.00	3.94	1,196.06	99.7%
5012670	Production Services	1,120.00	212.54	907.46	81.0%
5012680	Skilled Services	3,910.00	0	3,910.00	100.0%
5012820	Travel, Personal Vehicle	5,100.00	2523.83	2,576.17	50.5%
5012830	Travel, Public Carriers	700.00	0	700.00	100.0%
5012850	Travel, Subsistence & Lodging	1,600.00	0	1,600.00	100.0%
5012880	Travel, Meal Reimb-Not Rpt Irs	750.00	0	750.00	100.0%
5013120	Office Supplies	1,500.00	306.7	1,193.30	79.6%
5013130	Stationary & Forms	675.00	1.39	673.61	99.8%
5013350	Packaging & Shipping Supplies	85.00	0	85.00	100.0%
5013520	Custodial Repair & Maint Matri		2.62	(2.62)	0.0%
5013540	Mechanical Repair & Maint Matri	0.00	14.25	(14.25)	0.0%
5013620	Food & Dietary Supplies	30.00	0	30.00	100.0%
5013630	Food Service Supplies	90.00	0	90.00	100.0%
5013730	Computer Operating Supplies	15.00	3.99	11.01	73.4%
5015160	Property Insurance	36.00	30.42	5.58	15.5%
5015350	Building Rentals	15.00	4.86	10.14	67.6%
5015390	Bldg Rental-NonState DGS Adm	9,517.00	5553.61	3,963.39	41.6%
5015510	General Liability Insurance	135.00	109.19	25.81	19.1%
5015540	Surety Bonds	8.00	6.44	1.56	19.5%
5022240	Reference Equipment	0.00	52.88	(52.88)	0.0%
5022610	Office Appurtenances	132.00	0	132.00	100.0%
	Total Expenditures	\$174,635.00	83419.04	90,820.56	52.0%

	FY15 Budget	Current Year Expenditures	(Over) Under Operational Budget	% of Budget Remaining	
9001	Cost Allocated Expenditures				
	9206 · Funeral/LTCAIPT	99,318.85	61,249.65	38,069.20	38.3%
	9301 · DP Operations & Equipment	102,613.08	51,724.93	50,888.15	49.6%
	9302 · Human Resources	12,499.93	10,774.13	1,725.80	13.8%
	9303 · Finance	23,379.58	16,522.55	6,857.03	29.3%
	9304 · Director's Office	14,192.18	15,460.82	(1,268.64)	-8.9%
	9305 · Enforcement	193,148.40	91,507.27	101,641.13	52.6%
	9306 · Administrative Proceedings	35,769.84	10,615.05	25,154.79	70.3%
	9307 · Impaired Practitioners		-	-	
	9308 · Attorney General	45,850.44	7,835.97	38,014.47	82.9%
	9309 · Board of Health Professions	7,439.40	4,460.86	2,978.54	40.0%
	9310 · SRTA		-	-	
	9311 · Maintenance and Repairs	479.64	-	479.64	100.0%
	9313 · Emp. Recognition Program	344.64	113.50	231.14	67.1%
	9314 · Conference Center	252.24	96.10	156.14	61.9%
	9315 · Pgm Devlpmnt & Implmentn	8,237.43	3,927.87	4,309.56	52.3%
987900	Cash Trsfr Out- Appr Act Pt. 3	1,371.72	-	1,371.72	100.0%
	Total	544,897.37	274,288.70	270,608.67	49.7%

Disciplinary Case Report for Funeral Directors April 14, 2015

Investigations	19
Probable Cause	6
APD	1
Informal Stage	0
Formal Stage	3
Total	29

FDE Orders currently being monitored by Compliance Manager - **22**

Data as of 03/31/2015

License Count Report for Funeral Directors

April 14, 2015

Branch Establishment	69
Continuing Education Provider	25
Courtesy Card	75
Crematories	105
Funeral Establishments	439
Funeral Service Interns	213
Embalmer	5
Funeral Service Director	51
Funeral Service Licensee's	1,554
Funeral Service Supervisors	434
Surface Transportation & Removal Services	51
Total	3,021

Virginia Department of Health Professions

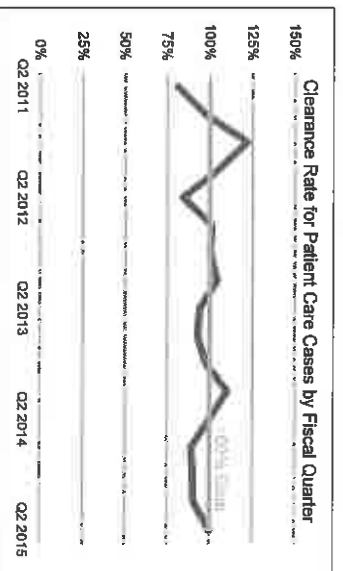
Patient Care Disciplinary Case Processing Times: Quarterly Performance Measurement, Q2 2011 - Q2 2015

David E. Brown, D.C.
Director

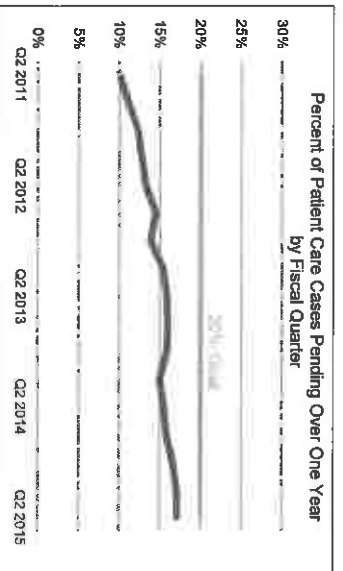
"To ensure safe and competent patient care by licensing health professionals, enforcing standards of practice, and providing information to health care practitioners and the public."
DHP Mission Statement

In order to uphold its mission relating to discipline, DHP continually assesses and reports on performance. Extensive trend information is provided on the DHP website, in biennial reports, and, more recently, on Virginia Performs through Key Performance Measures (KPMs). KPMs offer a concise, balanced, and data-based way to measure disciplinary case processing. These three measures, taken together, enable staff to identify and focus on areas of greatest importance in managing the disciplinary caseload: Clearance Rate, Age of Pending Caseload and Time to Disposition uphold the objectives of the DHP mission statement. The following pages show the KPMs by board, listed in order by caseload volume; volume is defined as the number of cases received during the previous 4 quarters. In addition, readers should be aware that vertical scales on the line charts change, both across boards and measures, in order to accommodate varying degrees of data fluctuation.

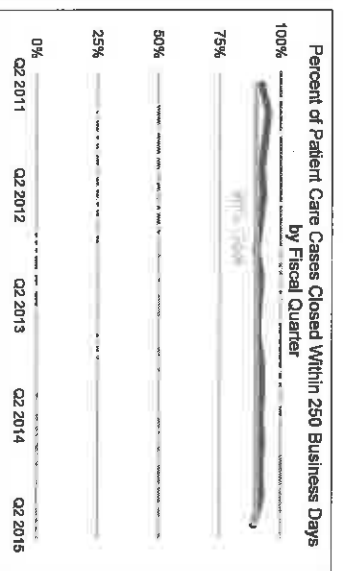
Clearance Rate - the number of closed cases as a percentage of the number of received cases. A 100% clearance rate means that the agency is closing the same number of cases as it receives each quarter. DHP's goal is to maintain a 100% clearance rate of allegations of misconduct through the end of FY 2016. The current quarter's clearance rate is 100%, with 871 patient care cases received and 872 closed.



Age of Pending Caseload - the percent of open patient care cases over 250 business days old. This measure tracks the backlog of patient care cases older than 250 business days to aid management in providing specific closure targets. The goal is to maintain the percentage of open patient care cases older than 250 business days at no more than 20% through the end of FY 2016. That goal continues to be achieved with the percent of cases pending over 250 business days maintaining an average of 16% for the past 13 quarters. For the last quarter shown, there were 2,479 patient care cases pending, with 426 pending over 250 business days.



Time to Disposition - the percent of patient care cases closed within 250 business days for cases received within the preceding eight quarters. This moving eight-quarter window approach captures the vast majority of cases closed in a given quarter and effectively removes any undue influence of the oldest cases on the measure. The goal is to resolve 90% of patient care cases within 250 business days through the end of FY 2016. The current quarter shows 89% percent of patient care cases being resolved within 250 business days with 858 cases closed and 765 closed within 250 business days.

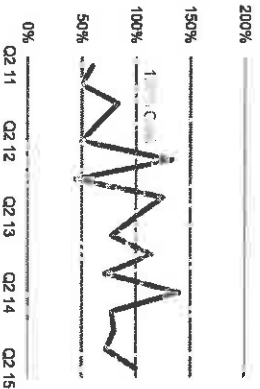


Virginia Department of Health Professions - Patient Care Disciplinary Case Processing Times, by Board

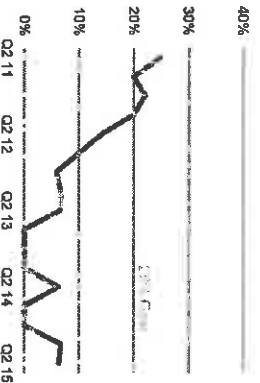
Clearance Rate

Physical Therapy - In Q2 2015, the clearance rate was 100%, the Pending Caseload older than 250 business days was 6% and the percent closed within 250 business days was 100%.

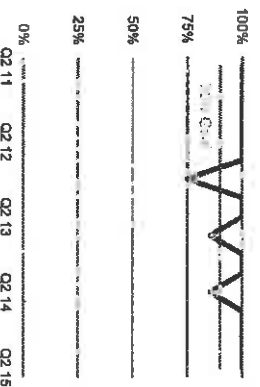
Q2 2015 Caseloads:
 Received=4, Closed=4
 Pending over 250 days=1
 Closed within 250 days=4



Age of Pending Caseload (percent of cases pending over one year)

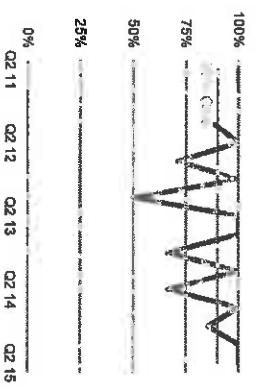
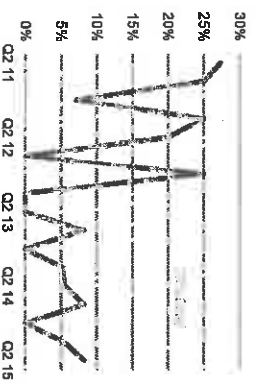
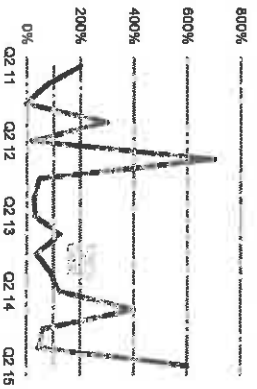


Percent Closed in 250 Business Days



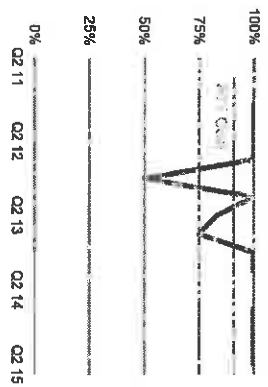
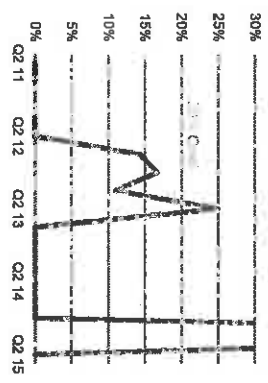
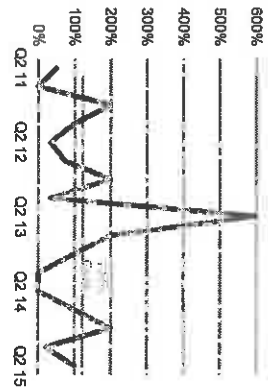
Funeral - In Q2 2015, the clearance rate was 600%, the Pending Caseload older than 250 business days was 8% and the percent closed within 250 business days was 100%.

Q2 2015 Caseloads:
 Received=1, Closed=6
 Pending over 250 days=1
 Closed within 250 days=6



Audiology - In Q2 2015, the clearance rate was 100%, the Pending Caseload older than 250 business days was 0% and the percent closed within 250 business days was 100%.

Q2 2015 Caseloads:
 Received=2, Closed=2
 Pending over 250 days=0
 Closed within 250 days=2



Note: Vertical scales on line charts change, both across boards and measures, in order to accommodate varying degrees of data fluctuation.

APPLICANT SATISFACTION SURVEY RESULTS
APPROVAL RATE

FISCAL YEAR 2015, QUARTER ENDING 12/31/2014

Quarter Breakdown	
Quarter 1	July 1st - September 30th
Quarter 2	October 1st - December 31st
Quarter 3	January 1st - March 31st
Quarter 4	April 1st - June 30th

*Applicant Satisfaction Surveys are sent to all initial applicants. The survey includes six categories for which applicants rate their satisfaction on a scale from one to four, one and two being degrees of satisfaction, three and four being degrees of dissatisfaction. This report calculates the percentage of total responses falling into the approval range. An "n/a" is used if no response was received for that board during the specified timeframe.

AGENCY	CURRENT											
	12/31/14	09/30/14	06/30/14	03/31/14	12/31/13	09/30/13	06/30/13	03/31/13	12/31/12	09/30/12	06/30/12	03/31/12
Board	12/31/14	09/30/14	06/30/14	03/31/14	12/31/13	09/30/13	06/30/13	03/31/13	12/31/12	09/30/12	06/30/12	03/31/12
Audiology/Speech Pathology	83.3%	89.6%	100.0%	100.0%	85.7%	94.8%	100.0%	100.0%	100.0%	97.0%	86.7%	100.0%
Counseling	91.1%	83.3%	92.8%	87.7%	83.2%	80.1%	76.3%	69.9%	78.0%	60.3%	74.5%	71.6%
Dentistry	91.7%	86.3%	88.9%	92.3%	95.9%	90.9%	94.7%	98.7%	94.1%	92.9%	93.7%	96.6%
Funeral Directing	100.0%	N/A	100.0%	88.9%	100.0%	100.0%	100.0%	n/a	100.0%	100.0%	100.0%	n/a
Long Term Care Administrator	100.0%	100.0%	100.0%	88.9%	100.0%	100.0%	n/a	100.0%	100.0%	100.0%	81.0%	100.0%
Medicine	81.2%	92.2%	95.0%	92.2%	91.8%	91.1%	87.5%	94.4%	86.2%	93.9%	95.4%	95.1%
Nurse Aide	97.3%	95.6%	100.0%	96.5%	99.7%	97.2%	99.1%	97.6%	96.8%	97.1%	97.5%	97.7%
Nursing	94.9%	95.6%	94.5%	94.5%	96.4%	94.3%	96.5%	94.4%	93.7%	95.7%	94.7%	97.9%
Optometry	100.0%	100.0%	N/A	N/A	100.0%	100.0%	100.0%	n/a	n/a	n/a	100.0%	100.0%
Pharmacy	98.3%	98.8%	99.1%	97.6%	98.1%	97.7%	97.3%	97.5%	98.8%	97.5%	98.1%	96.1%
Physical Therapy	97.3%	94.3%	90.5%	100.0%	98.7%	96.9%	98.6%	100.0%	96.6%	95.3%	96.2%	100.0%
Psychology	76.8%	89.6%	96.0%	88.9%	92.6%	88.6%	99.1%	89.6%	78.7%	92.8%	90.2%	98.8%
Social Work	92.0%	92.0%	88.5%	95.8%	90.7%	86.6%	94.9%	84.7%	87.3%	84.2%	86.9%	85.6%
Veterinary Medicine	100.0%	100.0%	100.0%	100.0%	100.0%	97.4%	93.3%	83.3%	100.0%	100.0%	98.7%	88.9%
AGENCY	92.5%	94.2%	95.1%	94.2%	95.0%	93.6%	93.5%	93.5%	91.9%	94.7%	94.5%	95.5%

Tab 3

Agenda Item: Regulatory Actions - Chart of Regulatory Actions

Staff Note: Attached is a chart with the status of regulations for the Board as of March 25, 2015

Chapter		Action / Stage Information
[18 VAC 65 - 20]	Regulations of the Board of Funeral Directors and Embalmers	<u>Change in requirement for cremation unit</u> [Action 4325] Fast-Track - <i>DPB Review in progress; at DPB for 29 days</i>
[18 VAC 65 - 20]	Regulations of the Board of Funeral Directors and Embalmers	<u>Identification of human remains</u> [Action 3340] Final - <i>At Secretary's Office for 28 days</i>

Report of the 2015 General Assembly
Board of Funeral Directors and Embalmers

HB 1435 Physician assistants and nurse practitioners; appointment as medical examiners.

Chief patron: O'Bannon

Appointment of physician assistants and nurse practitioners as medical examiners. Adds licensed physician assistants and nurse practitioners to the list of individuals who may be appointed to serve as medical examiners.

03/16/15 Governor: Acts of Assembly Chapter text (CHAP0107)

HB 1738 Hospices; notice to dispenser of patient's death within 48 hours.

Chief patron: Hodges

Hospices; notice of patient's death to dispenser. Requires every hospice licensed by the Department of Health or exempt from licensure pursuant to § 32.1-162.2 with a hospice patient residing at home at the time of death to notify every pharmacy that has dispensed partial quantities of a Schedule II controlled substance for a patient with a medical diagnosis documenting a terminal illness, as authorized by federal law, within 48 hours of the patient's death.

02/26/15 House: Signed by Speaker

02/26/15 Senate: Signed by President

02/27/15 House: Enrolled Bill communicated to Governor on 2/27/15

HB 1803 Surface transportation and removal service; registration, manager of record.

Chief patron: Villanueva

Surface transportation and removal service; manager of record. Requires any applicant for registration as a surface transportation and removal service to include the name of a manager of record on its application for registration and to notify the Board of Funeral Directors and Embalmers within 30 days of any change in the manager of record.

03/16/15 Governor: Acts of Assembly Chapter text (CHAP0110)

HB 1963 Health Professions, Department of; disclosure of confidential information.

Chief patron: O'Bannon

Department of Health Professions; disclosure of confidential information. Allows the Director of the Department of Health Professions to disclose information about a suspected violation of state or federal law or regulation to other agencies within the Health and Human Resources Secretariat or to federal law-enforcement agencies having jurisdiction over the suspected violation or to request an inspection or investigation of a licensee by such state or federal agency when the Director has reason to believe that a possible violation of federal or state law has occurred.

03/16/15 Governor: Acts of Assembly Chapter text (CHAP0114)

SB 895 Funeral Directors and Embalmers, Board of; clarifies definition of embalming.

Chief patron: Alexander

Board of Funeral Directors and Embalmers. Clarifies the definition of embalming to include details on the process and its purpose; eliminates the requirement that the Board of Funeral Directors and Embalmers offer examinations for licensure at least quarterly; adds mental or physical incapacity to practice his profession with safety to the public to the list of causes for which the Board may refuse to admit a candidate to an examination or may suspend, revoke, or refuse to issue a license; eliminates the requirement that all licenses be signed by the president and secretary of the Board and stamped with the seal of the Board; and makes other technical changes to provisions related to the Board.

02/18/15 House: Signed by Speaker

02/20/15 Senate: Signed by President

02/23/15 Senate: Enrolled Bill Communicated to Governor on 2/23/15

SB 951 Dead bodies; disposition of remains or burial of decedent.

Chief patron: Alexander

Disposition of dead bodies. Clarifies the role of a person other than a decedent's next of kin, a person designated to make arrangements for the decedent's burial or the disposition of his remains, an agent named in an advance directive, or a court-appointed guardian to make decisions regarding the disposition of a decedent's remains. The bill defines "disposition" as the burial, interment, entombment, cremation, or other authorized disposition of a dead body. The bill also clarifies the definition of next of kin.

02/25/15 House: Signed by Speaker

02/26/15 Senate: Signed by President

02/26/15 Senate: Enrolled Bill Communicated to Governor on 2/26/15

SB 1434 Dead bodies; disposition, identification of decedent.

Chief patron: Hanger

Disposition of dead bodies. Provides that in cases in which the identity of a decedent and the county or city in which the decedent resided at the time of death are known, the person or institution having initial custody of the dead body shall notify the primary law-enforcement agency for the county or city in which the decedent resided of the decedent's death, and such law-enforcement agency shall make good faith efforts to identify and notify the decedent's next of kin. Currently, the primary law-enforcement agency for the county or city in which the person or institution having initial custody of the dead body is located is responsible for making good faith efforts to identify the decedent and notify the decedent's next of kin.

02/24/15 House: Signed by Speaker

02/26/15 Senate: Signed by President

02/26/15 Senate: Enrolled Bill Communicated to Governor on 2/26/15

1

VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 54.1-2800, 54.1-2802, 54.1-2806, 54.1-2815, and 54.1-2819 of the*
 3 *Code of Virginia, relating to the Board of Funeral Directors and Embalmers.*

4

[S 895]

5

Approved

6

Be it enacted by the General Assembly of Virginia:

7

1. That §§ 54.1-2800, 54.1-2802, 54.1-2806, 54.1-2815, and 54.1-2819 of the Code of Virginia are
 8 amended and reenacted as follows:

9

§ 54.1-2800. Definitions.

10

As used in this chapter, unless the context requires a different meaning:

11

"Advertisement" means any information disseminated or placed before the public.

12

"At-need" means at the time of death or while death is imminent.

13

"Board" means the Board of Funeral Directors and Embalmers.

14

"Cremate" means to reduce a dead human body to ashes and bone fragments by the action of fire.

15

"Cremator" means a person or establishment that owns or operates a crematory or crematorium or
 16 cremates dead human bodies.

17

"Crematory" or "crematorium" means a facility containing a furnace for cremation of dead human
 18 bodies.

19

"Embalmer" means any person engaged in the practice of embalming.

20

"Embalming" means the ~~preservation and disinfection of the human dead by external or internal~~
 21 ~~application of chemicals process of chemically treating the dead human body by arterial injection and~~
 22 ~~cavity treatment or, when necessary, hypodermic tissue injection to reduce the presence and growth of~~
 23 ~~microorganisms to temporarily retard organic decomposition.~~

24

"Funeral directing" means the for-profit profession of directing or supervising funerals, preparing
 25 human dead for burial by means other than embalming, or making arrangements for funeral services or
 26 the financing of funeral services.

27

"Funeral director" means any person engaged in the practice of funeral directing.

28

"Funeral service establishment" means any main establishment, branch, or chapel ~~which~~ *that* is
 29 permanently affixed to the real estate and for which a certificate of occupancy has been issued by the
 30 local building official where any part of the profession of funeral directing, the practice of funeral
 31 services, or the act of embalming is performed.

32

"Funeral service intern" means a person who is preparing to be licensed for the practice of funeral
 33 services under the direct supervision of a practitioner licensed by the Board.

34

"Funeral service licensee" means a person who is licensed in the practice of funeral services.

35

"In-person communication" means face-to-face communication and telephonic communication.

36

"Next of kin" means any of the following persons, regardless of the relationship to the decedent: any
 37 person designated to make arrangements for the disposition of the decedent's remains upon his death
 38 pursuant to § 54.1-2825, the legal spouse, child over 18 years of age, custodial parent, noncustodial
 39 parent, siblings over 18 years of age, guardian of minor child, guardian of minor siblings, maternal
 40 grandparents, paternal grandparents, maternal siblings over 18 years of age and paternal siblings over 18
 41 years of age, or any other relative in the descending order of blood relationship.

42

"Practice of funeral services" means engaging in the care and disposition of the human dead, the
 43 preparation of the human dead for the funeral service, burial or cremation, the making of arrangements
 44 for the funeral service or for the financing of the funeral service and the selling or making of financial
 45 arrangements for the sale of funeral supplies to the public.

46

"Preneed" means at any time other than at-need.

47

"Preneed funeral contract" means any agreement where payment is made by the consumer prior to
 48 the receipt of services or supplies contracted for, which evidences arrangements prior to death for: (i)
 49 the providing of funeral services or (ii) the sale of funeral supplies.

50

"Preneed funeral planning" means the making of arrangements prior to death for: (i) the providing of
 51 funeral services or (ii) the sale of funeral supplies.

52

"Solicitation" means initiating contact with consumers with the intent of influencing their selection of
 53 a funeral plan or funeral service provider.

54

§ 54.1-2802. Board; appointment; terms; vacancies; meetings; quorum.

55

The Board of Funeral Directors and Embalmers shall consist of nine members as follows: seven
 56 funeral service licensees of the Board with at least five consecutive years of funeral service practice in

ENROLLED

SB895ER

57 ~~this~~ the Commonwealth immediately prior to appointment and two *nonlegislative* citizen members. The
 58 terms of office shall be for four years from July 1. Appointments shall be made annually on or before
 59 June 30 as the terms of the members respectively expire. Appointments to the Board should generally
 60 represent the geographical areas of the Commonwealth. The Board shall annually elect a president, a
 61 vice-president, and a secretary-treasurer.

62 The Board shall hold at least two meetings each year. In addition, the Board may meet as often as
 63 its duties require. Five members shall constitute a quorum. ~~No less than quarterly, the Board shall offer
 64 examinations for licensure. Such examinations for licensure are not required to be held in conjunction
 65 with meetings of the Board.~~

66 **§ 54.1-2806. Refusal, suspension, or revocation of license.**

67 The Board may refuse to admit a candidate to any examination, refuse to issue a license to any
 68 applicant and may suspend a license for a stated period or indefinitely, or revoke any license or censure
 69 or reprimand any licensee or place him on probation for such time as it may designate for any of the
 70 following causes:

- 71 1. Conviction of any felony or any crime involving moral turpitude;
- 72 2. Unprofessional conduct ~~which~~ *that* is likely to defraud or to deceive the public or clients;
- 73 3. Misrepresentation or fraud in the conduct of the funeral service profession, or in obtaining or
 74 renewing a license;
- 75 4. False or misleading advertising or solicitation;
- 76 5. Solicitation at-need or any preneed solicitation using in-person communication by the licensee, his
 77 agents, assistants or employees; however, general advertising and preneed solicitation, other than
 78 in-person communication, shall be allowed;
- 79 6. Employment by the licensee of persons known as "cappers" or "steerers," or "solicitors," or other
 80 such persons to obtain the services of a holder of a license for the practice of funeral service;
- 81 7. Employment directly or indirectly of any agent, employee or other person, on part or full time, or
 82 on a commission, for the purpose of calling upon individuals or institutions by whose influence dead
 83 human bodies may be turned over to a particular funeral establishment;
- 84 8. Direct or indirect payment or offer of payment of a commission to others by the licensee, his
 85 agents, or employees for the purpose of securing business;
- 86 9. Use of alcohol or drugs to the extent that such use renders him unsafe to practice his licensed
 87 activity;
- 88 10. Aiding or abetting an unlicensed person to practice within the funeral service profession;
- 89 11. Using profane, indecent, or obscene language within the immediate hearing of the family or
 90 relatives of a deceased, whose body has not yet been interred or otherwise disposed of;
- 91 12. Solicitation or acceptance by a licensee of any commission or bonus or rebate in consideration of
 92 recommending or causing a dead human body to be disposed of in any crematory, mausoleum, or
 93 cemetery;
- 94 13. Violation of any statute, ordinance, or regulation affecting the handling, custody, care, or
 95 transportation of dead human bodies;
- 96 14. Refusing to surrender promptly the custody of a dead human body upon the express order of the
 97 person lawfully entitled to custody;
- 98 15. Knowingly making any false statement on a certificate of death;
- 99 16. Violation of any provisions of Chapter 7 (§ 32.1-249 et seq.) of Title 32.1;
- 100 17. Failure to comply with § 54.1-2812, and to keep on file an itemized statement of funeral
 101 expenses in accordance with Board regulations;
- 102 18. Knowingly disposing of parts of human remains, including viscera, that are received with the
 103 body by the funeral establishment, in a manner different from that used for final disposition of the body,
 104 unless the persons authorizing the method of final disposition give written permission that the body parts
 105 may be disposed of in a manner different from that used to dispose of the body;
- 106 19. Violating or failing to comply with Federal Trade Commission rules regulating funeral industry
 107 practices;
- 108 20. Violating or cooperating with others to violate any provision of *Chapter 1 (§ 54.1-100 et seq.)*,
 109 *Chapter 24 (§ 54.1-2400 et seq.)*, this chapter, or the regulations of the Board of Funeral Directors and
 110 Embalmers or the Board of Health;
- 111 21. Failure to comply with the reporting requirements as set forth in § 54.1-2817 for registered
 112 funeral service interns;
- 113 22. Failure to provide proper and adequate supervision and training instruction to registered funeral
 114 service interns as required by regulations of the Board;
- 115 23. Violating any statute or regulation of the Board regarding the confidentiality of information
 116 pertaining to the deceased or the family of the deceased or permitting access to the body in a manner
 117 that is contrary to the lawful instructions of the next-of-kin of the deceased;

118 24. Failure to include, as part of the general price list for funeral services, a disclosure statement
119 notifying the next of kin that certain funeral services may be provided off-premises by other funeral
120 service providers;

121 25. Disciplinary action against a license, certificate, or registration issued by another state, the
122 District of Columbia, or territory or possession of the United States; and

123 26. Failure to ensure that a dead human body is maintained in refrigeration at no more than
124 approximately 40 degrees Fahrenheit or embalmed if it is to be stored for more than 48 hours prior to
125 disposition. A dead human body shall be maintained in refrigeration and shall not be embalmed in the
126 absence of express permission by a next of kin of the deceased or a court order; and

127 27. *Mental or physical incapacity to practice his profession with safety to the public.*

128 **§ 54.1-2815. Application for license; how license signed; duration.**

129 All applications for examination for a license for the practice of funeral service shall be upon forms
130 furnished by the Board.

131 All licenses shall be signed by the president and secretary of the Board and stamped with the seal of
132 the Board.

133 All licenses shall be issued or renewed for a period prescribed by the Board, not exceeding two
134 years.

135 **§ 54.1-2819. Registration of surface transportation and removal services.**

136 Any person or private business, except a common carrier engaged in interstate commerce, the
137 Commonwealth and its agencies, or an emergency medical services agency holding a permit issued by
138 the Commissioner of Health pursuant to § 32.1-111.6, shall apply for and receive a registration as a
139 transportation and removal service in order to be authorized to engage in the business of surface
140 transportation or removal of dead human bodies in this the Commonwealth.

141 Surface transportation and removal services shall not arrange or conduct funerals, provide for the
142 care or preparation, including embalming, of dead human bodies, or sell or provide funeral-related goods
143 and services without the issuance of a funeral service establishment license.

144 The Board of Funeral Directors and Embalmers shall promulgate regulations for such registration
145 including proper procedures in the handling of all dead human bodies being transported, application
146 process for registration, and establishment of registration fees. These regulations shall not require the use
147 of a casket for transportation. No licensed funeral service establishment shall be required to receive such
148 registration in addition to its funeral service establishment license. However, such establishment shall be
149 subject to the regulations pertaining to transportation and removal services.

150 All registrations as a surface transportation and removal service shall be renewed annually and no
151 person, or private business or funeral service establishment shall engage in the business as a surface
152 transportation and removal service without holding a valid registration.

153 Any surface transportation or removal service which that is not registered or persons who knowingly
154 engage in transportation or removal services without registration shall be subject to the disciplinary
155 actions provided in this chapter.

156 This section shall not be construed to prohibit private individuals from transporting or removing the
157 remains of deceased family members and relatives either by preference or in observation of religious
158 beliefs and customs.

VIRGINIA ACTS OF ASSEMBLY -- 2015 SESSION

CHAPTER 110

An Act to amend and reenact § 54.1-2819 of the Code of Virginia, relating to surface transportation or removal service; manager of record.

[H 1803]

Approved March 16, 2015

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2819 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-2819. Registration of surface transportation and removal services; penalty.

Any person or private business, except a common carrier engaged in interstate commerce, the Commonwealth and its agencies, or an emergency medical services agency holding a permit issued by the Commissioner of Health pursuant to § 32.1-111.6, shall apply for and receive a registration as a transportation and removal service in order to be authorized to engage in the business of surface transportation or removal of dead human bodies in this Commonwealth.

Surface transportation and removal services shall not arrange or conduct funerals, provide for the care or preparation, including embalming, of dead human bodies, or sell or provide funeral-related goods and services without the issuance of a funeral service establishment license.

The Board of ~~Funeral Directors and Embalmers~~ shall promulgate regulations for such registration including proper procedures in the handling of all dead human bodies being transported, *the* application process for registration, and *the* establishment of registration fees. These regulations shall not require the use of a casket for transportation. No licensed funeral service establishment shall be required to receive such registration in addition to its funeral service establishment license. However, such establishment shall be subject to the regulations pertaining to transportation and removal services.

Every applicant for registration as a surface transportation and removal service shall include the name of a manager of record on any application for registration and shall notify the Board within 30 days of any change in the manager of record. Such notice shall include the name of the new manager of record of the surface transportation and removal service.

All registrations as a surface transportation and removal service shall be renewed annually and no person, private business, or funeral service establishment shall engage in the business as a surface transportation and removal service without holding a valid registration.

Any surface transportation or removal service ~~which~~ *that* is not registered or persons who knowingly engage in transportation or removal services without registration shall be subject to the disciplinary actions provided in this chapter.

This section shall not be construed to prohibit private individuals from transporting or removing the remains of deceased family members and relatives either by preference or in observation of religious beliefs and customs.

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VIRGINIA ACTS OF ASSEMBLY — CHAPTER

An Act to amend and reenact §§ 32.1-309.1, 32.1-309.2, 54.1-2800, and 54.1-2818.1 of the Code of Virginia, relating to disposition of dead bodies.

[S 951]

Approved

Be it enacted by the General Assembly of Virginia:

1. That §§ 32.1-309.1, 32.1-309.2, 54.1-2800, and 54.1-2818.1 of the Code of Virginia are amended and reenacted as follows:

§ 32.1-309.1. Identification of decedent, next of kin; disposition of claimed dead body.

A. As used in this chapter, "~~next~~ unless the context requires a different meaning:

"Disposition" means the burial, interment, entombment, cremation, or other authorized disposition of a dead body permitted by law.

"Next of kin" has the same meaning assigned to it in § 54.1-2800.

B. In the absence of a next of kin, a person designated to make arrangements for disposition of the decedent's ~~burial or the disposition of his remains~~ pursuant to § 54.1-2825, an agent named in an advance directive pursuant to § 54.1-2984, or any guardian appointed pursuant to Chapter 20 (§ 64.2-2000 et seq.) of Title 64.2 who may exercise the powers conferred in the order of appointment or by § 64.2-2019, or upon the failure or refusal of such next of kin, designated person, agent, or guardian to accept responsibility for the disposition of the decedent, then any other person 18 years of age or older who is able to provide positive identification of the deceased and is willing to pay for the costs associated with the disposition of the decedent's remains shall be authorized to make arrangements for such disposition of the decedent's remains. If a funeral service establishment or funeral service licensee makes arrangements with a person other than a next of kin, designated person, agent, or guardian in accordance with this section, then the funeral service licensee or funeral service establishment shall be immune from civil liability unless such act, decision, or omission resulted from bad faith or malicious intent.

~~B.~~ C. Upon the death of any person, irrespective of the cause and manner of death, and irrespective of whether a medical examiner's investigation is required pursuant to § 32.1-283 or 32.1-285.1, the person or institution having initial custody of the dead body shall make good faith efforts to determine the identity of the decedent, if unknown, and to identify and notify the next of kin of the decedent regarding the decedent's death. If, upon notification of the death of the decedent, the next of kin of the decedent or other person authorized by law to make arrangements for disposition of the decedent's remains is willing and able to claim the body, the body may be claimed by the next of kin or other person authorized by law to make arrangements for disposition of the decedent's remains for disposition, and the claimant shall bear the expenses of such disposition. If the next of kin of the decedent or other person authorized by law to make arrangements for disposition of the decedent's remains fails or refuses to claim the body within 10 days of receiving notice of the death of the decedent, the body shall be disposed of in accordance with § 32.1-309.2.

~~C.~~ D. If the person or institution having initial custody of the dead body is unable to determine the identity of the decedent or to identify and notify the next of kin of the decedent regarding the decedent's death, the person or institution shall contact the primary law-enforcement agency for the locality, which shall make good faith efforts to determine the identity of the decedent and to identify and notify the next of kin of the decedent.

If the identity of the decedent is known to the primary law-enforcement agency or the primary law-enforcement agency is able to identify the decedent, the primary law-enforcement agency is able to identify and notify the next of kin of the decedent or other person authorized by law to make arrangements for disposition of the decedent's remains, and the next of kin of the decedent or other person authorized by law to make arrangements for disposition of the decedent's remains is willing and able to claim the body, the body may be claimed by the next of kin or other person authorized by law to make arrangements for disposition of the decedent's remains for disposition, and the claimant shall bear the expenses of such disposition.

If the identity of the decedent is known or the primary law-enforcement agency is able to determine the identity of the decedent but the primary law-enforcement agency is unable, despite good faith efforts, to identify and notify the decedent's next of kin or other person authorized by law to make arrangements for disposition of the decedent's remains within 10 days of the date of contact by the person or institution having initial custody of the dead body, or the primary law-enforcement agency is

57 able to identify and notify the decedent's next of kin *or other person authorized by law to make*
 58 *arrangements for disposition of the decedent's remains* but the next of kin *or other person authorized by*
 59 *law to make arrangements for disposition of the decedent's remains* fails or refuses to claim the body
 60 within 10 days, the primary law-enforcement agency shall notify the person or institution having initial
 61 custody of the dead body, and the body shall be disposed of in accordance with § 32.1-309.2.

62 *D. E.* In cases in which a dead body is claimed by the decedent's next of kin *or other person*
 63 *authorized by law to make arrangements for disposition of the decedent's remains* but the next of kin *or*
 64 *other person authorized by law to make arrangements for disposition of the decedent's remains* is unable
 65 to pay the reasonable costs of disposition of the body and the costs are paid by the county or city in
 66 which the decedent resided or in which the death occurred in accordance with this section, and the
 67 decedent has an estate out of which ~~burial~~ *disposition* expenses may be paid, in whole or in part, such
 68 assets shall be seized for such purpose.

69 *E. F.* No dead body that is the subject of an investigation pursuant to § 32.1-283 or autopsy pursuant
 70 to § 32.1-285 shall be transferred for purposes of disposition until such investigation or autopsy has been
 71 completed.

72 *F. G.* Any sheriff or primary law-enforcement officer, county, city, health care provider, funeral
 73 service establishment, funeral service licensee, or other person or institution that acts in accordance with
 74 the requirements of this chapter shall be immune from civil liability for any act, decision, or omission
 75 resulting from acceptance and disposition of the dead body in accordance with this section, unless such
 76 act, decision, or omission resulted from bad faith or malicious intent.

77 *G. H.* Nothing in this section shall prevent a law-enforcement agency other than the primary
 78 law-enforcement agency from performing the duties established by this section if so requested by the
 79 primary law-enforcement agency and agreed to by the other law-enforcement agency.

80 **§ 32.1-309.2. Disposition of unclaimed dead body; how expenses paid.**

81 A. In any case in which (i) the primary law-enforcement agency is unable to identify and notify the
 82 next of kin of the decedent *or other person authorized by law to make arrangements for disposition of*
 83 *the decedent's remains* within 10 days of the date of contact by the person or institution having initial
 84 custody of the dead body despite good faith efforts to do so or (ii) the next of kin of the decedent *or*
 85 *other person authorized by law to make arrangements for disposition of the decedent's remains* fails or
 86 refuses to claim the body within 10 days of receipt of notice of the decedent's death, the primary
 87 law-enforcement agency shall notify the attorney for the county or city in which the person or institution
 88 is located or, if there is no county or city attorney, the attorney for the Commonwealth, and such
 89 attorney shall without delay request an order authorizing the person or institution having initial custody
 90 of the dead body to transfer custody of the body to a funeral service establishment for final disposition.
 91 Upon entry of a final order for disposition of the dead body, the person or institution having initial
 92 custody of the body shall transfer custody of the body to a funeral service establishment, which shall
 93 take possession of the dead body for disposition in accordance with the provisions of such order. Except
 94 as provided in subsection B or C, the reasonable expenses of disposition of the body shall be borne (a)
 95 by the county or city in which the decedent resided at the time of death if the decedent was a resident
 96 of Virginia or (b) by the county or city where death occurred if the decedent was not a resident of
 97 Virginia or the location of the decedent's residence cannot reasonably be determined. However, no such
 98 expenses shall be paid by such county or city until allowed by an appropriate court in such county or
 99 city.

100 B. In the case of a person who has been received into the state corrections system and died prior to
 101 his release, whose body is unclaimed, the Department of Corrections shall accept the body for proper
 102 disposition and shall bear the reasonable expenses for cremation or other disposition of the body. In the
 103 case of a person who has been received into the state corrections system and died prior to his release
 104 and whose claimant is financially unable to pay reasonable expenses of disposition, the expenses shall
 105 be borne by the county or city where the claimant resides.

106 C. In the case of a person who has been committed to the custody of the Department of Behavioral
 107 Health and Developmental Services and died prior to his release, whose body is unclaimed, the
 108 Department of Behavioral Health and Developmental Services shall bear the reasonable expenses for
 109 cremation or other disposition of the body. In the case of a person who has been committed to the
 110 custody of the Department of Behavioral Health and Developmental Services and died prior to his
 111 release and whose claimant is financially unable to pay reasonable expenses of disposition, the expenses
 112 shall be borne by the county or city where the claimant resides.

113 D. Any person or institution having initial custody of a dead body may enter into an agreement with
 114 a local funeral service establishment whereby the funeral service establishment shall take possession of
 115 the dead body for the purpose of storing the dead body during such time as the person or institution
 116 having initial custody of the body or the primary local law-enforcement agency is engaged in identifying
 117 the decedent, attempting to identify and contact the next of kin of the decedent, and making

118 arrangements for the final disposition of the body in accordance with this section, provided that at all
 119 times during which the funeral service establishment is providing storage of the body, the person or
 120 institution having initial custody of the dead body shall continue to have legal custody of the body until
 121 such time as custody is transferred in accordance with this chapter.

122 E. In cases in which a decedent whose remains are disposed of in accordance with this section has
 123 an estate out of which burial *disposition* expenses may be paid, in whole or in part, such assets shall be
 124 seized for such purpose.

125 F. No dead body that is the subject of an investigation pursuant to § 32.1-283 or autopsy pursuant to
 126 § 32.1-285 shall be transferred for purposes of disposition until such investigation or autopsy has been
 127 completed.

128 G. Any sheriff or primary law-enforcement officer, county, city, health care provider, funeral service
 129 establishment, or funeral service licensee; the Department of Corrections; or any other person or
 130 institution that acts in accordance with the requirements of this chapter shall be immune from civil
 131 liability for any act, decision, or omission resulting from acceptance and disposition of the dead body in
 132 accordance with this section, unless such act, decision, or omission resulted from bad faith or malicious
 133 intent.

134 H. Nothing in this section shall prevent a law-enforcement agency other than the primary
 135 law-enforcement agency from performing the duties established by this section if so requested by the
 136 primary law-enforcement agency and agreed to by the other law-enforcement agency.

137 **§ 54.1-2800. Definitions.**

138 As used in this chapter, unless the context requires a different meaning:

139 "Advertisement" means any information disseminated or placed before the public.

140 "At-need" means at the time of death or while death is imminent.

141 "Board" means the Board of Funeral Directors and Embalmers.

142 "Cremate" means to reduce a dead human body to ashes and bone fragments by the action of fire.

143 "Cremator" means a person or establishment that owns or operates a crematory or crematorium or
 144 cremates dead human bodies.

145 "Crematory" or "crematorium" means a facility containing a furnace for cremation of dead human
 146 bodies.

147 "Embalmer" means any person engaged in the practice of embalming.

148 "Embalming" means the preservation and disinfection of the human dead by external or internal
 149 application of chemicals.

150 "Funeral directing" means the for-profit profession of directing or supervising funerals, preparing
 151 human dead for burial by means other than embalming, or making arrangements for funeral services or
 152 the financing of funeral services.

153 "Funeral director" means any person engaged in the practice of funeral directing.

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

158 "Funeral service intern" means a person who is preparing to be licensed for the practice of funeral
 159 services under the direct supervision of a practitioner licensed by the Board.

160 "Funeral service licensee" means a person who is licensed in the practice of funeral services.

161 "In-person communication" means face-to-face communication and telephonic communication.

162 "Next of kin" means any of the following persons, regardless of the relationship to the decedent: any
 163 person designated to make arrangements for the disposition of the decedent's remains upon his death
 164 pursuant to § 54.1-2825, the legal spouse, child ~~over aged 18 years of age or older~~, *parent of a*
 165 *decedent aged 18 years or older*, custodial parent, *or noncustodial parent of a decedent younger than 18*
 166 *years of age*, siblings over 18 years of age, guardian of minor child, guardian of minor siblings,
 167 maternal grandparents, paternal grandparents, maternal siblings over 18 years of age and paternal
 168 siblings over 18 years of age, or any other relative in the descending order of blood relationship.

169 "Practice of funeral services" means engaging in the care and disposition of the human dead, the
 170 preparation of the human dead for the funeral service, burial or cremation, the making of arrangements
 171 for the funeral service or for the financing of the funeral service and the selling or making of financial
 172 arrangements for the sale of funeral supplies to the public.

173 "Preneed" means at any time other than at-need.

174 "Preneed funeral contract" means any agreement where payment is made by the consumer prior to
 175 the receipt of services or supplies contracted for, which evidences arrangements prior to death for: (i)
 176 the providing of funeral services or (ii) the sale of funeral supplies.

177 "Preneed funeral planning" means the making of arrangements prior to death for: (i) the providing of
 178 funeral services or (ii) the sale of funeral supplies.

179 "Solicitation" means initiating contact with consumers with the intent of influencing their selection of
180 a funeral plan or funeral service provider.

181 **§ 54.1-2818.1. Prerequisites for cremation.**

182 No dead human body shall be cremated without permission of the Office of the Chief Medical
183 Examiner as required by § 32.1-309.3 and visual identification of the deceased by the next-of-kin or his
184 representative, who may be any person designated to make arrangements for the ~~decedent's burial or the~~
185 disposition of ~~his~~ *the decedent's* remains pursuant to § 54.1-2825, an agent named in an advance
186 directive pursuant to § 54.1-2984, or any guardian appointed pursuant to Chapter 20 (§ 64.2-2000 et
187 seq.) of Title 64.2 who may exercise the powers conferred in the order of appointment or by
188 § 64.2-2019, *or, in cases in which the next of kin or his representative fails or refuses to provide visual*
189 *identification of the deceased, by any other person 18 years of age or older who is able to provide*
190 *positive identification of the deceased.* If no such next of kin, ~~designated person, agent, or guardian or~~
191 ~~his representative or other person 18 years of age or older~~ is available or willing to make visual
192 identification of the deceased, such identification shall be made by a member of the primary
193 law-enforcement agency of the city or county in which the person or institution having initial custody of
194 the body is located, pursuant to court order. When visual identification is not feasible, other positive
195 identification of the deceased may be used as a prerequisite for cremation. Unless such act, decision, or
196 omission resulted from bad faith or malicious intent, the funeral service establishment, funeral service
197 licensee, crematory, cemetery, primary law-enforcement officer, sheriff, county, or city shall be immune
198 from civil liability for any act, decision, or omission resulting from cremation. Nothing in this section
199 shall prevent a law-enforcement agency other than the primary law-enforcement agency from performing
200 the duties established by this section if so requested by the primary law-enforcement agency and agreed
201 to by the other law-enforcement agency.

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 32.1-309.1 and 32.1-309.2 of the Code of Virginia, relating to*
 3 *disposition of dead bodies.*

4 [S 1434]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**

7 **1. That §§ 32.1-309.1 and 32.1-309.2 of the Code of Virginia are amended and reenacted as**
 8 **follows:**

9 **§ 32.1-309.1. Identification of decedent, next of kin; disposition of claimed dead body.**

10 A. As used in this chapter, "next of kin" has the same meaning assigned to it in § 54.1-2800. In the
 11 absence of a next of kin, a person designated to make arrangements for the decedent's burial or the
 12 disposition of his remains pursuant to § 54.1-2825, an agent named in an advance directive pursuant to
 13 § 54.1-2984, or any guardian appointed pursuant to Chapter 20 (§ 64.2-2000 et seq.) of Title 64.2 who
 14 may exercise the powers conferred in the order of appointment or by § 64.2-2019, or upon the failure or
 15 refusal of such next of kin, designated person, agent, or guardian to accept responsibility for the
 16 disposition of the decedent, then any other person 18 years of age or older who is able to provide
 17 positive identification of the deceased and is willing to pay for the costs associated with the disposition
 18 of the decedent's remains shall be authorized to make arrangements for such disposition of the
 19 decedent's remains. If a funeral service establishment or funeral service licensee makes arrangements
 20 with a person other than a next of kin, designated person, agent, or guardian in accordance with this
 21 section, then the funeral service licensee or funeral service establishment shall be immune from civil
 22 liability unless such act, decision, or omission resulted from bad faith or malicious intent.

23 B. Upon the death of any person, irrespective of the cause and manner of death, and irrespective of
 24 whether a medical examiner's investigation is required pursuant to § 32.1-283 or 32.1-285.1, the person
 25 or institution having initial custody of the dead body shall make good faith efforts to determine the
 26 identity of the decedent, if unknown, and to identify and notify the next of kin of the decedent regarding
 27 the decedent's death. If, upon notification of the death of the decedent, the next of kin of the decedent is
 28 willing and able to claim the body, the body may be claimed by the next of kin for disposition, and the
 29 claimant shall bear the expenses of such disposition. If the next of kin of the decedent fails or refuses to
 30 claim the body within 10 days of receiving notice of the death of the decedent, the body shall be
 31 disposed of in accordance with § 32.1-309.2.

32 C. If the person or institution having initial custody of the dead body is unable to determine the
 33 identity of the decedent or to identify and notify the next of kin of the decedent regarding the decedent's
 34 death, the person or institution shall contact the primary law-enforcement agency for the locality *in*
 35 *which the person or institution is located*, which shall make good faith efforts to determine the identity
 36 of the decedent and to identify and notify the next of kin of the decedent. *However, in cases in which*
 37 *the identity of the decedent and the county or city in which the decedent resided at the time of death are*
 38 *known, the person or institution having initial custody of the dead body shall notify the primary*
 39 *law-enforcement agency for the county or city in which the decedent resided regarding the decedent's*
 40 *death, and the law-enforcement agency for the county or city in which the decedent resided shall make*
 41 *good faith efforts to identify and notify the next of kin of the decedent.*

42 If the identity of the decedent is known to the primary law-enforcement agency or the primary
 43 law-enforcement agency is able to identify the decedent, the primary law-enforcement agency is able to
 44 identify and notify the next of kin of the decedent, and the next of kin of the decedent is willing and
 45 able to claim the body, the body may be claimed by the next of kin for disposition, and the claimant
 46 shall bear the expenses of such disposition.

47 If the identity of the decedent is known or the primary law-enforcement agency is able to determine
 48 the identity of the decedent but the primary law-enforcement agency is unable, despite good faith efforts,
 49 to identify and notify the decedent's next of kin within 10 days of the date of contact by the person or
 50 institution having initial custody of the dead body, or the primary law-enforcement agency is able to
 51 identify and notify the decedent's next of kin but the next of kin fails or refuses to claim the body
 52 within 10 days, the primary law-enforcement agency shall notify the person or institution having initial
 53 custody of the dead body, and the body shall be disposed of in accordance with § 32.1-309.2.

54 D. In cases in which a dead body is claimed by the decedent's next of kin but the next of kin is
 55 unable to pay the reasonable costs of disposition of the body and the costs are paid by the county or
 56 city in which the decedent resided or in which the death occurred in accordance with this section, and

57 the decedent has an estate out of which burial expenses may be paid, in whole or in part, such assets
58 shall be seized for such purpose.

59 E. No dead body that is the subject of an investigation pursuant to § 32.1-283 or autopsy pursuant to
60 § 32.1-285 shall be transferred for purposes of disposition until such investigation or autopsy has been
61 completed.

62 F. Any sheriff or primary law-enforcement officer, county, city, health care provider, funeral service
63 establishment, funeral service licensee, or other person or institution that acts in accordance with the
64 requirements of this chapter shall be immune from civil liability for any act, decision, or omission
65 resulting from acceptance and disposition of the dead body in accordance with this section, unless such
66 act, decision, or omission resulted from bad faith or malicious intent.

67 G. Nothing in this section shall prevent a law-enforcement agency other than the primary
68 law-enforcement agency from performing the duties established by this section if so requested by the
69 primary law-enforcement agency and agreed to by the other law-enforcement agency.

70 **§ 32.1-309.2. Disposition of unclaimed dead body; how expenses paid.**

71 A. In any case in which (i) the primary law-enforcement agency *of the county or city in which the*
72 *person or institution having initial custody of the dead body of the decedent is located or the county or*
73 *city in which the decedent resided, as may be appropriate pursuant to § 32.1-309.1,* is unable to identify
74 and notify the next of kin of the decedent within 10 days of the date of contact by the person or
75 institution having initial custody of the dead body despite good faith efforts to do so or (ii) the next of
76 kin of the decedent fails or refuses to claim the body within 10 days of receipt of notice of the
77 decedent's death, the primary law-enforcement agency shall notify (a) the attorney for the county or city
78 in which the *decedent resided at the time of death, if known, or (b) if the decedent's county or city of*
79 *residence at the time of death is not known, the attorney for the county or city in which the person or*
80 *institution having initial custody of the dead body is located or, if there is no county or city attorney,*
81 *the attorney for the Commonwealth in such county or city,* and such attorney shall without delay request
82 an order authorizing the person or institution having initial custody of the dead body to transfer custody
83 of the body to a funeral service establishment for final disposition. Upon entry of a final order for
84 disposition of the dead body, the person or institution having initial custody of the body shall transfer
85 custody of the body to a funeral service establishment, which shall take possession of the dead body for
86 disposition in accordance with the provisions of such order. Except as provided in subsection B or C,
87 the reasonable expenses of disposition of the body shall be borne (a) (1) by the county or city in which
88 the decedent resided at the time of death if the decedent was a resident of Virginia or (b) (2) by the
89 county or city where death occurred if the decedent was not a resident of Virginia or the location of the
90 decedent's residence cannot reasonably be determined. However, no such expenses shall be paid by such
91 county or city until allowed by an appropriate court in such county or city.

92 B. In the case of a person who has been received into the state corrections system and died prior to
93 his release, whose body is unclaimed, the Department of Corrections shall accept the body for proper
94 disposition and shall bear the reasonable expenses for cremation or other disposition of the body. In the
95 case of a person who has been received into the state corrections system and died prior to his release
96 and whose claimant is financially unable to pay reasonable expenses of disposition, the expenses shall
97 be borne by the county or city where the claimant resides.

98 C. In the case of a person who has been committed to the custody of the Department of Behavioral
99 Health and Developmental Services and died prior to his release, whose body is unclaimed, the
100 Department of Behavioral Health and Developmental Services shall bear the reasonable expenses for
101 cremation or other disposition of the body. In the case of a person who has been committed to the
102 custody of the Department of Behavioral Health and Developmental Services and died prior to his
103 release and whose claimant is financially unable to pay reasonable expenses of disposition, the expenses
104 shall be borne by the county or city where the claimant resides.

105 D. Any person or institution having initial custody of a dead body may enter into an agreement with
106 a local funeral service establishment whereby the funeral service establishment shall take possession of
107 the dead body for the purpose of storing the dead body during such time as the person or institution
108 having initial custody of the body or the primary local law-enforcement agency is engaged in identifying
109 the decedent, attempting to identify and contact the next of kin of the decedent, and making
110 arrangements for the final disposition of the body in accordance with this section, provided that at all
111 times during which the funeral service establishment is providing storage of the body, the person or
112 institution having initial custody of the dead body shall continue to have legal custody of the body until
113 such time as custody is transferred in accordance with this chapter.

114 E. In cases in which a decedent whose remains are disposed of in accordance with this section has
115 an estate out of which burial expenses may be paid, in whole or in part, such assets shall be seized for
116 such purpose.

117 F. No dead body that is the subject of an investigation pursuant to § 32.1-283 or autopsy pursuant to

118 § 32.1-285 shall be transferred for purposes of disposition until such investigation or autopsy has been
119 completed.

120 G. Any sheriff or primary law-enforcement officer, county, city, health care provider, funeral service
121 establishment, or funeral service licensee; the Department of Corrections; or any other person or
122 institution that acts in accordance with the requirements of this chapter shall be immune from civil
123 liability for any act, decision, or omission resulting from acceptance and disposition of the dead body in
124 accordance with this section, unless such act, decision, or omission resulted from bad faith or malicious
125 intent.

126 H. Nothing in this section shall prevent a law-enforcement agency other than the primary
127 law-enforcement agency from performing the duties established by this section if so requested by the
128 primary law-enforcement agency and agreed to by the other law-enforcement agency.

ENROLLED

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